

Plan Bay Area

July 2013

Strategy for a
Sustainable
Region

Environmental Impact Report Plan Bay Area FINAL

State Clearinghouse No. 2012062029

Volume 1



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PLAN BAY AREA

FINAL

ENVIRONMENTAL

IMPACT REPORT

STATE CLEARINGHOUSE NO. 2012062029

Prepared for

Metropolitan Transportation Commission and
Association of Bay Area Governments

by

DYETT & BHATIA
Urban and Regional Planners

In association with

Environmental Science Associates and AECOM

Advised by

Thomas Law Group

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EIR Preparers

Metropolitan Transportation Commission

Lead Analysts for Transportation, Air Quality

Ken Kirkey, *Planning Director*

Carolyn Clevenger, *Principal Planner*

Ashley Nguyen, *Principal Planner*

Harold Brazil, *Transportation/ Air Quality Analyst*

Brenda Dix, *Transportation Planner*

Stefanie Hom, *Transportation Planner*

Dave Vautin, *Transportation Planner*

Davy Ory, *Principal Planner*

Kearey Smith, *Senior GIS Planner/ Analyst*

Stella Wotherspoon, *GIS Planner/ Analyst*

Association of Bay Area Governments

Miriam Chion, *Planning Director*

Michael Reilly, *Principal Regional Research Analyst*

Jason Munkres, *Regional Planner*

Mark Shorett, *Regional Planner*

Dyett & Bhatia, Urban and Regional Planners

Lead Analysts for Land Use and Physical Development, Climate Change and Greenhouse Gases, Visual Resources, Cultural Resources, Public Utilities and Facilities, Public Services and Recreation

Michael V. Dyett, FAICP, *Principal*

Vicki Hill, *Director of Environmental Services*

Hannah Lindelof, *Senior Associate*

Chris Ford, *Senior Associate*

John M. Francis, *Planner*

Isha Bhattarai, *GIS Specialist*

Maianna Voge, *GIS Specialist*

Elena Idell, *Environmental Analyst*

Environmental Science Associates

Lead Analysts for Energy, Noise, Geology and Seismicity, Water Resources, Biological Resources, Hazards

Karl Heisler, *Project Director*

Lesley Lowe, *Energy Analyst*

Martha Lowe, *Biology Analyst*

Eric Schniewind, *Geology, Hazards, Hydrology Analyst*

Chris Sanchez, *Noise Analyst*

Wes McCullough, *GIS Analyst*

John Hart, *Production*

AECOM

Lead Analysts for Sea Level Rise

Claire Bonham-Carter, *Principal*

Kris May, *Senior Project Manager*

Sarah Heard, *Sustainable Planner*

James Johnson, *GIS Analyst*

Thomas Law Group

Legal Advice

Peer Reviewers

Dave Vintze, *Bay Area Air Quality Management District*

Sigalle Michael, *Bay Area Air Quality Management District*

Abby Young, *Bay Area Air Quality Management District*

Joseph LaClair, *San Francisco Bay Conservation and Development Commission*

Wendy Goodfriend, *San Francisco Bay Conservation and Development Commission*

Table of Contents

1	Introduction	1-1
1.1	Purpose	1-1
1.2	Draft EIR Public Review Process	1-2
1.3	Decision-Making Process	1-4
1.4	Organization of the Final EIR.....	1-5
2	Revisions to the Draft EIR.....	2-1
2.1	Description of Modifications.....	2-1
2.2	Revisions to the Draft EIR	2-5
3	Comments and Responses on the Draft EIR	3.0-1
3.1	Master Responses	3.1-1
3.2	Agency Comments	3.2-1
3.3	Agency Responses	3.3-1
3.4	Organization Comments	3.4-1
3.5	Organization Responses	3.5-1
3.6	Individual Comments	3.6-1
3.7	Individual Comments and Responses	3.7-1
3.8	EIR Hearings Oral Comments.....	3.8-1
3.9	EIR Hearings Responses	3.9-1
3.10	Plan Hearings Comments on the EIR	3.10-1
3.11	Plan Hearings Responses.....	3.11-1
3.12	Written Comments Submitted at Public Hearings and Responses.....	3.12-1
3.13	Written Comments Testimony at Plan Hearings.....	3.13-1

Appendices

Appendix A: Glossary of Terms

Appendix B: Supplemental Technical Information

Appendix C: Attachments from Agency Comments

Appendix D: Attachments from Organization Comments

Appendix E: Attachments from Individual Comments

1 Introduction

This Final Environmental Impact Report (FEIR) has been prepared on behalf of the Metropolitan Transportation Commission (MTC) and the Association of Bay Area Governments (ABAG) in accordance with the California Environmental Quality Act (CEQA). This EIR analyzes the potential significant impacts of the adoption and implementation of the proposed Plan Bay Area, which includes an update to the 2009 Regional Transportation Plan (RTP) as well as the first Sustainable Communities Strategy (SCS) for the San Francisco Bay Area. MTC and ABAG will consider and certify this FEIR prior to taking action on Plan Bay Area.

1.1 Purpose

This Final EIR has been prepared in compliance with the California Environmental Quality Act (CEQA) (Section 21000 et seq., California Public Resources Code, in accordance with the *Guidelines for the Implementation of the California Environmental Quality Act* (Section 15000 et seq., California Code of Regulations, Tit.14). It includes revisions to the Draft EIR and responds to comments addressing the Draft EIR, published April 2, 2013.

The revisions, public comments, and responses to comments in this document, combined with the Draft EIR, constitute the Final EIR on Plan Bay Area. This Final EIR amends and incorporates by reference the Draft EIR, which is available as a separately bound document from MTC.

The primary purposes of this Final EIR are to make minor revisions to the Draft EIR and respond to written and oral comments and recommendations received during the 45-day public review period. This public review period of the Draft EIR (State Clearinghouse No. 2012062029) was from April 2, 2013 through May 16, 2013. A list of the individuals, agencies, and organizations that commented on the Draft EIR and copies of the written and oral comments are included in Section 3 of this document. Responses to comments are also provided in Section 3. Some comment letters raised points relating to both Plan Bay Area and the Draft EIR; this Final EIR responds to comments on the latter. To respond to some comments, revisions and refinements have been made to the Draft EIR environmental analysis and mitigation measures. Comments on the Plan that do not raise environmental issues are addressed separately by MTC and ABAG.

The Draft EIR represents a good faith effort to disclose all significant environmental effects of implementing the proposed Plan Bay Area (Plan), identify possible ways to minimize the significant effects, and describe reasonable alternatives to the proposed Plan. “CEQA does not require a lead agency to conduct every test or perform all research, study, and experimentation recommended or demanded by commentators...” Rather, a Lead Agency, “need only respond to significant environmental issues and do[es] not need to provide all information requested by reviewers, as long as a good faith effort at full

Plan Bay Area 2040
Public Review Draft Environmental Impact Report

disclosure is made in the EIR.” (CEQA Guidelines Sections 15204(a).) Information provided in the responses to comments and in the revisions to the Draft EIR clarifies and amplifies the analysis presented in the Draft EIR. However, no significant new information was added that would trigger recirculation of the Draft EIR under CEQA. Specifically, there are no new significant environmental impacts, or a substantial increase in the severity of any impact, identified in the comments or responses that were not already identified in the Draft EIR. The Final EIR is available online at <http://www.onebayarea.org> and at the MTC-ABAG Library located at 101 Eighth Street, Oakland, CA 94607, as well as on CD at the libraries listed in Section 1.2 below.

1.2 Draft EIR Public Review Process

The Draft EIR was released for public review on April 2, 2013. The review process provided the public with opportunity to review the document and make comments. MTC and ABAG’s Notice of Availability of the Draft EIR and public outreach efforts are described below:

- On April 1, 2013, MTC and ABAG sent the Notice of Completion to the Office of Planning and Research’s State Clearinghouse, which was received on April 2, 2013.
- MTC and ABAG filed a Notice of Availability with the nine County Clerks in the Bay Area region on April 2, 2013 and requested that they post it for a period of at least 30 days.
- MTC and ABAG posted the Draft EIR on the OneBayArea website: <http://onebayarea.org> on April 2, 2013. The Draft EIR was available for viewing online or downloading.
- On April 2, 2013, MTC and ABAG issued an E-mail blast announcing the availability of the Draft Plan Bay Area and Draft EIR for public review to 8,273 Federal, State, regional, and local agencies, Tribal governments, and interested organizations and individuals with e-mail addresses as identified in MTC’s contact database.
- On April 2, 2013, MTC and ABAG mailed the Notice of Availability to 217 public agencies.
- MTC and ABAG posted legal notices about the availability of the Draft EIR and upcoming public hearings on the Draft Plan Bay Area and Draft EIR in the newspapers and publications listed below:

California Voice, 3/24/2013

Contra Costa Times, 3/20/2013

The Daily Republic, 3/20/2013

Marin Independent Journal, 3/19/2013

El Mensajero, 3/31/2013

Oakland Tribune, 3/20/2013

Napa Valley Register, 3/20/2013

The Press Democrat, 3/20/2013

San Jose Mercury News, 3/20/2013

San Francisco Examiner, 3/15/2013

San Mateo County Times, 3/20/2013

Sing Tao Daily, 3/26/2013

- MTC and ABAG purchased display ads regarding the Draft EIR public hearings in the following publications:

Sing Tao (Chinese), 4/5/2013 and 4/12/2013

El Observador (Spanish), 4/5/2013

La Voz (Spanish), 4/1/2013

Vision Hispana (Spanish), 3/29/2013

- MTC and ABAG mailed the Notice of Availability and the complete Draft EIR document on April 2, 2013 to the following Bay Area public libraries:

Richmond Public Library

Mill Valley Public Library

Marin County Free Library

San Francisco Public Library

Redwood City Public Library

Dr. Martin Luther King, Jr. Library

Daly City Public Library

Newark Public Library

Petaluma Regional Library

Solano County Library, Fairfield

Sunnyvale Public Library

Calistoga Public Library

MTC/ABAG Library

- MTC and ABAG mailed the Notice of Availability and a CD with the complete Draft EIR document on April 2, 2013 to the following Bay Area public libraries:

Solano County Library, Vallejo

Belvedere Tiburon Library

Los Gatos Public Library

Alameda County Business Library

Oakland Public Library

Santa Clara City Library

Livermore Public Library

Dixon Public Library

City of Palo Alto

Hayward Public Library

Napa City-County Library

Contra Costa County Library, Pleasant Hill

Plan Bay Area 2040
Public Review Draft Environmental Impact Report

Berkeley Public Library
San Mateo County Library
San Leandro Community Library
Contra Costa County Library, Concord
San Ramon Branch Library
San Mateo Public Library
Contra Costa County Library, Antioch
Novato Regional Library
Santa Clara County Library
Sonoma County Library

- A four-panel brochure with a schedule of Draft Plan Bay Area and Draft EIR hearings and other information was sent to 7,475 addresses. The brochure was also available at MTC and ABAG in the library and lobbies.
- MTC and ABAG released two news releases via Business Wire and sent them to media contacts in our contact database (293 contacts).
 - “Draft Plan Bay Area Slated for Release – Public Invited to Comment Online or at Public Hearings” was released by Business Wire on March 21, 2013 and viewed 1,466 times.
 - “Comment on Draft Bay Area Housing and Transport Plan from the Convenience of Your Laptop or Mobile Device” was released by Business Week on April 26, 2013 and viewed 1,389 times.
- MTC and ABAG briefed journalists on April 9, 2013, which was publicized by two media advisories.
- The MTC-ABAG Library sent out copies of the Draft EIR upon request.

The public review period lasted 45 calendar days, and closed on May 16, 2013. MTC and ABAG accepted written comments via mail, fax, and e-mail. MTC and ABAG also held three public hearings to receive oral comments, on April 16 in San Rafael, on April 16 in Oakland, and on April 17 in San Jose. Verbal comments made at these meetings were accepted by MTC and ABAG as official Draft EIR comments. In addition, MTC and ABAG held nine public hearings throughout the region on the Draft Plan; verbal comments made at these meetings that pertained to the Draft EIR were also considered by MTC and ABAG to be official Draft EIR comments.

1.3 Decision-Making Process

Prior to taking action on the proposed Plan, MTC and ABAG must certify the Final EIR. MTC and ABAG must certify that:

- The Final EIR has been completed in compliance with CEQA;
- The Commission and Board reviewed and considered the information contained in the Final EIR prior to considering the proposed Plan; and

- The Final EIR reflects the independent judgment and analysis of the Commission and Board. (CEQA Guidelines Section 15090)

Prior to taking action on the proposed Plan, MTC and ABAG must prepare one or more written findings of fact for each significant environmental impact identified in the document. These findings must either state that:

- The proposed Plan has been changed (including adoption of mitigation measures) to avoid or substantially reduce the magnitude of the impact;
- Changes to the proposed Plan are within another agency's jurisdiction and have been or should be adopted; or
- Specific considerations make mitigation measures or alternatives infeasible. (CEQA Guidelines Section 15091)

For impacts identified in the EIR that cannot be reduced to a level that is less than significant, MTC and ABAG may issue a Statement of Overriding Considerations for approval of the Plan if specific social, economic, or other factors justify the proposed Plan's unavoidable adverse environmental effects. If MTC and ABAG decide to approve the proposed Plan for which the Final EIR has been prepared, MTC and ABAG will issue a Notice of Determination.

1.4 Organization of the Final EIR

The remainder of this document is organized as follows:

SECTION 2

- Lists revisions to the Draft EIR by chapter and page, in the same order as the revisions would appear in the Draft EIR.

SECTION 3

- Lists all agencies, organizations, and persons who submitted either written or oral comments on the Draft EIR; reproduces and numbers all comment letters, and provides a unique number for each EIR comment in the left-hand margin. Due to the volume of attachments to the comment letters received, attachments are included in the Appendices to increase readability and ensure all comment letters are easily accessible.
- Provides responses to comments, including master responses.

APPENDICES

- Supplemental information, including an expanded glossary, details on revisions made to the EIR analysis, and attachments to commenter letters:
 - Appendix A: Glossary of Terms
 - Appendix B: Supplemental Technical Information

Plan Bay Area 2040
Public Review Draft Environmental Impact Report

- Appendix C: Attachments from Agency Comment Letters
- Appendix D: Attachments from Organization Comment Letters
- Appendix E: Attachments from Individual Comment Letters

2 Revisions to the Draft EIR

This section includes the revisions to the Draft EIR. These revisions have been made in response to comments or based on review by the EIR preparers. The Final EIR includes responses to all comments received during the public comment period as well as late comments received through June 13.

MTC and ABAG have refined the Draft Plan Bay Area (“Draft Plan”) based upon agency and public comments. The changes to the Draft Plan as described below do not alter the conclusions presented in the Draft EIR regarding significant environmental impacts or mitigation measures and therefore do not trigger recirculation. However, this section includes revisions to the Draft EIR so that it continues to correspond to the Draft Plan.

2.1 Description of Modifications

Minor modifications have been made to the housing and employment distributions in the Draft Plan. These modifications take into account the considerable local input received on the land use plan to date. Specifically, the modifications reflect: (1) corrections to datasets that were used to develop the jobs and housing distributions in the Draft Plan; (2) adjustments to ensure consistency with Regional Housing Needs Allocation (RHNA); and (3) adjustments to local jurisdictions growth based on corrections to how the distribution methodology was applied. These modifications are described in more detail below. These minor modifications do not affect the conclusions of significance in the Draft EIR, nor do they impact the regional modeling results in a significant way.

CORRECTIONS TO DATA SETS

Several minor errors in the data used to develop the employment and housing distributions were identified both by ABAG staff and local jurisdictions. These include: errors in the number of jobs in specific jurisdictions within the National Establishment Time Series (NETS) data set that was used to develop the job distribution, errors in the U.S. Census housing data used to develop the housing distribution, and errors in local plan data that were used to develop the housing distribution.

NETS Corrections

Corrections to the NETS base data were made for six jurisdictions, including Hayward, Lafayette, Hillsborough, Unincorporated San Mateo County (specifically the San Francisco Airport area), Saratoga, and Los Altos Hills. The corrections to the data set included a reduction of jobs from the year 2010 for Hayward, Lafayette, Hillsborough, Saratoga and Los Altos Hills, and an increase in jobs for the year 2010 in the San Francisco Airport area. The NETS data set is used to calculate the proportion of jobs by sector within each county for 2010. The 2010 county job totals remain the same, so corrections to the NETS data set are contained within each county (reductions in one city mean a proportional increase in 2010 jobs for other cities within the county). This modified base data

was then used to recalculate 2040 jobs, resulting in minor shifts in the 2040 job distribution for all jurisdictions throughout the region. However, the bulk of the shifts were contained within the counties in which the corrections were made. At the regional level, the overall shift of jobs is negligible and does not change any of the impact conclusions in the EIR.

The specific changes to the NETS data set, by Sub-regional Study Area (SSA) and Priority Development Area (PDA), are detailed in Appendix B to this Final EIR (Hayward minus 1,000 jobs, Lafayette minus 702 jobs, Hillsborough minus 338 jobs, unincorporated San Mateo County plus 6,222 jobs, Saratoga minus 1,959 jobs, and Los Altos Hills minus 1,521 jobs). The final modifications to 2010 employment for the jurisdictions noted above are detailed in Appendix B to this Final EIR.

U.S. Census Corrections

Two fixes were made to the U.S. Census 2010 housing unit and household data set that was used in the housing distribution. These include a reduction in the 2010 housing numbers for Colma, per a statement of correction from the U.S. Census Department, and a fix to the split of housing units and households within and outside Orinda's PDA. The result of the first correction was an increase of 2010 units (by 153 units) to the Unincorporated San Mateo County area adjacent to Colma. The result of the second is a change only in the 2010 housing figures for Orinda's PDA (increase of 114 units). In both cases, housing growth for these jurisdictions was not modified. These housing modifications are detailed in Appendix B to this Final EIR.

Corrections to local plan data

A change was made to Cupertino's "local plan feedback" number, which was used to develop the housing distribution. The change corrects an error found after adoption of the Jobs-Housing Connection Strategy in May of 2012. The result of this fix was a reduction of housing growth in Cupertino, by 1,040 units. This housing modification is detailed in Appendix B to this Final EIR.

ADJUSTMENTS TO ACCOMMODATE RHNA

Upon development of the Regional Housing Needs Allocation, ABAG found that the eight-year RHNA housing allocation for two jurisdictions, Clayton and Los Altos Hills, was higher than the housing growth for these jurisdictions in the thirty-year Plan Bay Area housing distribution. These jurisdictions received additional housing growth in the Plan Bay Area distribution so that total growth is equivalent to the RHNA number (37 units more for Clayton, 35 more units for Los Altos Hills). These housing modifications are detailed in Appendix B to this Final EIR.

ADJUSTMENTS BASED ON CORRECTIONS TO THE APPLICATION OF THE DISTRIBUTION METHODOLOGY

The formal public comment period for the Draft Plan and the Draft EIR closed on May 16, 2013. A number of jurisdictions commented on the levels of employment and housing growth allocated in the Draft Plan as being too high, too low, or overly concentrated in their cities' PDAs. Twenty jurisdictions requested adjustments to their job number, sixteen requested adjustments to their housing number, and five requested shifts in growth from their PDAs to other areas within their city.

The distribution of employment and housing growth in the Draft Plan takes into account a variety of factors—including input from jurisdictions, level of transit service, vehicle miles traveled by household, in-commuting by low-wage workers, housing values, existing employment base, and concentration of knowledge-based economic activity, among others. ABAG staff thoroughly

reviewed each request for modification and the overall methodology assigning job and housing growth to each jurisdiction. Staff acknowledged that the application of the distribution methodologies in certain instances was not appropriate. Several modifications for a small number of areas are noted below and in Appendix B to this Final EIR.

For all other jurisdictions, staff deemed that the distribution methodology was applied appropriately and consistently. Employment and housing growth in these jurisdictions was found to be consistent with and comparable to similarly-sized cities, and that this growth could be reasonably accommodated over the 28-year time-frame of the Draft Plan.

Job Adjustments

Upon review of the employment methodology and employment figures for Dublin and Livermore, additional job growth was assigned to these cities (2,300 more jobs to Dublin, 1,500 more jobs to Livermore). Staff found that the employment distribution methodology is slightly under-allocating certain sectors of employment growth in these cities, given that the model bases growth largely on the cities' existing jobs bases and does not account well for current and anticipated employment growth rates. Dublin and Livermore are currently small job centers but have growing jobs in the knowledge-based sector. These cities were assigned proportionately fewer jobs than cities with larger current job bases but less capacity and slower expected rates of growth, such as Hayward and Unincorporated Alameda County. Growth in Hayward and Unincorporated Alameda County was reduced commensurate to the increases in Dublin and Livermore (1,000 fewer jobs to Hayward, 2,800 fewer jobs to unincorporated Alameda County).

Housing Adjustments

Housing growth for the portion of the El Camino Real Priority Development Area (PDA) in Burlingame was reduced by 844 units. This is a reduction of the growth that was assigned to the Burlingame El Camino Real PDA as part of the additional housing growth allocation to several key job centers and locations along the core transit network in the Jobs-Housing Connection Strategy.¹ Staff found that this PDA was inappropriately assigned this additional housing growth given its close proximity to the San Francisco Airport. The balance of housing from this adjustment was distributed to all other cities and towns within the region per the growth distribution methodology.

Housing growth in the Draft Plan was too low for Brentwood. The level of housing was adjusted upward by 1,040 units to reflect a more reasonable rate of growth considering current development rates. The increase in housing growth in Brentwood is commensurate with the decrease in Cupertino.

Housing growth in the PDAs was reduced for the following jurisdictions: Lafayette, Walnut Creek, San Mateo, and Sunnyvale. In the case of Lafayette and Walnut Creek, staff acknowledges that a portion of the housing growth allocated to these jurisdictions' PDAs, given their small size, could be accommodated in the transit-accessible areas adjacent to the PDAs (shift of 35 units for Lafayette, 436 units for Walnut Creek). In the case of San Mateo and Sunnyvale, it was recognized that housing growth was somewhat over-concentrated in the cities' PDAs in relation to the regional concentration of growth in the PDAs. Growth in San Mateo's PDAs was adjusted to achieve a lower concentration of growth, down from 81 percent to 77 percent of total city growth (shift of 368 units), and for Sunnyvale, growth in the PDAs was adjusted down from 83 percent to 79 percent of total city growth (shift of 786 units). The total growth for all four of these cities was not modified.

¹ http://onebayarea.org/pdf/Draft_Plan_Bay_Area/Draft_PBA_Forecast_of_Jobs_Population_and_Housing.pdf, p. 39

These housing and employment modifications are detailed in Appendix B to this Final EIR.

Impact Analysis

Staff have assessed the impact of the noted revisions to the Draft Plan housing and employment distribution on the following impact analysis: (1) transportation, (2) air quality, (3) the urbanized footprint and open space (agricultural lands, farm land, etc.), and (4) greenhouse gas emissions. All adjustments resulting from these minor changes in housing and employment distributions do not affect the impact findings or the conclusion in the Draft EIR.

In addition, minor changes were made to the air quality and greenhouse gas emissions analysis, as documented in Section 2, due to a coding error in EMFAC2011, as described below. Revisions to the analysis of transportation, air quality and greenhouse gas emissions are detailed in Section 2.2 below.

Regarding land use changes, the minor increases in housing or job growth over and above those detailed in the Draft Plan released in March 2013, due any proportional redistribution due to the changes described above, would all occur as additional infill development or within urban boundary lines and do not impact existing open spaces or urbanized footprint.

Conclusions

These changes do not affect the significance conclusions in the Draft EIR, nor do they result in significant changes in the regional modeling results, including the conclusion that the Draft Plan achieves the greenhouse gas emissions reduction targets.

The following attachments referenced above can be found in Appendix B of the Final EIR:

- Employment and Housing Revision Requests by Jurisdiction and Final Modifications
- Detailed Employment and Housing Distribution by Jurisdiction and PDA/Investment Area

REVISIONS TO URBAN GROWTH BOUNDARY TEXT

The changes noted below are made to provide clarity and greater accuracy to the Draft EIR. Similar changes are being made to the Draft Plan document.

In describing the proposed Plan and Alternatives, the term “urban growth boundary” was used in the Draft Plan as part of the description of the land use policy assumptions for each alternative. The term “urban growth boundary” is being replaced with “urban boundary line” to provide consistency in the EIR and Plan documents and to differentiate between “urban boundary lines” as used for the proposed Plan and alternatives land use policy inputs, and “urban growth” boundaries as official development restrictions.

As described in the Supplemental Report *Summary of Predicted Land Use Responses* (page 24), a set of “Urban Boundary Lines” were established for each jurisdiction and used in the UrbanSim land use modeling (see map, Figure 10, *Summary of Predicted Land Use Responses*, page 25). The Urban Boundary Lines functioned similar to urban growth boundaries, beyond which no development would occur in the model except where allowed by current zoning laws. However, because there are a wide variety of policies in place across the region aimed at managing growth, MTC and ABAG sought to identify the most appropriate growth boundary for each jurisdiction or county based on existing local policies. The Urban Boundary Lines were established hierarchically. Wherever possible, actual adopted urban growth boundaries, urban limit lines or similarly adopted boundary lines were used as the Urban

Boundary Lines. In the absence of these adopted boundaries, LAFCO-determined urban service areas were used as the Urban Boundary Line. If urban service areas were not available, LAFCO-determined city spheres of influence (SOI) were used. SOIs were used instead of city limits because SOIs represent a more realistic and likely limit on urban development than city limits. In general, the SOI extends beyond the current city limits, but in some cases, the city limits and SOI are the same. In addition, for some unincorporated areas, LAFCO- or county-determined service areas were also used as part of the Urban Boundary Line.

The term “Urban growth boundary” used in Chapter 2.3, *Land Use and Physical Development*, pages 2.3-47 and 2.3-48 (Table 2.3-14) does not change, as that use of “urban growth boundary” was correct. The changes made in the description of alternatives in Chapter 3.1 of the Draft EIR are detailed in Section 2.2 of this Final EIR below. See the responses to comment B6-9 through B6-11, in Section 3 of this Final EIR, for more details.

2.2 Revisions to the Draft EIR

Revisions listed below make corrections to factual errors or incorrect statements in the Draft EIR or in response to public comments received on the Draft EIR.

The revisions appear here in the order they appear in the Draft EIR. Text additions are noted in underline and text deletions appear in ~~strikeout~~.

REVISIONS TO THE DRAFT EIR EXECUTIVE SUMMARY

The last paragraph on Draft EIR page ES-6 is revised as follows:

The proposed Plan includes a financially constrained transportation investment plan as required by State and federal planning regulations. It includes transportation projects and programs that would be funded through existing and future revenues that are projected to be reasonably available to the region over the timeframe covered by the proposed Plan. A total of ~~\$289~~\$292 billion in revenues is available for the financially constrained Plan Bay Area. That is, the proposed Plan and alternatives evaluated in the EIR are financially constrained to be within the ~~\$289~~\$292 billion envelope.

The bulleted last paragraph on Draft EIR page ES-9 is revised as follows:

- In **Transportation**, Alternative 3 has the least environmental impact as it features shorter commute travel times (three percent shorter than the proposed Plan) and a lesser amount of congested VMT (~~44-17~~ percent fewer VMT at LOS F as compared to the proposed Plan) and the least potential for transit vehicle crowding (30 percent utilization of public transit systems, the same as the No Project alternative, and three percent less than the proposed Plan). These results are due to shifting regional growth to the Transit Priority Project eligible areas, with the greatest emphasis on growth in the urban core close to high-frequency transit.

The first full paragraph on Draft EIR page ES-11 is revised as follows:

While Alternative 5 is the environmentally preferred alternative due to its overall GHG emissions reductions and estimated reduction in criteria and TAC emissions, the proposed Plan does include some benefits over Alternative 5. For instance, the proposed Plan results in the lowest VMT per capita, with one percent fewer daily VMT per capita than Alternative 5. Alternative 5 also exhibits congested VMT levels ~~18-10~~ percent higher in the AM peak, ~~seven-eight~~ percent higher in the PM peak, and ~~44-seven~~ percent higher over the course of a typical weekday as compared to the proposed Plan. Finally, the proposed Plan results in ~~fewer acres of agricultural and open space conversion as compared to Alternative 5 (though more than Alternative 4), and the fewest acres of important farmland (excluding grazing land) of all alternatives, along with Alternative 4.~~

The text in Table ES-2 (Draft EIR page ES-13) that describes Mitigation Measure 2.1(c) is revised as follows:

2.1(c) MTC shall ~~pursue~~ implement MTC Resolution No. 4104, a policy that requires ~~the implementation of ramp metering throughout the region's highway network as a condition of discretionary funding~~ all major, new freeway projects included in the Transportation 2030 Plan and subsequent regional transportation plans include the installation and activation of freeway traffic operations system (TOS) to effectively operate the region's freeway system and enables the Commission to consider suspending fund programming actions for discretionary funds to any jurisdiction until MTC deems the requirements of MTC Resolution No. 4104 are met.

The text in table ES-2, Draft EIR page ES-20 is revised as follows:

Impact 2.2-5(c): Implementation of the proposed Plan could cause a localized net increase in sensitive receptors located in Transit Priority Project (TPP) corridors where TACs or fine particulate matter (PM_{2.5}) concentrations result in noncompliance with an adopted Community Risk Reduction Plan or adopted Article 38 regulation that incorporates findings from a completed Community Risk Reduction Plan.

The text in Table ES-2 (Draft EIR page ES-18 through ES-20) that describes Mitigation Measure 2.2(d) is revised as follows:

2.2(d) Mitigation measures that shall be considered by implementing agencies and/or project sponsors where feasible based on project-and site-specific considerations include, but are not limited to best management practices (BMPs), such as the following:

- Installation of air filtration to reduce cancer risks and PM exposure for residents, and other sensitive populations, in buildings that are in close proximity to freeways, major roadways, diesel generators, distribution centers, railyards, railroads or rail stations, and ferry terminals. Air filter devices shall be rated MERV-13 or higher. As part of

implementing this measure, an ongoing maintenance plan for the building's HVAC air filtration system shall be required.

- Phasing of residential developments when proposed within 500 feet of freeways such that homes nearest the freeway are built last, if feasible.
- Sites shall be designed to locate sensitive receptors as far as possible from any freeways, roadways, diesel generators, distribution centers, and railyards. Operable windows, balconies, and building air intakes shall be located as far away from these sources as feasible. If near a distribution center, residents shall not be located immediately adjacent to a loading dock or where trucks concentrate to deliver goods.
- Limiting ground floor uses in residential or mixed-use buildings that are located within the set distance of 500 feet to a non-elevated highway or roadway. Sensitive land uses, such as residential units or day cares, shall be prohibited on the ground floor.
- Planting trees and/or vegetation between sensitive receptors and pollution source, if feasible. Trees that are best suited to trapping PM shall be planted, including one or more of the following: Pine (*Pinus nigra* var. *maritima*), Cypress (*X Cupressocyparis leylandii*), Hybrid poplar (*Populus deltoids X trichocarpa*), and Redwoods (*Sequoia sempervirens*).
- Within developments, sensitive receptors shall be separated as far away from truck activity areas, such as loading docks and delivery areas, as feasible. Loading docks shall be required ~~electrification~~ to be electrified and all idling of heavy duty diesel trucks at these locations shall be prohibited.
- If within the project site, diesel generators that are not equipped to meet ARB's Tier 4 emission standards shall be replaced or retrofitted.
- If within the project site, emissions from diesel trucks shall be reduced through the following measures:
 - Installing electrical hook-ups for diesel trucks at loading docks.
 - Requiring trucks to use Transportation Refrigeration Units (TRU) that meet Tier 4 emission standards.
 - Requiring truck-intensive projects to use advanced exhaust technology (e.g. hybrid) or alternative fuels.
 - Prohibiting trucks from idling for more than two minutes as feasible.
 - Establishing truck routes to avoid residential neighborhoods or other land uses serving sensitive populations. A truck route program, along with truck calming, parking and delivery restrictions, shall be implemented to direct traffic activity at non permitted sources and large construction projects.
- For transportation projects that would result in a higher pollutant load in close proximity to existing sensitive receptors, project sponsors shall consider, as appropriate:
 - Adjusting project design to avoid sensitive receptors.
 - Including vegetation and other barriers between sensitive receptors and the project.
 - Providing air filtration devices for residential and other sensitive receptor uses.
- To help determine the appropriateness of project and site-specific mitigation, MTC/ABAG recommends that implementing agencies and/or project sponsors utilize the BAAQMD's most recent *Recommended Methods for Screening and Modeling Local Risks and Hazards* guidance and BAAQMD's Google Earth screening tool to identify areas/sites

that may surpass health-based air quality thresholds and thereby be appropriate for mitigation.

The text in Table ES-2 (Draft EIR page ES-22 and ES-23) that describes Mitigation Measure 2.3(d) and 2.3(e) is revised as follows:

2.3(d) Mitigation measures that shall be considered by implementing agencies and/or project sponsors where feasible based on project-and site-specific considerations include, but are not limited to the following. All new transportation projects shall be required to incorporate design features such as sidewalks, bike lanes, and bike/pedestrian bridges or tunnels that maintain or improve access and connections within existing communities and to public transit. Implementing agencies shall require project sponsors to comply with existing local regulations and policies that exceed or reasonably replace any of the above measures that reduce community separation.

2.3(e) Mitigation measures that shall be considered by implementing agencies and/or project sponsors where feasible based on project-and site-specific considerations include, but are not limited to the following. New development projects shall be required to provide connectivity for all modes such that new development does not separate existing uses, and improves access where needed and/or feasible, by incorporating ‘complete streets’ design features such as pedestrian-oriented streets and sidewalks, improved access to transit, and bike routes where appropriate. ‘Complete Streets’ describes a comprehensive, integrated transportation network with infrastructure and design that allows safe and convenient travel along and across streets for all users, including pedestrians, bicyclists, persons with disabilities, motorists, movers of commercial goods, users and operators of public transportation, seniors, children, youth, and families. Implementing agencies shall require project sponsors to comply with existing local regulations and policies that exceed or reasonably replace any of the above measures that reduce community separation.

The text in Table ES-2 (Draft EIR page ES-23 through ES-25) that describes Mitigation Measure 2.3(g) is revised as follows:

2.3(g) Mitigation measures that shall be considered by implementing agencies and/or project sponsors where feasible based on project-and site-specific considerations include, but are not limited to:

- Requiring project relocation or corridor realignment, where feasible, to avoid farmland, especially Prime Farmland;
- Acquiring conservation easements on land at least equal in quality and size as partial compensation for the direct loss of agricultural land or contributing funds to a land trust or other entity qualified to preserve Farmland in perpetuity;
- Maintain and expand agricultural land protections such as urban growth boundaries;
- If a Williamson Act contract is terminated, a ratio greater than 1:1 of land equal in quality shall be set aside in a conservation easement, as recommended by the Department of Conservation;

- Instituting new protection of farmland in the project area or elsewhere in the County through the use of less than permanent long-term restrictions on use, such as 20-year Farmland Security Zone contracts (Government Code Section 51296 et seq.) or 10-year Williamson Act contracts (Government Code Section 51200 et seq.);
- Assessing mitigation fees that support the commercial viability of the remaining agricultural land in the project area, County, or region through a mitigation bank that invests in agricultural infrastructure, water supplies, marketing, etc.;
- Minimizing isolation, severance and fragmentation of agricultural land by constructing underpasses and overpasses at reasonable intervals to provide property access;
- If a project involves acquiring land or easements, it shall be ensured that the remaining nonproject area is of a size sufficient to allow viable farming operations, and the project proponents shall be responsible for acquiring easements, making lot line adjustments, and merging affected land parcels into units suitable for continued commercial agricultural management;
- Requiring agricultural enhancement investments such as supporting farmer education on organic and sustainable practices, assisting with organic soil amendments for improved production, and upgrading irrigation systems for water conservation;
- Reconnecting utilities or infrastructure that service agricultural uses if disturbed by project construction;
- Requiring project proponents to be responsible for restoring access to roadways or utility lines, irrigation features, or other infrastructure disturbed by construction to ensure that economically viable farming operations are not interrupted;
- Managing project operations to minimize the introduction of invasive species or weeds that may affect agricultural production on adjacent agricultural land;
- Requiring buffer zones, which can function as drainage swales, trails, roads, linear parkways, or other uses compatible with ongoing agricultural operations, (the width of buffer zones to be determined on a project-specific basis, taking into account prevailing winds, crop types, agricultural practices, ecological restoration, and infrastructure) between projects and adjacent agricultural land, which should be designed to protect the feasibility of ongoing agricultural operations and protect ecological restoration areas from noise, dust, and the application of agricultural chemicals;
- Requiring berms, ~~buffer zones~~, setbacks, and fencing to reduce use conflicts between new development and farming uses and to protect the functions of farmland; and
- Requiring other conservation tools available from the California Department of Conservation's Division of Land Resource Protection.
- Requiring compliance with existing local regulations and policies that exceed or reasonably replace any of the above measures that reduce farmland conversion.

The text in Table ES-2 (Draft EIR page ES-27) that describes Mitigation Measure 2.5(a) is revised as follows:

2.5(a) MTC and ABAG shall continue coordinating with BCDC, in partnership with the Joint Policy Committee and regional agencies and other partners who would like to

participate, to conduct vulnerability and risk assessments for the region's transportation infrastructure. These assessments will build upon MTC, ~~and Caltrans,~~ and BCDC's Adapting to Rising Tides Transportation Vulnerability and Risk Assessment Pilot Project focused in Alameda County. Evaluation of regional and project-level vulnerability and risk assessments will assist in the identification of the appropriate adaptation strategies to protect transportation infrastructure and resources, as well as land use development projects, that are likely to be impacted and that are a priority for the region to protect. The Adaptation Strategy sub-section found at the end of this section includes a list of potential adaptation strategies that can mitigate the impacts of sea level rise. In most cases, more than one adaptation strategy will be required to protect a given transportation project or land use development project, and the implementation of the adaptation strategy will require coordination with other agencies and stakeholders. As MTC, ~~BCDC,~~ and ABAG conduct vulnerability and risk assessments for the region's transportation infrastructure, the Adaptation Strategy sub-section should serve as a guide for selecting adaptation strategies, but the list should not be considered ~~an~~ inclusive of all potential adaptation strategies as additional strategies not included in this list may also have the potential to reduce significant impacts.

The text in Table ES-2 (Draft EIR page ES-29) that describes Mitigation Measure 2.5(d) is revised as follows:

2.5(d) Mitigation measures that shall be considered by implementing agencies and/or project sponsors where feasible based on project-and site-specific considerations include, but are not limited to the following. Executive Order S-13-08 requires all state agencies, including Caltrans, to incorporate sea level rise into planning for all new construction and routine maintenance projects; however, no such requirement exists for local transportation assets and development projects. Implementing agencies shall require project sponsors to incorporate the appropriate adaptation strategy or strategies to reduce the impacts of sea level rise on specific transportation and land use development projects where feasible based on project- and site-specific considerations. Potential adaptation strategies are included in the Adaptation ~~Strategy~~ Strategies sub-section found at the end of this section.

The text in Table ES-2 (Draft EIR page ES-33 and ES-34) that describes Mitigation Measure 2.6(g) is revised as follows:

2.6(g) Mitigation measures that shall be considered by implementing agencies and/or project sponsors where feasible based on project-and site-specific considerations include, but are not limited to the following. Prior to project approval, the implementing agency for a transportation project shall ensure that the transportation project sponsor applies the following mitigation measures to achieve a site-specific exterior noise performance standard as indicated in **Figure 2.6-6** at sensitive land uses, as applicable for rail extension projects:

- Using sound reduction barriers such as landscaped berms and dense plantings;
- Locating rail extension below grade;
- Using ~~methods to resilient damped wheels~~ damped or resilient wheels;
- Using vehicle skirts;

- Using under car acoustically absorptive material; and
- Installing sound insulation treatments for impacted structures.

The text in Table ES-2 (Draft EIR page ES-34 and ES-35) that describes Mitigation Measure 2.6(i) is revised as follows:

2.6(i) Mitigation measures that shall be considered by implementing agencies and/or project sponsors where feasible based on project-and site-specific considerations include, but are not limited to the following. Prior to project approval the implementing agency shall ensure that project sponsors apply the following mitigation measures to achieve a vibration performance standard of 72 VdB at residential land uses, as feasible, for rail extension projects:

- Using high resilience (soft) direct fixation fasteners for embedded track; and
- Installing Ballast mat for ballast and tie track.

The text in Table ES-2 (Draft EIR page ES-37) that describes Mitigation Measure 2.7(c) is revised as follows:

2.7(c) Mitigation measures that shall be considered by implementing agencies and/or project sponsors where feasible based on project-and site-specific considerations include, but are not limited to the following. To reduce the risk of soil erosion, implementing agencies shall require project sponsors to comply with National ~~Pollution~~-Pollutant Discharge Elimination System (NPDES) General Construction Permit requirements. Implementing agencies shall require project sponsors, as part of contract specifications with contractors, to prepare and implement best management practices (BMPs) as part of a Stormwater Pollution Prevention Plan that include erosion control BMPs consistent with California Stormwater Quality Association Handbook for Construction. For the purposes of this mitigation, less than significant means consistent with federal, state, and local regulations and laws related to construction practices.

The first paragraph of text in Table ES-2 (Draft EIR page ES-38) that describes Mitigation Measure 2.8(a) is revised as follows:

2.8(a) To reduce the impact associated with potential water quality standards violations or waste or stormwater discharge requirement violations, implementing agencies shall require project sponsors to comply with the State, and federal water quality regulations for all projects that would alter existing drainage patterns in accordance with the relevant regulatory criteria including but not limited to the National ~~Pollution~~-Pollutant Discharge Elimination System (NPDES) program, Provision C.3, and any applicable Stormwater Management Plans. Erosion control measures shall be consistent with NPDES General Construction Permit requirements including preparation and implementation of a Stormwater Pollution Prevention Plan, and final drainage plans shall be consistent with the San Francisco Regional MS4 NPDES permit or any applicable local drainage control requirements that exceed or reasonably replace any of these measures to ~~project-protect~~ receiving waters from pollutants.

The text in Table ES-2 (Draft EIR page ES-41) that describes Mitigation Measure 2.8(b) is revised as follows:

2.8(b) To reduce the impact of flood hazards, implementing agencies shall conduct or require project-specific hydrology studies for projects proposed to be constructed within floodplains to demonstrate compliance with Executive Order 11988, the National Flood Insurance Program, National Flood Insurance Act, Caltrans Highway Design Manual, Cobey-Alquist Floodplain Management Act, the Delta Stewardship Council's Delta Plan, as well as any further Federal Emergency Management Agency (FEMA) or State requirements that are adopted at the local level. These studies shall identify project design features or mitigation measures that reduce impacts to either floodplains or flood flows to a less than significant level such as requiring minimum elevations for finished first floors, typically at least one foot above the 100-year base flood elevation, where feasible based on project- and site-specific considerations. For the purposes of this mitigation, less than significant means consistent with these federal, State, and local regulations and laws related to development in the floodplain. Local jurisdictions shall, to the extent feasible, appropriate, and consistent with local policies, prevent development in flood hazard areas that do not have demonstrable protections.

The first paragraph of text in Table ES-2 (Draft EIR page ES-47) that describes Mitigation Measure 2.9(c) is revised as follows:

2.9(c) Implementing agencies shall require project sponsors to conduct a pre-construction breeding bird surveys for specific projects proposed in areas containing, or likely to contain, habitat for nesting birds. The survey shall be conducted by appropriately trained professionals pursuant to adopted protocols and agency guidelines. Where a breeding bird survey establishes that mitigation is required to avoid direct and indirect adverse effects on nesting raptors and other protected birds, mitigation will be developed consistent with the requirements of CEQA, USFWS, and CDFW regulations and guidelines, in addition to requirements of any applicable and adopted HCP/NCCP or other applicable plans developed to protect species or habitat. Mitigation measures that shall be considered by implementing agencies and/or project sponsors where feasible based on project-and site-specific considerations include, but are not limited to:

The text in Table ES-2 (Draft EIR page ES-52 and ES-53) that describes Mitigation Measure 2.9(e) is revised as follows:

2.9(e) Mitigation measures to reduce impacts on wildlife corridors that shall be required by implementing agencies where feasible based on project- and site- specific considerations include, but are not limited to the following. Implementing agencies shall require project sponsors to prepare detailed analyses for specific projects affecting Essential Connectivity Area (ECA) lands within their sphere of influence to determine what wildlife species may use these areas and what habitats those species require. Projects that would not affect ECA lands but that are located within or adjacent to open lands, including wildlands and agricultural lands, shall also assess whether or not significant wildlife corridors are present, what wildlife species may use them, and what habitat those species require. The assessment

shall be conducted by qualified professionals and according to any applicable agency standards. Mitigation shall be consistent with the requirements of CEQA and/or follow an adopted HCP/NCCP or other relevant plans developed to protect species and their habitat, including migratory linkages.

Mitigation measures that shall be considered by implementing agencies and/or project sponsors where feasible based on project-and site-specific considerations include, but are not limited to:

- Constructing wildlife friendly overpasses and culverts;
- Fencing major transportation corridors in the vicinity of identified wildlife corridors;
- Using wildlife friendly fences that allow larger wildlife such as deer to get over, and smaller wildlife to go under;
- Locating structures at the edge of a habitat restoration area, rather than in the middle, to improve opportunities for restoring habitat connectivity;
- Elevating structures so that water can flow underneath to allow for restoration of aquatic habitat dependent on tides or periodic flooding;
- Limiting wildland conversions in identified wildlife corridors; ~~and~~
- Retaining wildlife friendly vegetation in and around developments; and
- Compliance with existing local regulations and policies, including applicable HCP/NCCPs. that exceed or reasonably replace any of the above measures protective of jurisdictional wetlands or special-status natural communities.

The text in Table ES-2 (Draft EIR page ES-53) that describes Mitigation Measure 2.9(h) is revised as follows:

2.9(h) Mitigation measures that shall be considered by implementing agencies and/or project sponsors where feasible based on project-and site-specific considerations include, but are not limited to the following. Implementing agencies and project sponsors whose projects are located within the Coastal Zone or within BCDC jurisdiction shall carefully review the applicable local coastal program or San Francisco Bay Plan for potential conflicts, as well as the Delta Plan, and involve the California Coastal Commission, ~~or BCDC,~~ or the Delta Stewardship Council as early as possible in the project-level EIR process.

The text in Table ES-2 (Draft EIR page ES-56 and ES-57) that describes Mitigation Measure 2.10(b) is revised as follows:

2.10(b) Mitigation measures that shall be considered by implementing agencies and/or project sponsors where feasible based on project-and site-specific considerations include, but are not limited to:

- Project sponsors and implementing agencies shall complete design studies for projects in designated or eligible State Scenic Highway corridors. Implementing agencies shall consider the “complete” highway system and design projects to

minimize impacts on the quality of the views or visual experience that originally qualified the highway for scenic designation.

- Contouring the edges of major cut and fill slopes to provide a more natural looking finished profile that is appropriate to the surrounding context, using natural shapes, textures, colors, and scale to minimize contrasts between the project and surrounding areas.
- Complying with existing local regulations and policies that exceed or reasonably replace any of the above measures that protect visual resources where feasible based on project- and site-specific considerations.

The text in Table ES-2 (Draft EIR page ES-59 and ES-60) that describes Mitigation Measure 2.10(e) is revised as follows:

2.10(e) Mitigation measures that shall be considered by implementing agencies and/or project sponsors where feasible based on project- and site-specific considerations include, but are not limited to:

- Designing projects to minimize light and glare from lights, buildings, and roadways facilities.
- Minimizing and controlling glare from transportation projects through the adoption of project design features that reduce glare. These features include:
 - Planting trees along transportation corridors to reduce glare from the sun;
 - Landscaping off-street parking areas, loading areas, and service areas; and
 - Shielding transportation lighting fixtures to minimize off-site light trespass.
- Minimizing and controlling glare from land use and transportation projects through the adoption of project design features that reduce glare. These features include:
 - Limiting the use of reflective materials, such as metal;
 - Using non-reflective material, such as paint, vegetative screening, matte finish coatings, and masonry;
 - Screening parking areas by using vegetation or trees; and
 - Using low-reflective glass.
- Imposing lighting standards that ensure that minimum safety and security needs are addressed and minimize light trespass and glare associated with land use development. These standards include the following:
 - Minimizing incidental spillover of light onto adjacent private properties and undeveloped open space;
 - Directing luminaries away from habitat and open space areas adjacent to the project site;
 - Installing luminaries that provide good color rendering and natural light qualities; and

- Minimizing the potential for back scatter into the nighttime sky, ~~and for incidental spillover of light onto adjacent private properties and undeveloped open space.~~
- Complying with existing local regulations and policies that exceed or reasonably replace any of the above measures that reduce light and glare impacts.

The text in Table ES-2 (Draft EIR page ES-60, ES-61 and ES-62) that describes Mitigation Measure 2.11(b) is revised as follows:

2.11(b) Mitigation measures that shall be considered by implementing agencies and/or project sponsors where feasible based on project and site-specific considerations include, but are not limited to:

- Pursuant to Government Code Sections 65351 and 65352, in-person consultation shall be conducted with Native American tribes and individuals with cultural affiliations where the project is proposed to determine the potential for, or existence of, cultural resources, including cemeteries and sacred places, prior to project design and implementation stages.
- Prior to construction activities, project sponsors shall retain a qualified archaeologist to conduct a record search at the appropriate Information Center of the California Archaeological Inventory to determine whether the project area has been previously surveyed and whether resources were identified. When recommended by the Information Center, project sponsors shall retain a qualified archaeologist to conduct archaeological surveys prior to construction activities.
- Preparation of a research design and testing plan should be developed in advance of implementation of the construction project, in order to efficiently facilitate the avoidance of cultural sites throughout the development process.
- If record searches and field surveys indicate that the project is located in an area rich with archaeological resources, project sponsors should retain a qualified archaeologist to monitor any subsurface operations, including but not limited to grading, excavation, trenching, or removal of existing features of the subject property.
- Written assessments should be prepared by a qualified tribal representative of sites or corridors with no identified cultural resources but which still have a moderate to high potential for containing tribal cultural resources.
- Upon “late discovery” of prehistoric archaeological resources during construction, project sponsors shall consult with the Native American tribe as well as with the “Most-Likely-Descendant” as designated by the Native American Heritage Commission pursuant to ~~PRC~~ Public Resources Code 5097, 98(a).
- Preservation in place is the preferred manner of mitigating impacts on archeological sites because it maintains the relationship between artifacts and the archeological context, and it may also avoid conflict with religious or cultural values of groups associated with the site. This may be achieved through incorporation within parks, green-space, or other open space by re-designing project using open space or undeveloped lands. This may also be achieved by following procedures for capping the site underneath a paved area. When avoiding and preserving in place are infeasible based on project- and site-specific

considerations, a data recovery plan may be prepared according to CEQA Guidelines Section 15126.4(b)(3)(C). A data recovery plan consists of: the documentation and removal of the archeological deposit from a project site in a manner consistent with professional (and regulatory) standards; the subsequent inventorying, cataloguing, analysis, identification, dating, and interpretation of the artifacts; and the production of a report of findings.

- Complying with existing local regulations and policies that exceed or reasonably replace any of the above measures that protect archaeological resources.

The text in Table ES-2 (Draft EIR page ES-62 and ES-63) that describes Mitigation Measure 2.11(c) is revised as follows:

2.11(c) Mitigation measures that shall be considered by implementing agencies and/or project sponsors where feasible based on project- and site-specific considerations include, but are not limited to:

- Prior to construction activities, project sponsors should retain a qualified paleontologist to conduct a record search using an appropriate database, such as the UC Berkeley Museum of Paleontology to determine whether the project area has been previously surveyed and whether resources were identified. As warranted, project sponsors should retain a qualified paleontologist to conduct paleontological surveys prior to construction activities.
- Preparation of a research design and testing plan should be developed in advance of implementation of the construction project, in order to efficiently facilitate the avoidance of cultural sites paleontological resources and sites and unique geologic features throughout the development process.
- If record searches and field surveys indicate that the project is located in an area rich with paleontological, and/or geological resources, project sponsors should retain a qualified paleontologist to monitor any subsurface operations, including but not limited to grading, excavation, trenching, or removal of existing features of the subject property.
- Complying with existing local regulations and policies that exceed or reasonably replace any of the above measures that protect paleontological or geologic resources.

The text in Table ES-2 (Draft EIR page ES-63 and ES-64) that describes Mitigation Measure 2.11(d) is revised as follows:

2.11(d) Mitigation measures that shall be considered by implementing agencies and/or project sponsors where feasible based on project- and site-specific considerations include, but are not limited to:

- Under Section 7050.5 of the California Health and Safety Code, as part of project oversight of individual projects, project sponsors can and should, in the event of discovery or recognition of any human remains during construction or excavation activities associated with the project, in any location other than a dedicated cemetery, cease further excavation or disturbance of the site or any nearby area reasonably

suspected to overlie adjacent human remains until the coroner of the county in which the remains are discovered has been informed and has determined that no investigation of the cause of death is required.

- Under California Public Resources Code 5097.98, if any discovered remains are of Native American origin:
 - The coroner shall contact the Native American Heritage Commission, which shall notify the most likely descendant(s) of the deceased, in order to ascertain the proper descendants from the deceased individual. The ~~coroner~~ descendant(s) should make a recommendation to the landowner or the person responsible for the excavation work, for means of treating or disposing of, with appropriate dignity, the human remains and any associated grave goods. This may include obtaining a qualified archaeologist or team of archaeologists to properly excavate the human remains; or
 - ~~If the Native American Heritage Commission is unable to identify a descendant, or the descendant failed to make a recommendation within 24 hours after being notified by the commission, the~~ landowner or their authorized representative shall obtain a ~~Native American monitor~~, and an archaeologist, if recommended by the Native American monitor, and rebury the Native American human remains and any associated grave goods, with appropriate dignity, on the property and in a location that is not subject to further subsurface disturbance where any of the following conditions occurs:
 - The Native American Heritage Commission is unable to identify a descendant; or
 - The descendant identified fails to make a recommendation; or
 - The landowner or their authorized representative rejects the recommendation of the descendant, and ~~the~~ mediation by the Native American Heritage Commission fails to provide measures acceptable to the landowner.

The text in Table ES-2 (Draft EIR page ES-68) that describes Mitigation Measure 2.12(f) is revised as follows:

2.12(f) Mitigation measures that shall be considered by implementing agencies and/or project sponsors where feasible based on project-and site-specific considerations include, but are not limited to the following. Transportation projects shall incorporate stormwater control, retention, and infiltration features, such as detention basins, bioswales, vegetated median strips, and permeable paving, early into the design process to ensure that adequate acreage and elevation contours are planned. Implementing agencies shall require project sponsors to comply with existing local regulations and policies that exceed or reasonably replace any of the above measures that reduce stormwater drainage impacts.

The text in Table ES-2 (Draft EIR page ES-69) that describes Mitigation Measure 2.12(h) is revised as follows:

2.12(h) Mitigation measures that shall be considered by implementing agencies and/or project sponsors where feasible based on project-and site-specific considerations include, but

are not limited to, the following. For projects that could increase demand on water and wastewater treatment facilities, project sponsors shall coordinate with the relevant service provider to ensure that the existing public services and utilities could be able to handle the increase in demand. If the current infrastructure servicing the project site is found to be inadequate, infrastructure improvements for the appropriate public service or utility shall be identified in each project's CEQA documentation. The relevant public service provider or utility shall be responsible for undertaking project-level review as necessary to provide CEQA clearance for new facilities.

Further, ~~all of the Mitigation Measures 2.12(2), (b), (c), and (d) mitigation measures listed under Impact 2.12-1 and Impact 2.12-2~~ will help reduce water demand and wastewater generation, and subsequently help reduce the need for new or expanded water and wastewater treatment facilities. ~~Mitigation Measures 2.12(e), (f) and (g) The mitigation measures listed under Impact 2.12-3~~ will also help mitigate the impact of additional stormwater runoff from land use and transportation projects on existing wastewater treatment facilities.

The text in Table ES-2 (Draft EIR page ES-72 and page ES-73) that describes Mitigation Measure 2.13(d) is revised as follows:

2.13(d) Mitigation measures that shall be considered by implementing agencies and/or project sponsors where feasible based on project-and site-specific considerations include, but are not limited to:

- Determining whether specific land use and transportation project sites are listed as a hazardous materials and/or waste site pursuant to Government Code Section 65962.5.
- Requiring preparation of a Phase I ESA in accordance with the American Society for Testing and Materials' ASTM E-1527-05 standards for any listed sites or sites with the potential of residual hazardous materials and/or waste as a result of location and/or prior uses. ~~For work requiring any demolition or renovation, the Phase I ESA shall make recommendations for any hazardous building materials survey work that shall be done.~~
- Implementing recommendations included in a Phase I ESA prepared for a site.
- If a Phase I ESA indicates the presence or likely presence of contamination, the implementing agency shall require a Phase II ESA, and recommendations of the Phase II ESA shall be fully implemented.
- For work requiring any demolition or renovation, the Phase I ESA shall make recommendations for any hazardous building materials survey work that shall be done.
- Requiring construction contractors to prepare and implement soil management contingency plans which provide procedural guidance on the handling, notification, and protective measures to be taken in the event of encountering suspected contamination or naturally occurring asbestos.

The text in Table ES-2 (Draft EIR page ES-75) that describes Mitigation Measure 2.14(a) is revised as follows:

2.14(a) Mitigation measures that shall be considered by implementing agencies and/or project sponsors where feasible based on project-and site-specific considerations include, but are not limited to:

- Ensuring that adequate public services, and related infrastructure and utilities, will be available to meet or satisfy levels identified in the applicable local general plan or service master plan prior to approval of new development projects.
- Complying with existing local regulations and policies that exceed or reasonably replace the above measures that reduce in reducing public service impacts.

The text in Table ES-2 (Draft EIR page ES-75) that describes Mitigation Measure 2.14(b) is revised as follows:

2.14(b) Mitigation measures that shall be considered by implementing agencies and/or project sponsors where feasible based on ~~project-and~~ project- and site-specific considerations include, but are not limited to:

- Ensuring that adequate parks and recreational facilities will be available to meet or satisfy levels identified in the applicable local general plan or service master plan prior to approval of new development.
- Complying with existing local regulations and policies that exceed or reasonably replace the above measures that reduce in reducing impacts on recreational facilities.

REVISIONS TO DRAFT EIR CHAPTER 1.1: INTRODUCTION AND STUDY APPROACH

None

REVISIONS TO DRAFT EIR CHAPTER 1.2: OVERVIEW OF THE PROPOSED PLAN

The heading “Regional Housing Need Allocation” (Draft EIR page 1.2-9) is revised as follows:

Regional Housing Needs Allocation

Table 1.2-2: Recommended Target for Open Space and Agricultural Preservation (Draft EIR page 1.2-22):

Direct all non-agricultural development within the Year 2010 urban footprint (existing urban development and ~~urban growth boundaries~~ urban boundary lines)

The first paragraph under “Priority Development Areas” (Draft EIR page 1.2-25) is revised as follows:

Priority Development Areas (PDAs) are nominated by local jurisdictions as appropriate places to concentrate future growth; although not all jurisdictions have nominated a PDA. PDAs are existing neighborhoods served by transit and supported by local plans (both existing and to-be-completed) to provide a wider range of housing options along with amenities and services to meet the day-to-day needs of residents in a pedestrian-friendly environment. Under the proposed Plan, the nearly 200 PDAs (including sub-areas) would absorb about 77 percent of new housing and 63 percent of new jobs on about 5 percent of the Bay Area’s total land area. Regional centers in Oakland, San Francisco, and San José will account for about 14 percent of new housing and 17 percent of job growth. Medium size cities will also play an important role by adding a mix of new housing, employment, and services in strategic locations. As a result of this focused growth, under the proposed Plan about 99 percent of new housing would be within the region’s existing urban footprint, helping retain open space and agricultural land. North Bay counties would also take a very small share of growth—Napa and Marin counties will account for about 1 percent each of the total regional housing growth and Sonoma and Solano counties will account for 5 and 3 percent, respectively.

The full paragraph on the page (the description of Priority Conservation Areas) (Draft EIR page 1.2-26) is revised as follows:

Priority Conservation Areas (PCAs) comprise over 100 regionally significant open spaces for which there exists broad consensus for long-term protection but face nearer-term development pressure. PCAs are the primary vehicle being used as part of Plan Bay Area to support conservation. The PCAs designated in the proposed Plan will expand a regional greenbelt dedicated for preservation or protected by federal, state, and local policies. PCAs play a particularly important role in implementing the growth strategy in the North Bay—where they are central to the character and economy of many communities. ABAG and MTC hope to partner with local jurisdictions, stakeholders and members of the public to strengthen the PCA framework in the coming years. This will involve defining the role of different kinds of PCAs in supporting agriculture, recreation, habitat, and other ecological functions and using this analysis to refine the regional program and seek additional funding.

Figure 1.2-2B has been added (Draft EIR page 1.2-28) as pictured on the following page:

Priority Conservation Areas

Figure 1.2-2B



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The text under “Distribution of Funds” on Draft EIR page 1.2-49 is revised as follows:

MTC estimates that it will have about ~~\$289~~ **\$292** billion in revenues to spend on transportation in the Bay Area through the year 2040, a ~~28~~ **34** percent increase over the Transportation 2035 Plan budget of ~~\$226~~ **\$218** billion. These revenues are anticipated to come from the following sources:

- Federal—\$33 billion (11 percent)
- State—~~\$45~~**\$48** billion (16 percent)
- Regional—\$43 billion (15 percent)
- Local—\$154 billion (53 percent)
- Anticipated/Unspecified—\$14 billion (5 percent)

Most of the expected transportation revenues through 2040 are allocated to already-committed projects and conditioned discretionary expenditures, mainly transit operations and maintenance. Around ~~20~~ **21** percent of the available budget is available for new transportation programs and strategies. Of the ~~\$289~~ **\$292** billion in anticipated funds for Plan Bay Area, the majority, \$232 billion, is dedicated to committed projects. That leaves ~~\$57~~ **\$60** billion in discretionary revenues available for new investments.

The Transportation Investment Strategy allocates its discretionary funds to prioritize transportation projects that support focused growth, mainly “fix it first” projects that maintain and enhance existing infrastructure and transit service. Around ~~88~~ **87** percent of discretionary funds will go to operations and maintenance—distributed roughly 40/60 between roadways and transit, respectively—with the remainder split between expansion of road, transit, and bike/pedestrian networks. Compared to Transportation 2035, the proposed Plan Bay Area would spend a higher percentage of its budget on transit and roadway operations and maintenance, less on expansion of transit network, and roughly the same percent on road and bridge expansion.

Given the larger budget of Plan Bay Area, this actually means a significant increase in money allocated to operations and maintenance and a decline in money budgeted for expansion, as shown in **Table 1.2-10**. For example, the 4 percent increase in the proportion of funds allocated to transit operations and maintenance, when applied to a budget that is ~~27~~ **34** percent larger, translates into a ~~36~~ **43** percent increase in actual dollars. Measured in dollars, compared to ~~RTP~~ **Transportation** 2035 the proposed Plan would increase operations and maintenance expenditures by ~~\$69~~ **\$76** billion (up by ~~37.5~~ **43** percent) and decrease money for system expansion by ~~\$7~~ **\$5** billion (down by ~~46~~ **14** percent).

Table 1.2-10 (Draft EIR page 1.2-50) is revised as follows:

TABLE 1.2-10: TRANSPORTATION INVESTMENTS OF PLAN BAY AREA VS. RTP 2035

	Plan Bay Area		RTP 2035		Change	
	% of Revenues	\$ billion	% of Revenues	\$ billion	% Change in Total \$	\$ billion
O&M-Transit	55%	\$159	51%	\$116 \$111	+37% +43%	+\$43 +\$48
O&M-Roads/Bridges	33% 32%	\$94	30%	\$68 \$66	+38% +42%	+\$26 +\$28
Expansion-Transit	7%	\$21	14%	\$32 \$30	-34% -30%	-\$11 -\$9
Expansion-Roads/Bridges	5%	\$15	5%	\$11	+36%	+\$4
Reserve-Cap & Trade	1%	\$3	0%	\$0		+\$3
TOTAL		\$289 \$292		\$227 \$218		+\$62 +\$74

Source: MTC, 2013.

The first full paragraph, under “Strategy,” on Draft EIR page 1.2-50, is revised as follows:

The proposed investment plan is guided by six strategies which support the “three E’s” of sustainability (economy, environment and equity) that stand at the top of Plan Bay Area’s goals. The estimated ~~\$57~~ **\$60** billion in discretionary revenues will be distributed among the following strategies, plus a ~~\$2~~ **\$5** billion reserve:

REVISIONS TO DRAFT EIR CHAPTER 2.0: IMPACTS INTRODUCTION

None

REVISIONS TO DRAFT EIR CHAPTER 2.1: TRANSPORTATION

The first paragraph, which includes the following list on page 2.1-22 of the Draft EIR is revised as follows:

Transportation Plan adopted by MTC; many of these CMAs intend on updating their countywide plans following the adoption of Plan Bay Area. The most recent county transportation plans are listed below.

- Alameda County Transportation Commission: 2012 Alameda Countywide Transportation Plan
- Contra Costa Transportation Authority: 2009 Countywide Comprehensive Transportation Plan

- San Francisco County Transportation Authority: San Francisco Transportation Plan 2035–2030 Countywide Transportation Plan adopted in 2004; the 2040 San Francisco Transportation Plan is expected to be adopted in Fall 2013
- Santa Clara Valley Transportation Authority: Valley Transportation Plan 2035
- Solano Transportation Authority: 2009 Comprehensive Transportation Plan 2035 Update
- Sonoma County Transportation Authority: 2009 Comprehensive Transportation Plan for Sonoma County
- Federated Indians of Graton Rancheria: Draft Tribal Transportation Plan

The text describing the “Roadway Network” (Draft EIR page 2.1-26) is revised as follows:

The region’s existing roadway network is composed of about 20,751 lane-miles, with 31 percent of those miles on freeways and expressways and 69 percent of those miles on arterials and collectors (**Figure 2.1-1** from earlier in this chapter illustrates the major existing Bay Area roadway facilities). Compared to existing conditions, the proposed Plan adds ~~three~~ four percent to the total roadway lane-miles. A significant component of the roadway capacity increases is the Regional Express Lanes Network, which builds new high-occupancy/toll (HOT) lanes on many of the region’s most congested freeway corridors. Highway widening projects, including capacity improvements to SR-4 in eastern Contra Costa County, US-101 in the North Bay, and I-680 in eastern Alameda County and eastern Contra Costa County, are responsible for the remainder of the freeway capacity increases.

The text describing “Public Transit Systems” (Draft EIR page 2.1-26) is revised as follows:

Transit seat-miles, a measure of transit capacity, are the miles that transit vehicles travel multiplied by the number of seats in each vehicle. The existing transit network (2010 conditions) consists of three dominant modes: heavy rail (e.g., BART—39 percent of seat-miles), local bus (30 percent of seat-miles), and commuter rail (e.g., Caltrain—13 percent of seat-miles). Daily transit seat-miles will increase by 27 percent from existing conditions due to the transit expansion and frequency improvement projects included in the proposed Plan. The largest increases in seat-miles in the proposed Plan are for heavy rail transit which adds ~~42,609,000~~ 4,991,000 seat-miles from 2010 conditions (a 29 percent increase) and for commuter rail transit which adds ~~8,379,000~~ 3,317,000 seat-miles from 2010 conditions (a 58 percent increase). These specific significant increases are primarily the result of projects such as BART to San José, eBART, SMART, and Caltrain Electrification/Frequency Improvements.

Table 2.1-11 (Draft EIR page 2.1-27) is revised as follows:

TABLE 2.1-11: TRANSPORTATION SYSTEM CAPACITY (2010-2040)

	2010	2040 Plan	Change (2010 to 2040 Plan)	
			Numerical	Percent
Freeway Lane-Miles	5,495	6,056	561	+10%
Expressway Lane-Miles	1,019	1,132 1,150	113 131	+11% +13%
Arterial Lane-Miles	8,710	8,749 8,801	39 91	+0% +1%
Collector Lane-Miles	5,528	5,502 5,536	-26 8	0%
Total Roadway Lane-Miles	20,751	21,43821,542	687791	+3%+4%
Daily ¹ Local Bus Seat-Miles	34,477,000 13,647,000	37,828,000 14,971,000	3,351,000 1,324,000	+10%
Daily Express Bus Seat-Miles	7,560,000 2,993,000	9,050,000 3,582,000	1,490,000 589,000	+20%
Daily Light Rail Seat-Miles	8,114,000 3,212,000	10,781,000 4,268,000	2,667,000 1,056,000	+33%
Daily Heavy Rail Seat-Miles	44,134,000 17,470,000	56,743,000 22,461,000	12,609,000 4,991,000	+29%
Daily Commuter Rail Seat-Miles	14,463,000 5,725,000	22,842,000 9,042,000	8,379,000 3,317,000	+58%
Daily Ferry Seat-Miles	4,612,000 1,826,000	7,099,000 2,810,000	2,487,000 984,000	+54%
Total Daily Transit Seat-Miles	113,361,000 44,872,000	144,344,000 57,133,000	30,983,000 12,261,000	+27%

Notes:

1. Daily metrics are measured for a typical weekday.

2. Decrease in lane miles is a result of general purpose lanes being converted to bus only facilities.

Source: Metropolitan Transportation Commission Travel Demand Forecasts, ~~2012~~2013.

The first paragraph under "Regional Travel Patterns" (Draft EIR page 2.1-27) is revised as follows:

When comparing year 2040 conditions under the proposed Plan to existing conditions, daily vehicle trips increase by 22 percent and daily transit use increases by ~~93~~22 percent. Note that the increases in total regional travel activity are primarily due to projected regional growth in population, jobs, and workers; investments in transportation infrastructure and implementation of the proposed land use pattern are only minor contributors to changes in total regional travel activity. However, as the analysis of the proposed Plan considers cumulative regional impacts, Bay Area population and employment growth are fundamental components of those impacts.

The second paragraph under “Regional Travel Patterns” (Draft EIR page 2.1-27) is revised as follows:

Table 2.1-12 displays vehicle hours of delay by facility type (i.e., freeways, expressways, arterials) and the breakdown of recurrent and non-recurrent delay. Overall, total vehicle hours of delay are forecasted to increase through year 2040 under the proposed Plan. Arterials and expressways will experience a larger increase in recurrent vehicle hours of delay relative to freeways (79 percent increase compared to a 48 percent increase). Non-recurrent delay on freeways will increase by ~~36~~35 percent over existing conditions assuming implementation of the proposed Plan.

The second paragraph under Impact 2.1-3 (Draft EIR page 2.1-32) is revised as follows:

Under the proposed Plan, per capita VMT on severely congested facilities (LOS F) would increase compared to existing conditions. Congested per capita VMT would increase by ~~29~~38 percent during the AM peak hours, by ~~74~~69 percent during the PM peak hours, and by ~~54~~57 percent for the day as a whole. These roadway traffic service levels reflect the impact of total VMT growth far exceeding the growth of roadway capacity.

Table 2.1-12 (Draft EIR page 2.1-28) is revised as follows:

TABLE 2.1-12: BAY AREA TRAVEL BEHAVIOR, 2010-2040

	2010	2040 Plan	Change (2010 to 2040 Plan)	
			Numerical	Percent
Daily ¹ Transit Boardings	1,581,000	3,054,000 <u>3,032,000</u>	1,473,000 <u>1,451,000</u>	+93% <u>+92%</u>
Daily Vehicle Trips ²	16,912,000	20,677,000 <u>20,674,000</u>	3,765,000 <u>3,762,000</u>	+22%
Daily Vehicle Miles of Travel (VMT) ²	149,046,000	179,408,000 <u>179,397,000</u>	30,362,000 <u>30,351,000</u>	+20%
Daily ¹ Vehicle Miles of Travel ² per Capita ³	20.8	19.6	-1.2	-6%
Daily Vehicle Hours of <u>Recurring</u> Delay (overall)	266,000	409,000	143,000	+54%
Daily Vehicle Hours of Recurring Delay (<u>Freeways</u>)	141,000	208,000	67,000	+48%
Daily Vehicle Hours of Recurring Delay (<u>Expressways and Arterials</u>)	58,000	104,000	46,000	+79%
Daily Vehicle Hours of Recurring Delay (<u>Other Facilities</u>)	67,000	97,000	30,000	+45%

Daily Vehicle Hours of <u>Non-Recurrent</u> Delay ⁴	108,000	147,000 <u>146,000</u>	39,000	+36% <u>+35%</u>
Total Daily Vehicle Hours of Delay	374,000	556,000 <u>555,000</u>	182,000 <u>181,000</u>	+49% <u>+48%</u>
Average Delay per Vehicle (Minutes)	4.6	5.6	1.0	+22% <u>+21%</u>

Notes:

1. Daily metrics are measured for a typical weekday.
2. Only reflects interzonal trips (assigned directly to the highway network); includes intraregional, interregional, airport-bound, and commercial vehicle trips.
3. Total daily VMT is calculated using Travel Model One; therefore, to calculate per-capita VMT, it is essential to use simulated population levels to ensure consistency. Simulated population may be slightly different than overall population forecasts for Plan Bay Area EIR alternatives due to slight variability in modeling tools. Further clarification on this issue is found in the Plan Bay Area EIR technical appendices.
4. Only includes non-recurrent delay on freeway facilities.

Source: Metropolitan Transportation Commission Travel Demand Forecasts, ~~2012~~2013.

Table 2.1-13 (Draft EIR page 2.1-29) is revised as follows:

TABLE 2.1-13: TYPICAL WEEKDAY DAILY PERSON TRIPS, BY MODE

Purpose	2010		2040 Plan	
	Trips	% of Total	Trips	% of Total
Drive Alone	11,717,000	50%	14,020,000 <u>14,017,000</u>	48%
Carpool	8,052,000	34%	9,433,000 <u>9,430,000</u>	32%
Transit	1,186,000	5%	2,151,000 <u>2,157,000</u>	7%
Walk	2,383,000	10%	3,429,000 <u>3,430,000</u>	12%
Bike	254,000	1%	393,000 <u>389,000</u>	1%
Total Trips¹	23,592,000	100%	29,426,000 0 <u>29,422,000</u>	100%

Note:

1. Excludes commercial and interregional trips.

Source: Metropolitan Transportation Commission Travel Demand Forecasts, ~~2012~~2013.

Table 2.1-14 (Draft EIR page 2.1-31) is revised as follows:

TABLE 2.1-14: PER-TRIP COMMUTE TRAVEL TIME¹, BY MODE

Mode	2010	2040 Plan	Change (2010 to 2040 Plan)	
			Numerical	Percent
Drive Alone	18.7	18.0 18.1	-0.7 0.6	-4% 3%
Carpool	14.2	13.7	-0.5	-4%
Transit	44.0	44.3	0.3	+1%
Walk	19.5	19.3	-0.2	-1%
Bike	12.5	12.8	0.3	+2%
All Modes	19.8	20.4	0.6 0.7	+3%

Note:

1. Travel times are shown in minutes.

Source: Metropolitan Transportation Commission Travel Demand Forecasts, ~~2012~~2013.

Table 2.1-15 (Draft EIR page 2.1-32) is revised as follows:

TABLE 2.1-15: PER-TRIP NON-COMMUTE TRAVEL TIME,¹ BY MODE

Mode	2010	2040 Plan	Change (2010 to 2040 Plan)	
			Numerical	Percent
Drive Alone	11.6	11.4	-0.2	-2% 1%
Carpool	11.4	11.3	-0.1	-1%
Transit	36.2	35.5 35.3	-0.7 0.9	-2%
Walk	18.3	18.1	-0.2	-1%
Bike	11.0	11.1	0.1	+1%
All Modes	12.7	12.9	0.2	+2%

Note:

1. Travel times are shown in minutes.

Source: Metropolitan Transportation Commission Travel Demand Forecasts, ~~2012~~2013.

Table 2.1-16 (Draft EIR page 2.1-33) is revised as follows:

TABLE 2.1-16: PER-CAPITA DAILY VEHICLE MILES OF TRAVEL BY LEVEL OF SERVICE (2010-2040)

LOS ¹ (V/C Ratio)	2010	2040	Change (2010 to 2040 Plan)	
		Plan	Numerical	Percent
AM Peak Period (6 AM to 10 AM)				
A-C (< 0.75)	4.19	3.70 <u>3.69</u>	-0.50	-12%
D-E (0.75-1.00)	1.05	1.16 <u>1.15</u>	0.10	+10%
F (> 1.00)	0.06	0.08 <u>0.09</u>	0.02	+29% <u>+38%</u>
Total	5.31	4.93	-0.37 <u>-0.38</u>	-7%
PM Peak Period (3 PM to 7 PM)				
A-C (< 0.75)	4.68	4.11	-0.57	-12%
D-E (0.75-1.00)	1.20	1.35	0.15	+12%
F (> 1.00)	0.06	0.10	0.04	+71% <u>+69%</u>
Total	5.94	5.56	-0.39	-7% <u>-6%</u>
Daily				
A-C (< 0.75)	18.27	16.56 <u>16.57</u>	-1.71 <u>-1.70</u>	-9%
D-E (0.75-1.00)	2.45	2.88 <u>2.86</u>	0.44 <u>0.41</u>	+18% <u>+17%</u>
F (> 1.00)	0.12	0.19 <u>0.20</u>	0.06 <u>0.07</u>	+51% <u>+57%</u>
Total	20.84	19.63	-1.21	-6%

Note:

1. LOS (level of service) measures traffic density with a range of A to F. LOS A-C reflect free-flow conditions with minimal delay. LOS D-E reflect somewhat congested conditions with some possible delays. LOS F reflects very congested conditions with significant volumes greater than roadway capacity, leading to significant delays.

Source: Metropolitan Transportation Commission Travel Demand Forecasts, ~~2012~~2013.

The text under Impact 2.1-3 (Draft EIR page 2.1-33) is revised as follows:

The proposed Plan works to minimize congestion impacts through a number of regional policies and investment strategies, including:

- Implementation of significant transit capacity increases along fixed guideways to provide congestion-immune alternatives to freeway and arterial corridors (including projects such as BART Metro, BART to San José, Central Subway, Van Ness Bus Rapid Transit, Geary Bus Rapid Transit, and East Bay Bus Rapid Transit);
- ~~Expansion of the~~ Implementation of the Freeway Performance Initiative to ~~go beyond~~ include existing freeway ramp meters ~~to focus heavily on~~ and signal coordination along congested arterials;
- The proposed land use pattern, which would emphasize focused growth in Priority Development Areas and shorten commute distances by bringing jobs and housing closer together; and

- Continued funding of the OneBayArea Grant (OBAG) program to accelerate development initiatives in Priority Development Areas through infrastructure improvements.

Mitigation Measure 2.1(c) (Draft EIR page 2.1-34) is revised to include the following:

2.1(c) MTC shall ~~pursue~~ implement MTC Resolution No. 4104, a policy that requires ~~the implementation of ramp metering throughout the region's highway network as a condition of discretionary funding~~ all major, new freeway projects included in the Transportation 2030 Plan and subsequent regional transportation plans include the installation and activation of freeway traffic operations system (TOS) to effectively operate the region's freeway system and enables the Commission to consider suspending fund programming actions for discretionary funds to any jurisdiction until MTC deems the requirements of MTC Resolution No. 4104 are met.

Table 2.1-17 (Draft EIR page 2.1-35) is revised as follows:

TABLE 2.1-17: DAILY VEHICLE MILES OF TRAVEL PER CAPITA (2010-2040)

	2010	2040 Plan	Change (2010 to 2040 Plan)	
			Numerical	Percent
Daily ¹ Vehicle Miles of Travel (VMT) ²	149,046,000	179,408,000 <u>179,397,000</u>	30,362,000 <u>30,351,000</u>	+20%
Daily¹ Vehicle Miles of Travel² per Capita³	20.8	19.6	-1.2	-6%

Notes:

- Daily metrics are measured for a typical weekday.
- Only reflects interzonal trips (assigned directly to the highway network); includes intraregional, interregional, airport-bound, and commercial vehicle trips.
- Total daily VMT is calculated using Travel Model One; therefore, to calculate per-capita VMT, it is essential to use simulated population levels to ensure consistency. Simulated population may be slightly different than overall population forecasts for Plan Bay Area EIR alternatives due to slight variability in modeling tools. Further clarification on this issue can be found in the Plan Bay Area EIR technical appendices.

Source: Metropolitan Transportation Commission Travel Demand Forecasts, ~~2012~~2013.

The first paragraph of the Draft EIR page 2.1-36 is revised as follows:

As shown in **Table 2.1-18**, in the AM peak period (when demand for transit is greatest), utilization of transit capacity (transit demand divided by transit supply) increases from 28 percent in year 2010 to 44 percent in year 2040; in the PM peak period, utilization increases from 25 percent in year 2010 to 39 percent in year 2040. For the day as a whole, utilization rises from 21 percent in year 2010 to 33 percent in year 2040. Light rail services have the greatest level of demand compared to service levels supplied, followed closely by heavy rail services. Commuter rail service demand approximately triples, but commuter rail services still only fill ~~47~~18 percent of their total seat-miles.

Table 2.1-18 (Draft EIR page 2.1-37) is revised as follows:

TABLE 2.1-18: UTILIZATION OF PUBLIC TRANSIT SYSTEMS, BY MODE (2010-2040)

	2010 Percent Utilization ¹	2040 Plan Percent Utilization ¹
AM Peak Period (6 AM to 10 AM)		
Local bus	24%	42%
Light rail ²	35%	57% 58%
Ferry	19%	23% 24%
Express bus	30%	44% 43%
Heavy rail ³	40%	57%
Commuter rail ⁴	7%	22%
All modes	28%	44%
PM Peak Period (3 PM to 7 PM)		
Local bus	25%	42% 43%
Light rail ²	34%	59%
Ferry	9%	12%
Express bus	26%	37% 38%
Heavy rail ³	36%	46% 47%
Commuter rail ⁴	5%	20%
All modes	25%	39%
Daily		
Local bus	19%	34%
Light rail ²	27%	49%
Ferry	8%	13%
Express bus	25%	37% 38%
Heavy rail ³	27%	46% 37%
Commuter rail ⁴	6%	18%
All modes	21%	33%

Notes:

1. Percent utilization measures the passenger seat-miles required by forecasted transit patrons as a percentage of total passenger seat-miles provided by transit operators (i.e. the percentage of seats on transit vehicles filled with passengers). Utilization levels greater than 80 percent reflect conditions where passengers either would have difficulty finding a seat or would have to stand during all or part of their ride.
2. Reflects utilization of Muni Metro and VTA light rail systems.
3. Reflects utilization of BART heavy rail system.
4. Reflects utilization of Caltrain, SMART, Capitol Corridor, and ACE commuter rail systems.

Source: Metropolitan Transportation Commission Travel Demand Forecasts, ~~2012~~2013.

REVISIONS TO DRAFT EIR CHAPTER 2.2: AIR QUALITY

In addition to the minor modifications made to the housing and employment distributions in the Draft Plan Bay Area, as explained in Section 2.1, one change was made to the EMFAC2011 model since the Draft EIR emissions analysis was completed.

Changes to the EMFAC2011

EMFAC2011 is the new version of CARB's emission model and provides planners a tool for assessing emissions under different forecast scenarios. This includes conformity analyses of transportation plans and programs with the State Implementation Plans (SIPs) required by federal law, SIP inventories, alternative growth scenarios associated with regional transportation planning for greenhouse gas reductions (SB375), and regional transportation plan, environmental impact report (EIR) emission inventories.

In July 2012, ARB staff identified a typographical error in the EMFAC2011-LDV module code that incorrectly assigned trips in gasoline powered school buses, urban transit buses, other buses, motorcycles, and motorhomes in Santa Clara County. These trips were overestimated as a result, which led to an overestimate of ROG emissions in the Bay Area and for the statewide total. The EMFAC2011-LDV module has been corrected and re-released. New input files to SG were generated for Santa Clara County. The module code and algorithms in the EMFAC2011-SG module were not otherwise affected by this change.

The United States Environmental Protection Agency (USEPA) approved the EMFAC2011 emissions model for SIP and conformity purposes effective March 6, 2013. EMFAC2011 must be used for all new regional emissions analyses and CO, PM₁₀ and PM_{2.5} hotspot analyses that are started on or after September 6, 2013.

The revisions identified in Section 2.2 to this Final EIR are the result of the updated Santa Clara County trip assignment as well as the revisions to the housing and employment data made in June 2013.

The following paragraph is added under "Regulatory Setting" (Draft EIR page 2.2-12):

Senate Bill 25

The Children's Environmental Health Protection Act (SB 25), passed by the California state legislature in 1999, requires ARB, in consultation with OEHHA, to review all existing health-based ambient air quality standards to determine whether, based on public health, scientific literature and exposure pattern data, these standards adequately protect the public, including infants and children, with an adequate margin of safety. As a result of the review requirement, in 2002 ARB adopted an annual average California Ambient Air Quality Standard (CAAQS) for PM_{2.5} of 12 ug/m³ that is not to be exceeded (California Code of Regulations, Title 17 § 70200, Table of Standards). The National Ambient Air Quality Standard (NAAQS) established an annual standard for PM_{2.5} (15 ug/m³) that is less stringent than the CAAQS, but also set a 24-hour average standard (35 ug/m³), which is not included in the CAAQS (Code of Federal Regulations, Title 40, Part 50.7).

Criterion 2.2-5(c) (Draft EIR page 2.2-17) is revised as follows:

Criterion 5: Cause a localized net increase in sensitive receptors located in Transit Priority Project (TPP) corridors where: (a) TACs or fine particulate matter (PM_{2.5}) concentrations result in a cancer risk greater than 100/million or a concentration of PM_{2.5} greater than 0.8 µg/m³ of PM_{2.5}; or (b) sensitive receptors are located within set distances (**Table 2.2-10**) to mobile or stationary sources of TAC or PM_{2.5} emissions; or (c) TACs or fine particulate matter (PM_{2.5}) concentrations result in noncompliance with an adopted Community Risk Reduction Plan or adopted Article 38 regulation that incorporates findings from a completed Community Risk Reduction Plan.

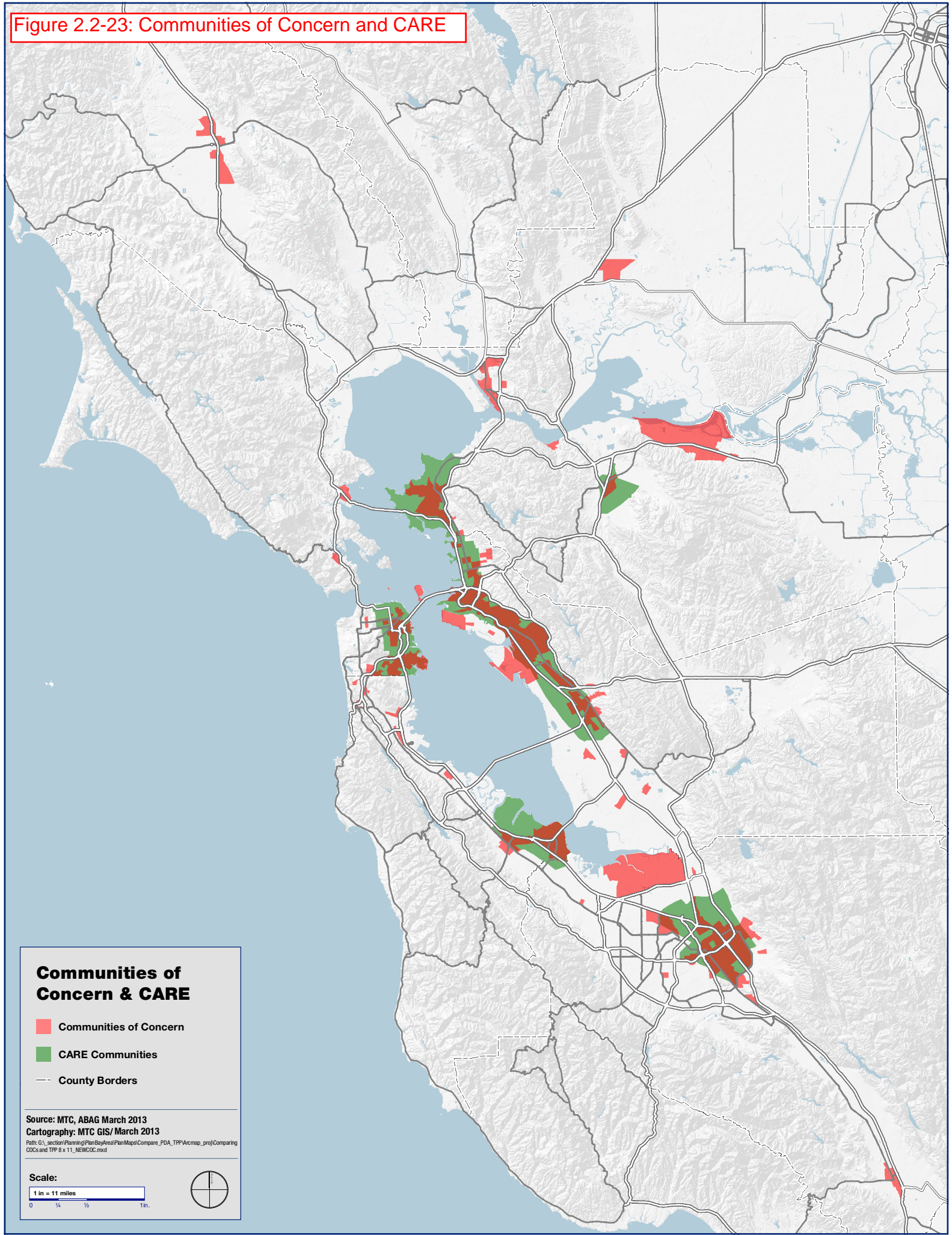
Table 2.2-5 (Draft EIR page 2.2-18) is revised as follows:**TABLE 2.2-5: TRAVEL DATA**

	2010	2040 Plan	Change 2010 to 2040 Plan	
			Numerical	Percent
Vehicles in Use	4,608,722	5,463,760 5,463,106	855,038 854,384	19%
Daily Vehicle Miles Traveled (VMT)	163,903,095	196,927,122 196,911,394	33,024,027 33,008,299	20%
Engine Starts	30,834,375	36,362,648 34,443,678	5,528,273 5,058,853	18% 17%
Total Population	7,091,000	9,196,000	2,105,000	30%
Total Employment	3,385,000	4,505,000	1,120,000	33%

Source: Metropolitan Transportation Commission, 2012.

Figure 2.23, “Communities of Concern and Care” (Draft EIR page 2.2-25) is replaced with the figure on the following page:

Figure 2.2-23: Communities of Concern and CARE



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The first paragraph on Draft EIR page 2.2-36 is revised as follows:

As shown in **Table 2.2-7**, the emissions for criteria pollutants ROG, NO_x (summertime and wintertime), CO, and PM_{2.5} from mobile sources would decrease between 2010 and the 2040 horizon for the proposed Plan (emissions of PM₁₀ would increase and are described under Impact 2.2-3b). When compared to existing conditions (2010), the proposed Plan reduces ROG emissions by ~~64~~64 percent, summertime NO_x emissions by ~~70~~71 percent, wintertime NO_x emissions by 71 percent, CO emissions by ~~70~~72 percent, and PM_{2.5} emissions by five percent. A major reason for these reductions is the increasingly stringent emission controls ARB has adopted for new vehicle engines and fuels over the past few decades. This includes the Truck and Bus Regulation which requires diesel trucks and buses to be upgraded to reduce emissions. As of January 1, 2012, heavier trucks must be retrofitted with PM filters; older trucks must be replaced starting January 1, 2015, and nearly all trucks and buses will need to have 2010 model year engines or equivalent by January 1, 2023. Other contributors include emission-control devices, the Enhanced Smog Check Program, and fleet turnover wherein older polluting cars are retired and replaced with newer and substantially less polluting cars. Additionally, the land use pattern in the proposed Plan includes concentrating future growth at higher densities around existing and proposed transit investments, which would reduce driving and motor vehicle emissions. Therefore, there is no adverse impact (NI).

Table 2.2-7 (Draft EIR page 2.2-36) is revised as follows:**TABLE 2.2-7: EMISSION ESTIMATES FOR CRITERIA POLLUTANTS USING EMFAC2011
EMISSION RATES (TONS PER DAY)**

	2010	2040 Plan	Change 2010 to 2040 Plan	
			Numerical	Percent
ROG	<u>93.785.0</u>	<u>36.530.2</u>	-57.1 <u>-54.8</u>	-61% <u>-64%</u>
NO _x (Summertime)	164.3 <u>163.5</u>	<u>48.547.8</u>	-115.8 <u>-115.7</u>	-70% <u>-71%</u>
NO _x (Wintertime)	185.3 <u>184.4</u>	<u>53.752.9</u>	-131.5	-71%
CO	879.9 <u>857.7</u>	<u>266.5241.0</u>	-613.4 <u>-616.8</u>	-70% <u>-72%</u>
PM _{2.5}	10.4	9.9	-0.5	-5%

Source: Metropolitan Transportation Commission, 2012.

Table 2.2-8 (Draft EIR page 2.2-37) is revised as follows:**TABLE 2.2-8: EMISSION ESTIMATES FOR CRITERIA POLLUTANTS USING EMFAC2011
EMISSION RATES (TONS PER DAY)**

	2010	2040 Plan	Change 2010 to 2040 Plan	
			Numerical	Percent
PM ₁₀	36.4	<u>41.040.9</u>	4.5	12%

Source: Metropolitan Transportation Commission, 2012.

Mitigation Measure 2.2(d) (Draft EIR page 2.2-81) is revised as follows:

2.2(d) Mitigation measures that shall be considered by implementing agencies and/or project sponsors where feasible based on project-and site-specific considerations include, but are not limited to best management practices (BMPs), such as the following:

- Installation of air filtration to reduce cancer risks and PM exposure for residents, and other sensitive populations, in buildings that are in close proximity to freeways, major roadways, diesel generators, distribution centers, railyards, railroads or rail stations, and ferry terminals. Air filter devices shall be rated MERV-13 or higher. As part of implementing this measure, an ongoing maintenance plan for the building's HVAC air filtration system shall be required.
- Phasing of residential developments when proposed within 500 feet of freeways such that homes nearest the freeway are built last, if feasible.
- Sites shall be designed to locate sensitive receptors as far as possible from any freeways, roadways, diesel generators, distribution centers, and railyards. Operable windows, balconies, and building air intakes shall be located as far away from these sources as feasible. If near a distribution center, residents shall not be located immediately adjacent to a loading dock or where trucks concentrate to deliver goods.
- Limiting ground floor uses in residential or mixed-use buildings that are located within the set distance of 500 feet to a non-elevated highway or roadway. Sensitive land uses, such as residential units or day cares, shall be prohibited on the ground floor.
- Planting trees and/or vegetation between sensitive receptors and pollution source, if feasible. Trees that are best suited to trapping PM shall be planted, including one or more of the following: Pine (*Pinus nigra* var. *maritima*), Cypress (*X Cupressocyparis leylandii*), Hybrid poplar (*Populus deltoids X trichocarpa*), and Redwoods (*Sequoia sempervirens*).
- Within developments, sensitive receptors shall be separated as far away from truck activity areas, such as loading docks and delivery areas, as feasible. Loading docks shall be required ~~electrification~~ to be electrified and all idling of heavy duty diesel trucks at these locations shall be prohibited.
- If within the project site, diesel generators that are not equipped to meet ARB's Tier 4 emission standards shall be replaced or retrofitted.
- If within the project site, emissions from diesel trucks shall be reduced through the following measures:
 - Installing electrical hook-ups for diesel trucks at loading docks.
 - Requiring trucks to use Transportation Refrigeration Units (TRU) that meet Tier 4 emission standards.
 - Requiring truck-intensive projects to use advanced exhaust technology (e.g. hybrid) or alternative fuels.
 - Prohibiting trucks from idling for more than two minutes as feasible.
 - Establishing truck routes to avoid residential neighborhoods or other land uses serving sensitive populations. A truck route program, along with truck calming,

parking and delivery restrictions, shall be implemented to direct traffic activity at non permitted sources and large construction projects.

- For transportation projects that would result in a higher pollutant load in close proximity to existing sensitive receptors, project sponsors shall consider, as appropriate:
 - Adjusting project design to avoid sensitive receptors.
 - Including vegetation and other barriers between sensitive receptors and the project.
 - Providing air filtration devices for residential and other sensitive receptor uses.
- To help determine the appropriateness of project and site-specific mitigation, MTC/ABAG recommends that implementing agencies and/or project sponsors utilize the BAAQMD's most recent *Recommended Methods for Screening and Modeling Local Risks and Hazards* guidance and BAAQMD's Google Earth screening tool to identify areas/sites that may surpass health-based air quality thresholds and thereby be appropriate for mitigation.

Impact statement 2.2-5(c) on Draft EIR page 2.2-82 is revised as follows:

Impact 2.2-5(c): Implementation of the proposed Plan could cause a localized net increase in sensitive receptors located in Transit Priority Project (TPP) corridors where TACs or fine particulate matter (PM_{2.5}) concentrations result in noncompliance with an adopted Community Risk Reduction Plan or adopted Article 38 regulation that incorporates findings from a completed Community Risk Reduction Plan.

The first paragraph on Draft EIR page 2.2-83 is revised as follows:

In jurisdictions with an adopted CRRP or adopted Article 38 regulation that incorporates findings from a completed Community Risk Reduction Plan, any proposed project that includes sensitive land uses and or receptors should be evaluated against the standards, thresholds and mitigation measures in those adopted plans. Where a proposed project is consistent with an adopted CRRP or adopted Article 38 regulation that incorporates findings from a completed Community Risk Reduction Plan, the impact would be less than significant (LS).

Table 2.2-11 (Draft EIR page 2.2-84) is revised as follows:**TABLE 2.2-11: PERCENT CHANGE IN ON-ROAD MOBILE SOURCE EXHAUST EMISSIONS,
YEARS 2010 - 2040**

	<i>Exhaust Only PM_{2.5}</i>	<i>Diesel PM</i>	<i>Benzene</i>	<i>1, 3 Butadiene</i>	<i>VMT</i>
Alameda CARE Community	-56.11%	-69.23%	-71.16%	-71.56%	18.64% <u>18.48%</u>
Remainder of County	-55.13% <u>-55.01%</u>	-67.24%	-69.27%	-69.58%	24.69% <u>24.85%</u>
Contra Costa CARE Community	-57.54% <u>-57.34%</u>	-69.35%	-71.82%	-72.15%	14.56% <u>14.94%</u>
Remainder of County	-57.69% <u>-57.52%</u>	-68.71%	-70.57%	-70.84%	15.92% <u>16.25%</u>
San Francisco CARE Community	-53.23% <u>-53.13%</u>	-70.01%	-74.02%	-74.47%	11.57% <u>11.59%</u>
Remainder of County	-46.22% <u>-46.24%</u>	-69.78%	-75.53%	-75.80%	7.89% <u>7.61%</u>
San Mateo CARE Community	-56.91% <u>-57.00%</u>	-69.90%	-70.68%	-71.19%	19.00% <u>18.53%</u>
Remainder of County	-57.67% <u>-57.68%</u>	-69.16%	-71.20%	-71.51%	15.53% <u>15.32%</u>
Santa Clara CARE Community	-50.86% <u>-50.85%</u>	-66.16%	-67.58%	-68.08%	31.63% <u>31.55%</u>
Remainder of County	-54.14%	-67.23%	-69.55%	-69.92%	23.00% <u>22.84%</u>
Regionwide CARE Communities	-54.49% <u>-54.45%</u>	-68.43%	-70.55%	-70.99%	21.12% <u>21.06%</u>
Remainder of Region	-55.64% <u>-55.58%</u>	-67.66%	-69.97%	-70.27%	20.21% <u>20.20%</u>

Source: The Bay Area Air Quality Management District, 2013.

Table 2.2-12 (Draft EIR page 2.2-85) is revised as follows:

TABLE 2.2-12: PERCENT CHANGE IN ON-ROAD MOBILE SOURCE TOTAL PM EMISSIONS, YEARS 2010–2040 (TOTAL PM_{2.5} INCLUDES VEHICLE EXHAUST, RE-ENTRAINED ROAD DUST, TIRE AND BRAKE WEAR)

Alameda CARE Community	-1.36% -1.44%
Remainder of County	2.49% -2.67%
Contra Costa CARE Community	-3.64% -3.28%
Remainder of County	-3.70% -3.38%
San Francisco CARE Community	-3.62% -3.55%
Remainder of County	-2.35% -2.55%
San Mateo CARE Community	-1.53% -1.85%
Remainder of County	-4.82% -4.93%
Santa Clara CARE Community	10.53% 10.51%
Remainder of County	2.89% 2.80%
Regionwide CARE Communities	1.65% 1.66%
Remainder of Region	-0.23% -0.18%

Source: The Bay Area Air Quality Management District, 2013.

REVISIONS TO DRAFT EIR CHAPTER 2.3: LAND USE AND PHYSICAL DEVELOPMENT

Table 2.3-6 (Draft EIR page 2.3-15) is revised as follows:

TABLE 2.3-6: BAY AREA PARKS AND OPEN SPACE

<i>County</i>	<i>Parks and Open Space (acres)*</i>
Alameda	116,000 110,000
Contra Costa	130,000 120,000
Marin	162,000 160,000
Napa	129,000 121,000
San Francisco	6,000 5,600
San Mateo	108,000 85,000
Santa Clara	201,000 178,000
Solano	53,000 40,000
Sonoma	110,000 117,000
TOTAL	1,015,000940,000

* Includes publicly owned lands and privately owned lands that are accessible to the public.

Note: Figures may not sum due to independent rounding.

Source: Bay Area Open Space Council and GreenInfo Network, Bay Area Protected Areas Database, 2011

The last paragraph on Draft EIR page 2.3-27 is revised as follows:

The most comprehensive land use planning for the San Francisco Bay Area region is provided by city and county general plans, which local governments are required by State law (California Government Code Section 65300 et seq.) to prepare as a guide for future development. The general plan contains goals and policies concerning topics that are mandated by State law or which the jurisdiction has chosen to include. Required topics are: land use, circulation, housing, conservation, open space, noise, and safety. Other topics that local governments frequently choose to address are: public facilities, parks and recreation, community design, and/or growth management. City and county general plans must be consistent with each other. County general plans must cover areas not included by city general plans (i.e., unincorporated areas). Additional information about General Plan housing elements and update cycles is available on the California Department of Housing and Community Development website's housing element page: <http://www.hcd.ca.gov/hpd/hrc/plan/he/>.

The first paragraph on Draft EIR page 2.3-34 is revised as follows:

The agricultural lands and open space analysis identifies factors affecting development impacts at the county level and determines whether the proposed Plan would affect the relative ability of local jurisdictions to protect agriculture and open space designated as ~~“permanent.”~~ protected. The overall goal is to minimize the adverse effect of increased demand for public facilities and services on prime farmland and other important farmland slated to be preserved. The analysis considers direct and indirect impacts and focuses on identified priority agricultural areas. The analysis also identifies areas that may be subject to conversion of Williamson Act contract lands.

The text under “Mitigation Measures” on Draft EIR page 2.3-40 is revised as follows:

Implementing agencies and/or project sponsors shall consider implementation of ~~mitigations~~ mitigation measures including but not limited to those identified below.

2.3(a) Mitigation measures that shall be considered by implementing agencies and/or project sponsors where feasible based on project-and site-specific considerations include, but are not limited to:

- Regulating construction operations on existing facilities to minimize traffic disruptions and detours, and to maintain safe traffic operations.
- Ensuring construction operations are limited to regular business hours where feasible.
- Controlling construction dust and noise. See “Construction Best Practices for Dust” under Mitigation Measure 2.2(a) in *Chapter 2.2: Air Quality*.
- Controlling erosion and sediment transport in stormwater runoff from construction sites. See “Construction Best Practices for Dust” under Mitigation Measure 2.2(a) in *Chapter 2.2: Air Quality*.

- Complying with existing local regulations and policies that exceed or reasonably replace any of the above measures that reduce short-term disruption and displacement.

Mitigation Measure 2.2(a) ~~in Chapter 2.2: Air Quality~~ includes additional applicable measures related to this impact, which are ~~included-incorporated~~ here by reference.

The first paragraph on page 2.3-47 of the Draft EIR is revised as follows:

With the exception of San Francisco, all counties in the Bay Area protect open space and agricultural lands by county-wide land use measures, such as urban service areas, environmental corridors, slope/density restrictions, stream conservation areas, or riparian buffers. Additionally, some cities have Urban Growth Boundaries (UGB) to limit sprawl and protect agricultural land. Protected open space is defined as publicly owned parkland and undeveloped land, including regional parks and other land in public ownership, as well as such lands subject to permanent restrictions on use to which owners have voluntarily agreed, as defined by a land use authority. Generally, this means that if a project falls outside a UGB, there are regulatory measures in place to aid local jurisdictions in farmland protection. Still, there are many communities without growth limits in place, and those that do exist vary in quality, effectiveness, and enforcement. According to MTC/ABAG, of 101 Bay Area municipalities, 27 have UGBs as of January 2013. Additionally, countywide growth boundaries in Contra Costa and San Mateo counties apply to all cities within their jurisdiction. Counties and cities with measures protecting open space are summarized in **Table 2.3-14. The Urban Growth Boundary in the proposed Plan reflects locally designated urban growth boundaries.**

The first paragraph under “Impact Analysis” (Draft EIR page 2.3-31) is revised as follows:

The land use impact analysis assesses the potential for significant adverse impacts related to conversion or loss of important agricultural lands and open space; community displacement and disruptions, including potential loss of housing and separation of people from community resources; and Plan consistency with adopted land use plans. “Community separation” refers to permanent alterations to an existing neighborhood or community that separate residences from community facilities and services, restrict access to commercial or residential areas, or eliminate community amenities.

The first paragraph under “Consistency With Land Use Plans” (Draft EIR page 2.3-33) is revised as follows:

The proposed Plan focuses regional growth into PDA areas. In preparation for the drafting of the proposed Plan, local jurisdictions, which have land use authority, nominated areas within their borders as potential PDAs appropriate to concentrate future growth. Not all jurisdictions have nominated PDAs. Local jurisdictions identified the appropriate Place Type for each PDA (such as regional center, transit neighborhood, or rural town), which provides a general set of guidelines for the character, scale, and density of future growth and best

matches the community vision for the area.² Regional land use and housing allocations, particularly as related to PDAs, were based on extensive dialogue between ABAG and local jurisdictions and the proposed Plan will only be implemented insofar as local jurisdictions adopt its policies and recommendations. A qualitative discussion related to the generalized effects of these changes is outlined below.

The last paragraph on Draft EIR page 2.3-38 (continuing on to Draft EIR page 2.3-39) is revised as follows:

While it is unlikely that multiple construction projects would occur in the same location and timeframe over the life of the proposed Plan, there is the possibility that short-term displacement and disruption from construction of a combination of transportation and land use projects could result in compounded short-term impacts in some locations. Similarly, while long-term impacts would likely not be worsened by concurrent land use and transportation improvements, there could be worsened impacts in some locations. For instance, redevelopment near a transit station could push shifts in building and market type resulting in displacement. Further, if over time land use and transportation projects that require demolition of existing homes occur in the same area, the impact could be worsened by displacing a larger number of units locally. This type of displacement or disruption would only occur locally since regionally more units and jobs would be created to replace any lost jobs and housing overall. In addition, numerous policy initiatives are incorporated in the Plan to provide additional resources for addressing displacement pressure. First, several tasks in the Bay Area Prosperity Strategy will specifically research displacement pressures and trends and what actions can be taken to affect displacement pressure. The One Bay Area Grant (OBAG) program requires both cities and counties wishing to receive these funds to have an adopted housing element and for the Congestion Management Agencies (CMAs) to review what housing policies are currently in place throughout the region. As noted, MTC is making a direct investment of \$10 million to increase the Bay Area Transit Oriented Affordable Housing to at least \$90 million. This fund can finance both the preservation of existing housing that is affordable, land banking, or the construction of new affordable housing. Overall, ~~impacts in the long-term would be potentially significant (PS) the Plan incorporates strategies to reduce displacement pressure; however, the impact remains potentially significant (PS).~~ Mitigation measures 2.3(a), 2.3(b), and 2.3(c) are described below.

The text (Draft EIR page 2.3-41) that describes Mitigation Measures 2.3(d) and 2.3(e) under "Mitigation Measures" is revised as follows:

2.3(d) Mitigation measures that shall be considered by implementing agencies and/or project sponsors where feasible based on project-and site-specific considerations include, but are not limited to the following. All new transportation projects shall be required to incorporate design features such as sidewalks, bike lanes, and bike/pedestrian bridges or tunnels that maintain or improve access and connections within existing communities and to public transit. Implementing agencies shall require project sponsors to comply with existing local regulations and policies that exceed or reasonably replace any of the above measures that reduce community separation.

² Association of Bay Area Governments, Plan Bay Area Jobs-Housing Connection Strategy, revised May 16, 2012.

2.3(e) Mitigation measures that shall be considered by implementing agencies and/or project sponsors where feasible based on project-and site-specific considerations include, but are not limited to the following. New development projects shall be required to provide connectivity for all modes such that new development does not separate existing uses, and improves access where needed and/or feasible, by incorporating ‘complete streets’ design features such as pedestrian-oriented streets and sidewalks, improved access to transit, and bike routes where appropriate. ‘Complete Streets’ describes a comprehensive, integrated transportation network with infrastructure and design that allows safe and convenient travel along and across streets for all users, including pedestrians, bicyclists, persons with disabilities, motorists, movers of commercial goods, users and operators of public transportation, seniors, children, youth, and families. Implementing agencies shall require project sponsors to comply with existing local regulations and policies that exceed or reasonably replace any of the above measures that reduce community separation.

The first paragraph under “Combined Effects” (last paragraph on page 2.3-51 of the Draft EIR) is revised as follows:

Together, land use and transportation projects in the proposed Plan have the potential to convert 5,941 acres of agricultural land to urbanized uses, which represents 0.3 percent of all agricultural land in the Bay Area. Of this, 1,184 acres are identified as Prime or Unique Farmland, or Farmland of Statewide Importance (assuming no overlap). Further, 723 acres of Williamson Act lands are identified as potentially converted by combined land use and transportation projects. This represents 0.06 percent of all Williamson Act lands in the Bay Area. Finally, 2,022 acres of protected open space land (excluding agricultural land, forest land, or timberland, which are addressed separately) are identified as potentially converted by combined land use and transportation projects. This represents ~~0.5~~ 0.6 percent of ~~368,400~~ 327,700 acres of open space land in the Bay Area that is not also agricultural, timberland, or forest land. The overall proportion of these conversions relative to Bay Area resources is negligible. However, any conversion of agricultural or open space land as a result of land use or transportation projects is considered significant, therefore the impact on agricultural and open space acreage is considered potentially significant (PS). Mitigation Measures 2.3(g) and 2.3(h) are described below.

The text under Mitigation Measure 2.3(g) (Draft EIR page 2.3-52) is revised as follows:

2.3(g) Mitigation measures that shall be considered by implementing agencies and/or project sponsors where feasible based on project-and site-specific considerations include, but are not limited to:

- Requiring project relocation or corridor realignment, where feasible, to avoid farmland, especially Prime Farmland;
- Acquiring conservation easements on land at least equal in quality and size as partial compensation for the direct loss of agricultural land or contributing funds to a land trust or other entity qualified to preserve Farmland in perpetuity;
- Maintain and expand agricultural land protections such as urban growth boundaries;

- If a Williamson Act contract is terminated, a ratio greater than 1:1 of land equal in quality shall be set aside in a conservation easement, as recommended by the Department of Conservation;
- Instituting new protection of farmland in the project area or elsewhere in the County through the use of less than permanent long-term restrictions on use, such as 20-year Farmland Security Zone contracts (Government Code Section 51296 et seq.) or 10-year Williamson Act contracts (Government Code Section 51200 et seq.);
- Assessing mitigation fees that support the commercial viability of the remaining agricultural land in the project area, County, or region through a mitigation bank that invests in agricultural infrastructure, water supplies, marketing, etc.;
- Minimizing isolation, severance and fragmentation of agricultural land by constructing underpasses and overpasses at reasonable intervals to provide property access;
- If a project involves acquiring land or easements, it shall be ensured that the remaining nonproject area is of a size sufficient to allow viable farming operations, and the project proponents shall be responsible for acquiring easements, making lot line adjustments, and merging affected land parcels into units suitable for continued commercial agricultural management;
- Requiring agricultural enhancement investments such as supporting farmer education on organic and sustainable practices, assisting with organic soil amendments for improved production, and upgrading irrigation systems for water conservation;
- Reconnecting utilities or infrastructure that service agricultural uses if disturbed by project construction;
- Requiring project proponents to be responsible for restoring access to roadways or utility lines, irrigation features, or other infrastructure disturbed by construction to ensure that economically viable farming operations are not interrupted;
- Managing project operations to minimize the introduction of invasive species or weeds that may affect agricultural production on adjacent agricultural land;
- Requiring buffer zones, which can function as drainage swales, trails, roads, linear parkways, or other uses compatible with ongoing agricultural operations, (the width of buffer zones to be determined on a project-specific basis, taking into account prevailing winds, crop types, agricultural practices, ecological restoration, and infrastructure) between projects and adjacent agricultural land, which should be designed to protect the feasibility of ongoing agricultural operations and protect ecological restoration areas from noise, dust, and the application of agricultural chemicals;
- Requiring berms, ~~buffer zones~~, setbacks, and fencing to reduce use conflicts between new development and farming uses and to protect the functions of farmland; and
- Requiring other conservation tools available from the California Department of Conservation's Division of Land Resource Protection.
- Requiring compliance with existing local regulations and policies that exceed or reasonably replace any of the above measures that reduce farmland conversion.

The sentence under “Mitigation Measures” on Draft EIR page 2.3-53 is revised as follows:

Implementing agencies and/or project sponsors shall consider implementation of ~~mitigations~~ mitigation measures including but not limited to those identified below.

The first paragraph on Draft EIR page 2.3-55 is revised as follows:

Overall, there are transportation projects in eight counties (excluding Contra Costa) with the potential to impact ~~62–58~~ acres of forest land or timberland, assuming the worst-case disturbance, which is a negligible proportion of overall forest and land timberland acres in the Bay Area.³ San Francisco, Sonoma, and San Mateo counties are the most impacted, with 22, 22, and 12 acres of potentially threatened forest land and timberland, respectively. Impacted acreage in the other five counties is negligible (less than three acres).

The sentence under “Mitigation Measures” on Draft EIR page 2.3-56 is revised as follows:

Implementing agencies and/or project sponsors shall consider implementation of ~~mitigations~~ mitigation measures including, but not limited to, ~~those~~ the measure identified below.

REVISIONS TO DRAFT EIR CHAPTER 2.4: ENERGY

None

REVISIONS TO DRAFT EIR CHAPTER 2.5: CLIMATE CHANGE AND GREENHOUSE GASES

In addition to the minor modifications made to the housing and employment distributions in the Draft Plan Bay Area, as explained in Section 2.1, one change was made to the EMFAC2011 model since the Draft EIR emissions analysis was completed.

Changes to the EMFAC2011

EMFAC2011 is the new version of CARB’s emission model and provides planners a tool for assessing emissions under different forecast scenarios. This includes conformity analyses of transportation plans and programs with the State Implementation Plans (SIPs) required by federal law, SIP inventories, alternative growth scenarios associated with regional transportation planning for greenhouse gas reductions (SB375), and regional transportation plan, environmental impact report (EIR) emission inventories.

In July 2012, ARB staff identified a typographical error in the EMFAC2011-LDV module code that incorrectly assigned trips in gasoline powered school buses, urban transit buses, other buses, motorcycles, and motorhomes in Santa Clara County. These trips were overestimated as a result,

³ The acreage calculation is based on a 100 foot buffer on either side of the centerline of a linear project and a 100 foot radius around the center of a point project, such as an intersection improvement resulting in a new configuration. Existing roadway is categorized as “roadway” and thus not counted in timberland impact totals.

which led to an overestimate of ROG emissions in the Bay Area and for the statewide total. The EMFAC2011-LDV module has been corrected and re-released. New input files to SG were generated for Santa Clara County. The module code and algorithms in the EMFAC2011-SG module were not otherwise affected by this change.

The United States Environmental Protection Agency (USEPA) approved the EMFAC2011 emissions model for SIP and conformity purposes effective March 6, 2013. EMFAC2011 must be used for all new regional emissions analyses and CO, PM₁₀ and PM_{2.5} hotspot analyses that are started on or after September 6, 2013.

The revisions identified in Section 2.2 to this Final EIR are the result of the updated Santa Clara County trip assignment as well as the revisions to the housing and employment data made in June 2013.

Greenhouse Gas Emissions Revision

Two minor modifications were made to the analysis of greenhouse gas emissions reductions from the Climate Program. The revisions were:

1. **Carsharing:** for the 2035 analysis, Criterion 2.5-1, updated population according to 2035 data (previous analysis mistakenly used 2040 population data). Note that the adjustments yield a reduction the percent GHG reduction benefits from 2.8 percent to 2.6 percent.
2. **General:** Updated GHG emissions for each year. Updated methodology to calculate the GHG reductions from the feebate and vehicle buyback components of the Climate Program Initiatives to be consistent with other strategies. Note that this adjustment reduced the percent GHG reductions reported for the vehicle buyback and the feebate program were reduced very slightly, from 480 typical weekday tons in 2035 to 470 typical weekday tons, and from 640 typical weekday tons in 2035 to 590 typical weekday tons, respectively.

The revisions to the GHG analysis identified in Section 2.2 to this Final EIR are the result of the updated EMFAC2011 data, the revisions to the housing and employment data made in June 2013, and these two minor updates of the GHG emissions reductions for the Climate Program Initiatives. These changes do not affect the significance conclusions in the Draft EIR, nor do they result in significant changes in the regional modeling results, including the conclusion that the Draft Plan achieves the greenhouse gas emissions reduction targets.

Table 2.5-1 on Draft EIR page 2.5-5 is revised as follows:

TABLE 2.5-1: 2007 BAY AREA CO₂E EMISSIONS BY POLLUTANT

<i>Pollutant</i>	<i>Percentage</i>	<i>CO₂e (Million Metric Tons/Year)</i>
Carbon Dioxide	92	88
Methane	3	3
Nitrous Oxide	2	2
HFC, PFC, SF ₆	4	4
Total	100	96

***Note:** MMTCO₂E stands for million metric tons of CO₂ equivalents. MTCO₂E stands for metric tons of CO₂ equivalents.

Source: Bay Area Air Quality Management District, Source Inventory of Bay Area Greenhouse Gas Emissions, Updated 2010.

The first paragraph under “California Sea Level Rise Interim Guidance Document” (Draft EIR page 2.5-27) is revised as follows:

EO S-13-08 directs the California Natural Resources Agency, in coordination with other state agencies and the National Academy of Sciences, to assess sea level rise for the Pacific Coast and create official sea level rise estimates for state agencies in California, Oregon and Washington. The assessment and official estimates ~~are expected in 2012~~ were released on March 15, 2013—in the interim, the California Ocean Protection Council convened the Sea Level Rise Task Force, comprised of representatives from 16 state agencies, to provide guidance to state agencies on incorporating sea level rise into planning decisions. The California Sea Level Rise Interim Guidance Document, released in October 2010, seeks to enhance consistency across agencies as each develops its respective approach to planning for sea level rise.

The paragraph under “Greenhouse Gas Emissions” (Draft EIR page 2.5-42) is revised as follows:

MTC generates vehicle activity data from its travel demand forecasting models, and uses EMFAC 2011 to calculate the CO₂ emissions from motor vehicle sources. Because the emissions model is based on the travel demand forecast model outputs, it accounts for the land use pattern as well as transportation improvements outlined in the proposed Plan. The emissions model also accounts for the effects of congestion (changes in average vehicle speeds) on CO₂ emissions. A detailed description of EMFAC 2011 is included in *Chapter 2.2: Air Quality* and a detailed description of the MTC travel demand forecasting model is included in *Chapter 2.1: Transportation*. EMFAC 2011 CO₂ output was subsequently adjusted to account for MTC’s Climate Policy Initiatives, which are part of the proposed Plan and are expected to reduce overall emissions in 2020 by ~~3,950~~ 3,900 tons of CO₂ per day, and by ~~5,900~~ 5,700 tons of CO₂ per day in 2035 and 2040. **Table 2.5-5** shows these reduction assumptions by policy and corresponding reductions in annual Metric Tons of CO₂ equivalent (MTCO₂e). Detailed information on how the policy reductions were calculated and details on the assumed implementation year for each policy are included in MTC’s

supplemental technical report, *Summary of Predicted Traveler Responses*, available on the project website www.onebayarea.org.

Table 2.5-5 (Draft EIR page 2.5-43) is revised as follows:

TABLE 2.5-5: PLAN BAY AREA CLIMATE POLICY INITIATIVES AND REDUCTIONS

Policy	2020			2035/2040		
	% Per Capita Reduction from 2005	Daily Tons of CO ₂	Annual MTCO ₂ e ¹	% Per Capita Reduction from 2005	Daily Tons of CO ₂	Annual MTCO ₂ e
Regional Electric Vehicle Public Charger Network	-0.1%	90 76	25,800 21,100	-0.3%	270 280	75,000 78,300
Vehicle Buy-Back and Plug-In/ Electric Vehicles Purchase Incentives	0.0%	-	-	-0.5%	480 470	133,500 130,500
Car Sharing	-2.6%	2060 2,040	572,400 566,300	2.8% 2.6%	2,540 2,350	703,700 651,200
Vanpool Incentives	-0.3%	-230	-63,800	-0.4%	-360	-98,500
Clean Vehicles Feebate Program	0.00%	-	-	-0.7%	640 590	176,300 163,000
Smart Driving Strategy	1.9% 1.8%	-1,450	-403,100	1.6% 1.5%	-1,390	-384,800
Commuter Benefits Ordinance	0.2% 0.1%	-120	-32,500	-0.3%	-230	-64,700
Total	5.1% 5.0%	3,950 3,920	1,097,600 1,086,800	6.6% 6.3%	5,900 5,660	1,636,500 1,582,300

Note: Figures may not sum due to independent rounding.

1. A ratio of 1.00:1.02 was applied to all EMFAC 2011 generated CO₂ estimates to convert them to CO₂e. Emissions are annualized by multiplying by 300 to take account for the fact that there is less traffic on weekends. Conversion factors are taken from the California Air Resource Board Local Government Operations Protocol, Version 1.1, May 2010.

Source: MTC, 2013, Dyett & Bhatia, 2013.

The first paragraph under Impact 2.5-1 (Draft EIR page 2.5-50) is revised as follows:

Table 2.5-7 shows total daily and per capita car and light duty truck CO₂ emissions, which are expected to decline over time. The proposed Plan is expected to result in a ~~40.3~~ 10.4 percent decline in per capita emissions from 2005 to 2020, and a ~~46.4~~ 16.2 percent decline in per capita CO₂ emissions from 2005 to 2035, exceeding the SB 375 targets (of seven and 15 percent, respectively). This decline is attributable to numerous factors, most importantly the integrated land use and transportation plan in which the land use pattern focuses growth in higher-density locations near transit services. This compact approach to growth allows more efficient use of the existing transportation infrastructure. The land use development pattern is described in greater detail in *Chapter 1.2: Overview of the Proposed Plan Bay Area*.

Table 2.5-7 (Draft EIR pages 2.5-50 and 2.5-51) is revised as follows:

TABLE 2.5-7: TOTAL AND PER CAPITA PASSENGER VEHICLE AND LIGHT DUTY TRUCK CO₂ EMISSIONS

Year	Population	Modeled GHG Emissions (daily tons of CO ₂)	Policy Initiatives Reduction (daily tons of CO ₂)	CO ₂ Emissions Per Capita (lb)	Per Capita CO ₂ Emissions Relative to 2005	SB 375 Target
2005	7,008,000	72,000	0	20.5	0.0%	n/a
2020	7,694,000	75,000	-4,000	18.3	-10.3%	-7.0%
	<u>7,698,000</u>	<u>74,000</u>			<u>-10.4%</u>	
2035	8,749,000	81,000	-5,900	17.1	-16.4%	-15.0%
			<u>-5,700</u>		<u>-16.2%</u>	
2040	9,137,000	83,000	-5,900	16.8	-10.0%	n/a
	<u>9,139,000</u>	<u>83,000</u>	<u>-5,700</u>		<u>-17.7%</u>	

Source: MTC, 2013.

The “Transportation GHG Emissions” section (Draft EIR pages 2.5-55 through 2.5-56) is revised as follows:

Overall, as a result of the growing number of residents and jobs in the region, total on-road transportation GHG emissions would be expected to increase over time if no standards were put in place. However, consistent with State legislation, the analysis incorporates implementation of Pavley and LCFS regulations over the life of the proposed Plan. As shown in **Table 2.5-9**, when these standards are taken into account overall GHG emissions decline by 25 percent for passenger vehicles and by 7 percent for buses. While trucks and other vehicles GHG emissions continue to increase over time, these modes make a relatively small contribution to overall on-road GHG emissions.

Other regional GHG emissions are expected to occur from airport use. While airports can be expected to increase the number of flights to serve the increase in population and jobs, airports will also continue to have access to new technology and be required to comply with BAAQMD General Conformity rules for criteria air pollutants,⁴ which would likely also have benefits for GHG emissions. Based on trends from the region’s three commercial airports (San Francisco, Oakland, and San Jose), GHG emissions from airport operations are expected to increase by 71 percent between 2010 and 2040. This increase in airport emissions, which would occur regardless of the proposed Plan, offsets some of the decreases from Pavley and LCFS regulations.

In sum, annual GHG emissions are expected to decrease by over ~~4.6~~ 3.4 million MTCO₂e from 2010 to 2040 under the proposed Plan, a ~~49~~ 13 percent decline.

⁴ A requirement in federal law and administrative practice that requires that projects will not be approved if they do not conform with the State Implementation Plan by: causing or contributing to an increase in air pollutant emissions, violating an air pollutant standard, or increasing the frequency of violations of an air pollutant standard.

TABLE 2.5-9: EXISTING AND FORECASTED ANNUAL TRANSPORTATION GHG EMISSIONS (MTCO₂e)

	2010 Baseline MTCO ₂ e	2040 Proposed Plan MTCO ₂ e	Change from Existing	Percent Change from Existing
<i>Vehicle GHG Emissions (No Reductions)</i>				
		22,919,000	3,462,000	
Passenger Vehicles	19,457,000	22,916,000	3,459,000	18%
Trucks	4,447,000	6,908,000	2,461,000	55%
		634,000	19,000	
Buses	615,000	633,000	18,000	3%
	136,000	177,000	41,000	30%
Other Vehicles	114,000	154,000	40,000	35%
Airports	1,634,000	2,809,000	1,175,000	72%
		-1,636,000		
MTC Climate Policy Initiative	--	-1,582,000	-1,582,000	--
	24,655,000	29,002,000	4,347,000	18%
Total (No Reductions)	26,267,000	31,838,000	5,571,000	21%
<i>Vehicle GHG Emissions (Pavley + LCFS)</i>				
		14,631,000	-4,752,000	
Passenger Vehicles	19,383,000	14,629,000	-4,754,000	-25%
Trucks	4,447,000	6,217,000	1,770,000	40%
		571,000		
Buses	615,000	570,000	-44,000	-7%
	136,000	159,000	23,000	17%
Other Vehicles	114,000	138,000	24,000	21%
Airports	1,634,000	2,809,000	1,175,000	72%
		-1,636,000		
MTC Climate Policy Initiative	--	-1,582,000	-1,582,000	--
	24,581,000	19,942,000	-4,639,000	-19%
Total (Pavley + LCFS)	26,193,000	22,781,000	-3,411,000	-13%

Note: Figures may not sum due to independent rounding.

Source: MTC, 2013; Dyett & Bhatia, 2013, [BAAQMD, 2013](#).

Other regional GHG emissions are expected to occur from airport use. While airports can be expected to increase the number of flights to serve the increase in population and jobs, airports will also continue to have access to new technology and be required to comply with BAAQMD General Conformity rules for criteria air pollutants,⁵ which would likely also have benefits for GHG emissions. For instance, as a result of development of newer engine technology and the continuing trend in the use of larger aircraft by the airlines, in the long

⁵ A requirement in federal law and administrative practice that requires that projects will not be approved if they do not conform with the State Implementation Plan by: causing or contributing to an increase in air pollutant emissions, violating an air pollutant standard, or increasing the frequency of violations of an air pollutant standard.

term, the reduction in organic compound (ORG) and carbon monoxide (CO) emissions will offset some of the effects of the overall increase in the number of aircraft operations.⁶ While criteria pollutants are not primary GHG pollutants, trends in criteria pollutants, ORG, and CO may have implications for CO₂ emissions and other GHG pollutants over time. These effects are not currently quantified, and therefore are not incorporated into a quantitative analysis.

The second full paragraph on Draft EIR page 2.5-56 and Table 2.5-10 are revised as follows:

With land use GHG emissions (electricity, natural gas, and waste GHG emissions) expected to decline by 12 percent and transportation GHG emissions expected to decline by ~~49~~ 13 percent, the combined effect of land use and transportation GHG emissions would result in a ~~45~~ 12 percent reduction in total GHG emissions from 2010 to 2040, as shown in **Table 2.5-10**.

TABLE 2.5-10: TOTAL REGIONAL ANNUAL GHG EMISSIONS

	2010 MTCO ₂ e	2040 MTCO ₂ e	Change from 2010 to 2040	Percent Change from 2010 to 2040
Land Use Emissions Subtotal ¹	24,266,000	21,402,000	-2,864,000	-12%
Transportation Emissions Subtotal ²	24,581,000	19,942,000	-4,639,000	-19%
	<u>26,193,000</u>	<u>22,781,000</u>	<u>-3,411,000</u>	<u>-13%</u>
Regional Emissions Total	48,847,000	41,344,000	-7,503,000	-15%
	<u>50,459,000</u>	<u>44,183,000</u>	<u>-6,275,000</u>	<u>-12%</u>

Note: Figures may not sum due to independent rounding.

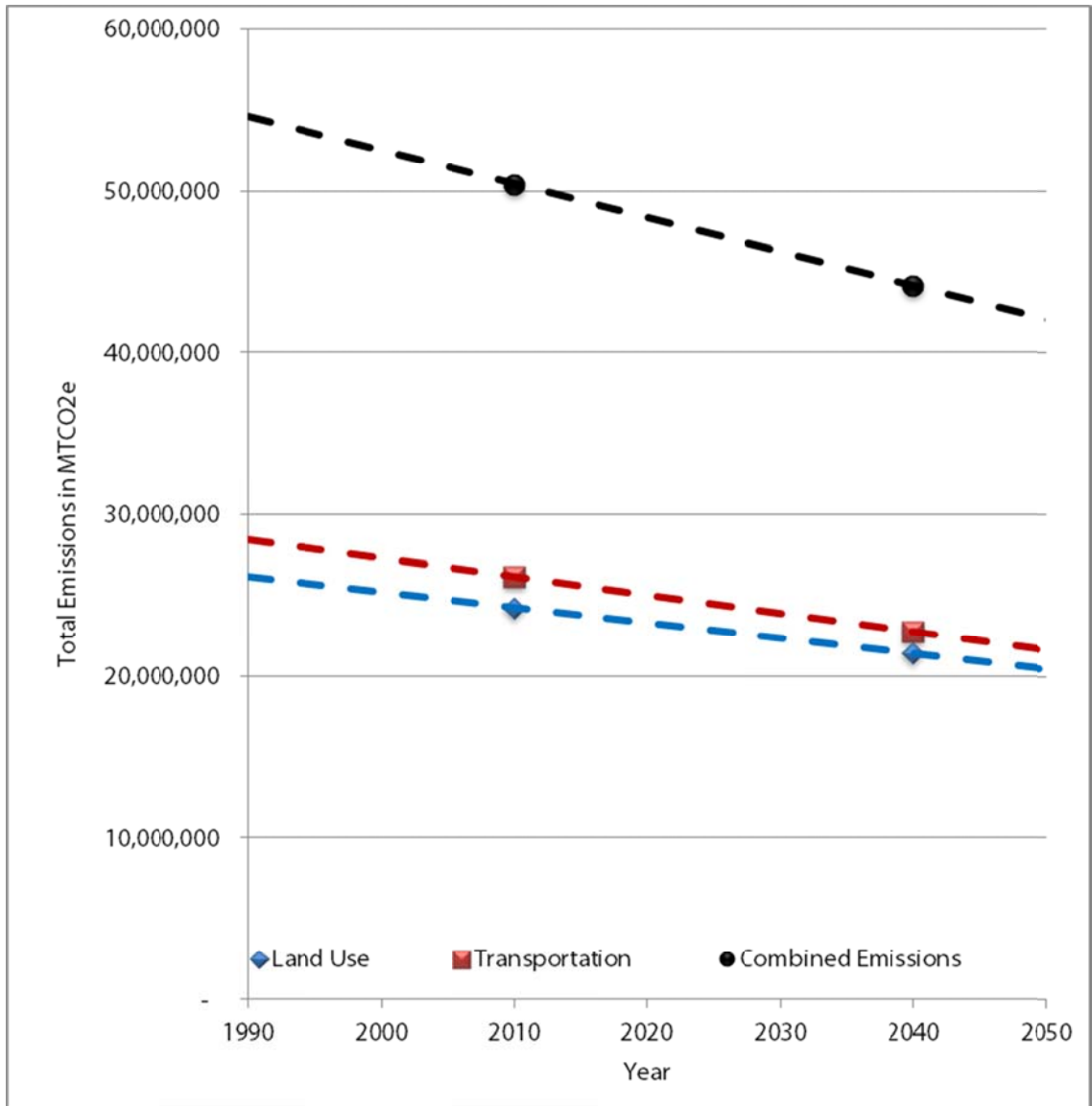
1. Land Use emissions account for ARB Scoping Reductions, as outlined in Table ~~2.5-7~~ 2.5-8.

2. Transportation emissions account for Pavley regulations, and the LCFS, as outlined in Table ~~2.5-8~~ 2.5-9.

Source: MTC, 2013; Dyett & Bhatia, 2013.

⁶ This trend is not true for NOx emissions, which is expected to be at a higher rate than the rate of increase in the number of aircraft operations. BAAQMD, Emission Inventory Methodology for Commercial Aircraft, Jet (Excerpt), updated by Sukarn Claire, 2011.

Figure 2.5-8 (p. 2.5-59) is replaced by the following figure:



The text under Mitigation Measure 2.5(a) (Draft EIR page 2.5-67) is revised as follows:

2.5(a) MTC and ABAG shall continue coordinating with BCDC, in partnership with the Joint Policy Committee and regional agencies and other partners who would like to participate, to conduct vulnerability and risk assessments for the region's transportation infrastructure. These assessments will build upon MTC, ~~and Caltrans,~~ and BCDC's Adapting to Rising Tides Transportation Vulnerability and Risk Assessment Pilot Project focused in Alameda County. Evaluation of regional and project-level vulnerability and risk assessments will assist in the identification of the appropriate adaptation strategies to protect transportation infrastructure and resources, as well as land use development projects, that are likely to be impacted and that are a priority for the region to protect. The Adaptation Strategy sub-section found at the end of this section includes a list of potential adaptation strategies that can mitigate the impacts of sea level rise. In most cases, more than one adaptation strategy will be required to protect a given transportation project or land use development project, and the implementation of the adaptation strategy will require coordination with other agencies and stakeholders. As MTC, BCDC, and ABAG conduct vulnerability and risk assessments for the region's transportation infrastructure, the Adaptation Strategy sub-section should serve as a guide for selecting adaptation strategies, but the list should not be considered ~~an~~ inclusive of all potential adaptation strategies as additional strategies not included in this list may also have the potential to reduce significant impacts.

The third to last paragraph on Draft EIR page 2.5-68 is revised as follows:

Implementing agencies and/or project sponsors shall consider implementation of ~~mitigations~~ mitigation measures including but not limited to those identified below.

Mitigation Measure 2.5(d) on Draft EIR page 2.5-68 and 2.5-69 is revised as follows:

2.5(d) Mitigation measures that shall be considered by implementing agencies and/or project sponsors where feasible based on project-and site-specific considerations include, but are not limited to the following. Executive Order S-13-08 requires all state agencies, including Caltrans, to incorporate sea level rise into planning for all new construction and routine maintenance projects; however, no such requirement exists for local transportation assets and development projects. Implementing agencies shall require project sponsors to incorporate the appropriate adaptation strategy or strategies to reduce the impacts of sea level rise on specific transportation and land use development projects where feasible based on project- and site-specific considerations. Potential adaptation strategies are included in the ~~Adaptation Strategy~~ Strategies-sub-section found at the end of this section.

REVISIONS TO DRAFT EIR CHAPTER 2.6: NOISE

The bulleted list on Draft EIR page 2.6-32 is revised as follows:

Extension of rail transit service⁷ to new areas of the Bay Area could result in exposure of existing sensitive land uses to noise levels in excess of standards developed by the FTA (see **Figure 2.6-6**). Such projects include:

- Third Street Light Rail line extension from north of King Street to Clay Street in Chinatown via a new Central Subway (San Francisco);
- Mission Bay Loop construction to connect the rail turnouts from the existing tracks on Third Street at 18th and 19th Streets with additional rail and overhead contact wire system on 18th, Illinois and 19th Street (San Francisco);
- MUNI T-Line extension from Bayshore/Sunnydale to Caltrain Bayshore Station (San Francisco);
- Light rail corridor extension into Parkmerced development project, add three new light rail stations and facilities, and add tail track and operator support facilities (San Francisco);
- Redwood City Street Car (Redwood City);
- Capitol Expressway light rail extension to Eastridge Transit Center - Phase II (San José);
- Light-rail transit extension from Winchester Station to Route 85 (Vasona Junction) (San José);
- Guadalupe Express light rail improvements (San José);
- Tasman Express Long T (includes double-tracking of a single-tracked light rail segment on the Mountain View line to facilitate the extra line of service) (San José);
- North First Street light rail speed Improvements (San José);
- Capitol Expressway Light Rail Extension - Phase I (includes sidewalk, landscape and street lights on both sides of the expressway from Capitol Avenue to Tully Road) (San José); and
- ~~Sonoma Marin Area Rail Transit District (SMART) Commuter Rail.~~

Mitigation Measure 2.6(g) on Draft EIR page 2.6-33 and 2.6-34 is revised as follows:

2.6(g) Mitigation measures that shall be considered by implementing agencies and/or project sponsors where feasible based on project-and site-specific considerations include, but are not limited to the following. Prior to project approval, the implementing agency for a transportation project shall ensure that the transportation project sponsor applies the following mitigation measures to achieve a site-specific exterior noise performance standard as indicated in **Figure 2.6-6** at sensitive land uses, as applicable for rail extension projects:

- Using sound reduction barriers such as landscaped berms and dense plantings;

⁷ While there would also be projects that would increase or extend bus transit, buses are on-road travel and were included in the assessment of roadway noise in Impact 2.6-2.

- Locating rail extension below grade;
- Using ~~methods to resilient damped wheels~~ damped or resilient wheels;
- Using vehicle skirts;
- Using under car acoustically absorptive material; and
- Installing sound insulation treatments for impacted structures.

The bulleted list under Impact 2.6-4, “Implementation of Transportation Projects” (Draft EIR page 2.6-35) is revised as follows:

Extension of rail transit service⁸ to new areas of the Bay Area could result in exposure of existing sensitive land uses to vibration levels in excess of standards developed by the FTA (see **Table 2.6-4**). Such projects include:

- Third Street Light Rail line extension from north of King Street to Clay Street in Chinatown via a new Central Subway (San Francisco);
- Mission Bay Loop construction to connect the rail turnouts from the existing tracks on Third Street at 18th and 19th Streets with additional rail and overhead contact wire system on 18th, Illinois and 19th Street (San Francisco);
- MUNI T-Line extension from Bayshore/Sunnydale to Caltrain Bayshore Station (San Francisco);
- Light rail corridor extension into Parkmerced development project, add three new light rail stations and facilities, and add tail track and operator support facilities (San Francisco);
- Redwood City Street Car (Redwood City);
- Capitol Expressway light rail extension to Eastridge Transit Center - Phase II (San José);
- Light-rail transit extension from Winchester Station to Route 85 (Vasona Junction) (San José);
- Guadalupe Express light rail improvements (San José);
- Tasman Express Long T (includes double-tracking of a single-tracked light rail segment on the Mountain View line to facilitate the extra line of service) (San José);
- North First Street light rail speed Improvements (San José);
- Capitol Expressway Light Rail Extension - Phase I (includes sidewalk, landscape and street lights on both sides of the expressway from Capitol Avenue to Tully Road) (San José); and
- ~~Sonoma Marin Area Rail Transit District (SMART) Commuter Rail.~~

⁸ While there would also be projects that would increase or extend bus transit, buses are on-road travel and were included in the assessment of roadway noise in Impact 2.6-2.

Mitigation Measure 2.6(i) on Draft EIR page 2.6-36 and 2.6-37 is revised as follows:

2.6(i) Mitigation measures that shall be considered by implementing agencies and/or project sponsors where feasible based on project-and site-specific considerations include, but are not limited to the following. Prior to project approval the implementing agency shall ensure that project sponsors apply the following mitigation measures to achieve a vibration performance standard of 72 VdB at residential land uses, as feasible, for rail extension projects:

- Using high resilience (soft) direct fixation fasteners for embedded track; and
- Installing Ballast mat for ballast and tie track.

REVISIONS TO DRAFT EIR CHAPTER 2.7: GEOLOGY AND SEISMICITY

Mitigation Measure 2.7(c) (Draft EIR page 2.7-31) is revised as follows:

2.7(c) Mitigation measures that shall be considered by implementing agencies and/or project sponsors where feasible based on project-and site-specific considerations include, but are not limited to the following. To reduce the risk of soil erosion, implementing agencies shall require project sponsors to comply with National ~~Pollution-Pollutant~~ Discharge Elimination System (NPDES) General Construction Permit requirements. Implementing agencies shall require project sponsors, as part of contract specifications with contractors, to prepare and implement best management practices (BMPs) as part of a Stormwater Pollution Prevention Plan that include erosion control BMPs consistent with California Stormwater Quality Association Handbook for Construction. For the purposes of this mitigation, less than significant means consistent with federal, state, and local regulations and laws related to construction practices.

REVISIONS TO DRAFT EIR CHAPTER 2.8: WATER RESOURCES

The first two paragraphs under "Mitigation Measures" on Draft EIR page 2.3-23 are revised as follows:

Implementing agencies and/or project sponsors shall consider implementation of mitigations measures including, but not limited, to ~~those~~ the measure identified below.

2.8(a) To reduce the impact associated with potential water quality standards violations or waste or stormwater discharge requirement violations, implementing agencies shall require project sponsors to comply with the State, and federal water quality regulations for all projects that would alter existing drainage patterns in accordance with the relevant regulatory criteria including but not limited to the National ~~Pollution-Pollutant~~ Discharge Elimination System (NPDES) program, Provision C.3, and any applicable Stormwater Management Plans. Erosion control measures shall be consistent with NPDES General Construction Permit requirements including preparation and implementation of a Stormwater Pollution Prevention Plan, and final drainage plans shall be consistent with the San Francisco Regional MS4 NPDES permit or any applicable local drainage control requirements that exceed or reasonably replace any of these measures to ~~project-protect~~ receiving waters from pollutants.

Mitigation Measure 2.8(b) (Draft EIR page 2.8-35 – 2.8-36) is revised as follows:

2.8(b) To reduce the impact of flood hazards, implementing agencies shall conduct or require project-specific hydrology studies for projects proposed to be constructed within floodplains to demonstrate compliance with Executive Order 11988, the National Flood Insurance Program, National Flood Insurance Act, Caltrans Highway Design Manual, Cobey-Alquist Floodplain Management Act, the Delta Stewardship Council's Delta Plan, as well as any further Federal Emergency Management Agency (FEMA) or State requirements that are adopted at the local level. These studies shall identify project design features or mitigation measures that reduce impacts to either floodplains or flood flows to a less than significant level such as requiring minimum elevations for finished first floors, typically at least one foot above the 100-year base flood elevation, where feasible based on project- and site-specific considerations. For the purposes of this mitigation, less than significant means consistent with these federal, State, and local regulations and laws related to development in the floodplain. Local jurisdictions shall, to the extent feasible, appropriate, and consistent with local policies, prevent development in flood hazard areas that do not have demonstrable protections.

REVISIONS TO DRAFT EIR CHAPTER 2.9: BIOLOGICAL RESOURCES

The following paragraph is added after the third paragraph in the section entitled "San Francisco Bay Aquatic Resources" (Draft EIR page 2.9-11):

As the largest estuary on the west coast, the San Francisco Bay is also home to millions of birds, which depend on the bay for rest and refueling on migratory routes. Anadromous and marine fish populations are also highly dependent on the migratory routes of bird species in the bay.

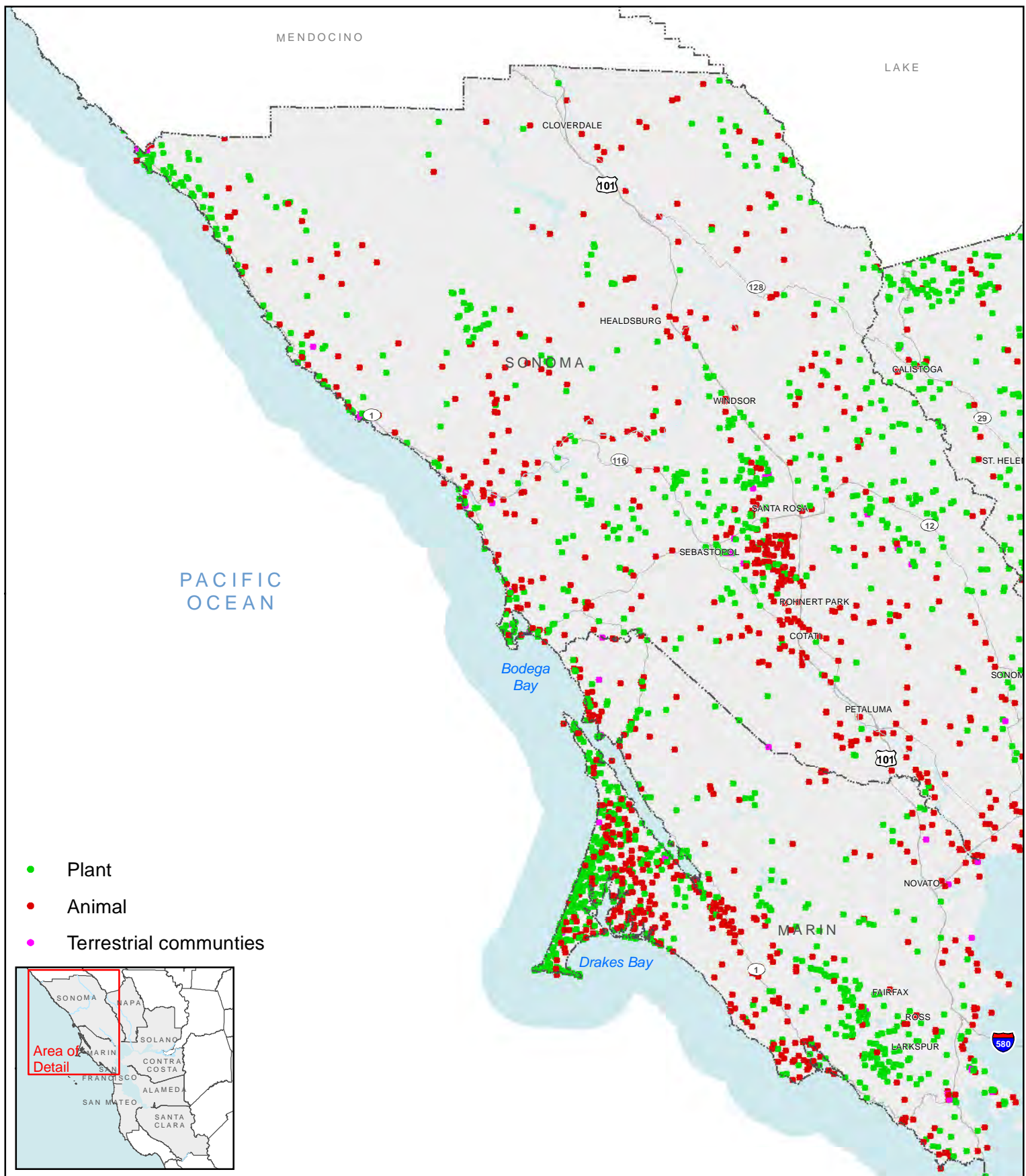
The paragraph under the heading "Special-Status Plants" (Draft EIR page 2.9-15) is revised as follows:

Special-status plants are not expected to occur in urban, agricultural, or ruderal environments due to the degree of disturbance to soils and vegetation, as well as habitat fragmentation, found in these areas. However, although these plants are not expected to occur, their presence is not ruled out as they can occasionally be found within these areas.

Figure 2.9-5, "Critical Habitat: North Bay" is corrected in the Draft EIR (page 2.9-27), with the figure on the following page:

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CNDDDB Documented Sensitive Biological Resources: North Bay



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The second paragraph under “Migratory Corridors and Linkages” (Draft EIR pages 2.9-35 and 2.9-36) is revised as follows:

The ECAs are not regulatory delineations but are identified as lands likely important to wildlife movement between large, mostly natural areas at the statewide level. The ECAs form a functional network of wildlands that are considered important to the continued support of California’s diverse natural communities. The ECAs were not developed for the needs of particular species but were based primarily on the concept of ecological integrity, which considers the degree of land conversion, residential housing impacts, road impacts, and status of forest structure (for forested areas).⁹ The Conservation Land Network (CLN) has also been established as a scientifically based analysis that focuses on biodiversity and local migratory conditions previously unavailable in the Bay Area, and identifies the most essential lands needed to sustain biological diversity. CLN analysis presents data at a somewhat finer resolution than the ECAs, which can be seen in Figure 2.9-9. In addition, consideration was given to the degree of conservation protection and areas known to support high biological values, such as mapped critical habitat and hotspots of species endemism.¹⁰ ECAs were mapped on a state-wide level and should be considered coarse-scale polygons that can inform land-planning efforts, but that should eventually be replaced by more detailed linkage designs, developed at finer resolution at the regional and ultimately local scale based on the needs of particular species and ecological processes. There are a total of 13 ECAs mapped within the nine-county Bay Area (see **Figure 2.9-9**). As seen in this figure, ECAs occur within all nine Bay Area counties and are typically centered along the region’s mountain ranges. These areas are comprised primarily of wildlands, but may also include some agricultural and developed areas (mostly rural residential) and many are bisected by major roadways.

Figure 2.9-9, “Essential Connectivity Areas,” (Draft EIR page 2.9-37) is replaced with the figure on the following page:

⁹ Ibid.

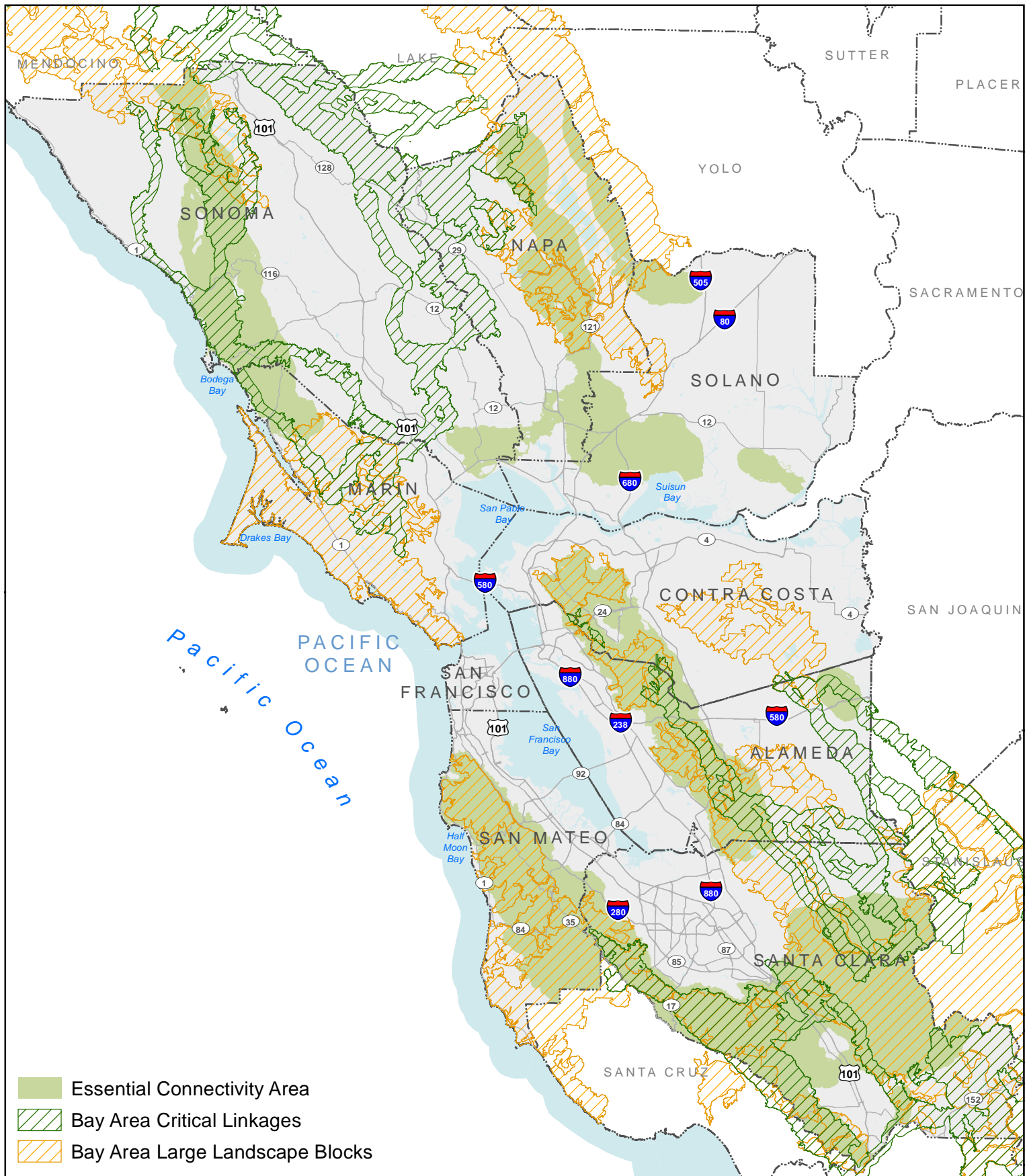
¹⁰ Ibid.

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Figure 2.9-9

Essential Connectivity Areas and Bay Area Critical Linkages

May, 2013



Data Source: ESRI, 2012; Street base data and county base data, Tele Atlas North America, Inc., 2008; DFG, 2010; SC Wildlands, 2012

0 5 10 20 Miles
1 in = 16 miles

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The first two paragraphs under “Mitigation Measure” on Draft EIR page 2.9-65 and 2.9-66 are revised as follows:

Implementing agencies and/or project sponsors shall consider implementation of ~~mitigations~~ mitigation measures including, but not limited to, ~~those the measure~~ identified below.

2.9(c) Implementing agencies shall require project sponsors to conduct a pre-construction breeding bird surveys for specific projects proposed in areas containing, or likely to contain, habitat for nesting birds. The survey shall be conducted by appropriately trained professionals pursuant to adopted protocols and agency guidelines. Where a breeding bird survey establishes that mitigation is required to avoid direct and indirect adverse effects on nesting raptors and other protected birds, mitigation will be developed consistent with the requirements of CEQA, USFWS, and CDFW regulations and guidelines, in addition to requirements of any applicable and adopted HCP/NCCP or other applicable plans developed to protect species or habitat. Mitigation measures that shall be considered by implementing agencies and/or project sponsors where feasible based on project-and site-specific considerations include, but are not limited to:

The first paragraph under “Mitigation Measures” on page 2.9-71 is revised as follows:

Implementing agencies and/or project sponsors shall consider implementation of ~~mitigations~~ mitigation measures including, but not limited to, ~~those the measure~~ identified below.

The text under list under “Mitigation Measures” on Draft EIR page 2.9-75 is revised as follows:

Implementing agencies and/or project sponsors shall consider implementation of ~~mitigations~~ mitigation measures including, but not limited to, ~~those the measure~~ identified below.

2.9(e) Mitigation measures to reduce impacts on wildlife corridors that shall be required by implementing agencies where feasible based on project- and site- specific considerations include, but are not limited to the following. Implementing agencies shall require project sponsors to prepare detailed analyses for specific projects affecting Essential Connectivity Area (ECA) lands within their sphere of influence to determine what wildlife species may use these areas and what habitats those species require. Projects that would not affect ECA lands but that are located within or adjacent to open lands, including wildlands and agricultural lands, shall also assess whether or not significant wildlife corridors are present, what wildlife species may use them, and what habitat those species require. The assessment shall be conducted by qualified professionals and according to any applicable agency standards. Mitigation shall be consistent with the requirements of CEQA and/or follow an adopted HCP/NCCP or other relevant plans developed to protect species and their habitat, including migratory linkages.

Mitigation measures that shall be considered by implementing agencies and/or project sponsors where feasible based on project-and site-specific considerations include, but are not limited to:

- Constructing wildlife friendly overpasses and culverts;
- Fencing major transportation corridors in the vicinity of identified wildlife corridors;
- Using wildlife friendly fences that allow larger wildlife such as deer to get over, and smaller wildlife to go under;
- Locating structures at the edge of a habitat restoration area, rather than in the middle, to improve opportunities for restoring habitat connectivity;
- Elevating structures so that water can flow underneath to allow for restoration of aquatic habitat dependent on tides or periodic flooding;
- Limiting wildland conversions in identified wildlife corridors; ~~and~~
- Retaining wildlife friendly vegetation in and around developments; and
- Compliance with existing local regulations and policies, including applicable HCP/NCCPs, that exceed or reasonably replace any of the above measures protective of jurisdictional wetlands or special-status natural communities.

The description of Mitigation Measure 2.9(h) (last paragraph on Draft EIR page 2.9-79 and first two lines of 2.9-80) is revised as follows:

2.9(h) Mitigation measures that shall be considered by implementing agencies and/or project sponsors where feasible based on project-and site-specific considerations include, but are not limited to the following. Implementing agencies and project sponsors whose projects are located within the Coastal Zone or within BCDC jurisdiction shall carefully review the applicable local coastal program or San Francisco Bay Plan for potential conflicts, as well as the Delta Plan, and involve the California Coastal Commission, ~~or BCDC,~~ or the Delta Stewardship Council as early as possible in the project-level EIR process.

REVISIONS TO DRAFT EIR CHAPTER 2.10: VISUAL RESOURCES

The text under “Mitigation Measure” on Draft EIR page 2.10-24 is revised as follows:

Implementing agencies and/or project sponsors shall consider implementation of ~~mitigation~~ mitigation measures including but not limited to those identified below.

2.10(b) Mitigation measures that shall be considered by implementing agencies and/or project sponsors where feasible based on project-and site-specific considerations include, but are not limited to:

- Project sponsors and implementing agencies shall complete design studies for projects in designated or eligible State Scenic Highway corridors. Implementing agencies shall consider the “complete” highway system and design projects to minimize impacts on the

quality of the views or visual experience that originally qualified the highway for scenic designation.

- Contouring the edges of major cut and fill slopes to provide a more natural looking finished profile that is appropriate to the surrounding context, using natural shapes, textures, colors, and scale to minimize contrasts between the project and surrounding areas.
- Complying with existing local regulations and policies that exceed or reasonably replace any of the above measures that protect visual resources where feasible based on project- and site-specific considerations.

The description of Mitigation Measure 2.10(e) on Draft EIR page 2.10-32 is revised as follows:

2.10(e) Mitigation measures that shall be considered by implementing agencies and/or project sponsors where feasible based on project- and site-specific considerations include, but are not limited to:

- Designing projects to minimize light and glare from lights, buildings, and roadways facilities.
- Minimizing and controlling glare from transportation projects through the adoption of project design features that reduce glare. These features include:
 - Planting trees along transportation corridors to reduce glare from the sun;
 - Landscaping off-street parking areas, loading areas, and service areas; and
 - Shielding transportation lighting fixtures to minimize off-site light trespass.
- Minimizing and controlling glare from land use and transportation projects through the adoption of project design features that reduce glare. These features include:
 - Limiting the use of reflective materials, such as metal;
 - Using non-reflective material, such as paint, vegetative screening, matte finish coatings, and masonry;
 - Screening parking areas by using vegetation or trees; and
 - Using low-reflective glass.
- Imposing lighting standards that ensure that minimum safety and security needs are addressed and minimize light trespass and glare associated with land use development. These standards include the following:
 - Minimizing incidental spillover of light onto adjacent private properties and undeveloped open space;
 - Directing luminaries away from habitat and open space areas adjacent to the project site;
 - Installing luminaries that provide good color rendering and natural light qualities; and

- Minimizing the potential for back scatter into the nighttime sky, ~~and for incidental spillover of light onto adjacent private properties and undeveloped open space.~~
- Complying with existing local regulations and policies that exceed or reasonably replace any of the above measures that reduce light and glare impacts.

REVISIONS TO DRAFT EIR CHAPTER 2.11: CULTURAL RESOURCES

The text under “Mitigation Measures” on Draft EIR page 2.11-15 is revised as follows:

Implementing agencies and/or project sponsors shall consider implementation of ~~mitigations~~ mitigation measures including, but not limited to, those identified below.

2.11(b) Mitigation measures that shall be considered by implementing agencies and/or project sponsors where feasible based on project-and site-specific considerations include, but are not limited to:

- Pursuant to Government Code Sections 65351 and 65352, in-person consultation shall be conducted with Native American tribes and individuals with cultural affiliations where the project is proposed to determine the potential for, or existence of, cultural resources, including cemeteries and sacred places, prior to project design and implementation stages.
- Prior to construction activities, project sponsors shall retain a qualified archaeologist to conduct a record search at the appropriate Information Center of the California Archaeological Inventory to determine whether the project area has been previously surveyed and whether resources were identified. When recommended by the Information Center, project sponsors shall retain a qualified archaeologist to conduct archaeological surveys prior to construction activities.
- Preparation of a research design and testing plan should be developed in advance of implementation of the construction project, in order to efficiently facilitate the avoidance of cultural sites throughout the development process.
- If record searches and field surveys indicate that the project is located in an area rich with archaeological resources, project sponsors should retain a qualified archaeologist to monitor any subsurface operations, including but not limited to grading, excavation, trenching, or removal of existing features of the subject property.
- Written assessments should be prepared by a qualified tribal representative of sites or corridors with no identified cultural resources but which still have a moderate to high potential for containing tribal cultural resources.
- Upon “late discovery” of prehistoric archaeological resources during construction, project sponsors shall consult with the Native American tribe as well as with the “Most-Likely-Descendant” as designated by the Native American Heritage Commission pursuant to ~~PRC~~ Public Resources Code 5097, 98(a).
- Preservation in place is the preferred manner of mitigating impacts on archeological sites because it maintains the relationship between artifacts and the archeological context, and it may also avoid conflict with religious or cultural values of groups associated with the site. This may be achieved through incorporation within parks, green-space, or other

open space by re-designing project using open space or undeveloped lands. This may also be achieved by following procedures for capping the site underneath a paved area. When avoiding and preserving in place are infeasible based on project- and site-specific considerations, a data recovery plan may be prepared according to CEQA Guidelines Section 15126.4(b)(3)(C). A data recovery plan consists of: the documentation and removal of the archeological deposit from a project site in a manner consistent with professional (and regulatory) standards; the subsequent inventorying, cataloguing, analysis, identification, dating, and interpretation of the artifacts; and the production of a report of findings.

- Complying with existing local regulations and policies that exceed or reasonably replace any of the above measures that protect archaeological resources.

The text under “Mitigation Measures” on Draft EIR page 2.11-16 and 2.11-17 is revised as follows:

Implementing agencies and/or project sponsors shall consider implementation of mitigations measures including but not limited to those identified below.

2.11(c) Mitigation measures that shall be considered by implementing agencies and/or project sponsors where feasible based on project-and site-specific considerations include, but are not limited to:

- Prior to construction activities, project sponsors should retain a qualified paleontologist to conduct a record search using an appropriate database, such as the UC Berkeley Museum of Paleontology to determine whether the project area has been previously surveyed and whether resources were identified. As warranted, project sponsors should retain a qualified paleontologist to conduct paleontological surveys prior to construction activities.
- Preparation of a research design and testing plan should be developed in advance of implementation of the construction project, in order to efficiently facilitate the avoidance of ~~cultural sites~~ paleontological resources and sites and unique geologic features throughout the development process.
- If record searches and field surveys indicate that the project is located in an area rich with paleontological, and/or geological resources, project sponsors should retain a qualified paleontologist to monitor any subsurface operations, including but not limited to grading, excavation, trenching, or removal of existing features of the subject property.
- Complying with existing local regulations and policies that exceed or reasonably replace any of the above measures that protect paleontological or geologic resources.

The text under “Mitigation Measures” on Draft EIR page 2.11-18 is revised as follows:

Implementing agencies and/or project sponsors shall consider implementation of ~~mitigations~~ mitigation measures including, but not limited to, ~~those~~ the measure identified below.

2.11(d) Mitigation measures that shall be considered by implementing agencies and/or project sponsors where feasible based on project- and site-specific considerations include, but are not limited to:

- Under Section 7050.5 of the California Health and Safety Code, as part of project oversight of individual projects, project sponsors can and should, in the event of discovery or recognition of any human remains during construction or excavation activities associated with the project, in any location other than a dedicated cemetery, cease further excavation or disturbance of the site or any nearby area reasonably suspected to overlie adjacent human remains until the coroner of the county in which the remains are discovered has been informed and has determined that no investigation of the cause of death is required.
- Under California Public Resources Code 5097.98, if any discovered remains are of Native American origin:
 - The coroner shall contact the Native American Heritage Commission, which shall notify the most likely descendant(s) of the deceased, in order to ascertain the proper descendants from the deceased individual. ~~The coroner descendant(s)~~ should make a recommendation to the landowner or the person responsible for the excavation work, for means of treating or disposing of, with appropriate dignity, the human remains and any associated grave goods. This may include obtaining a qualified archaeologist or team of archaeologists to properly excavate the human remains; or
 - ~~If the Native American Heritage Commission is unable to identify a descendant, or the descendant failed to make a recommendation within 24 hours after being notified by the commission, the~~ landowner or their authorized representative shall obtain a Native American monitor, and an archaeologist, if recommended by the Native American monitor, and rebury the Native American human remains and any associated grave goods, with appropriate dignity, on the property and in a location that is not subject to further subsurface disturbance where any of the following conditions occurs:
 - The Native American Heritage Commission is unable to identify a descendant; or
 - The descendant identified fails to make a recommendation; or
 - The landowner or their authorized representative rejects the recommendation of the descendant, and ~~the~~ mediation by the Native American Heritage Commission fails to provide measures acceptable to the landowner.

REVISIONS TO DRAFT EIR CHAPTER 2.12: PUBLIC UTILITIES AND FACILITIES

On Draft EIR page 2.12-6, the first paragraph under “San Francisco Public Utilities Commission” is revised as follows:

The San Francisco Public Utilities Commission (SFPUC) operates the Regional Water System (RWS) that provides water to nearly ~~2.5~~ 2.6 million people within San Francisco, San Mateo, Santa Clara, Alameda, and Tuolumne counties. The RWS consists of more than 280 miles of pipeline and 60 miles of tunnels, 11 reservoirs, five pump stations, and two water

treatment plans. The SFPUC provides water to both retail and wholesale customers, totaling approximately ~~32 and 68 percent~~ one third and two thirds of its water, respectively.

The second full paragraph of the Draft EIR, page 2.12-7 is revised as follows:

The primary water source for San Mateo County is SFPUC's Peninsula System. The system utilizes ~~two reservoirs, Crystal Springs and San Andreas, which collect runoff from the San Mateo Creek Watershed~~ the Hetch Hetchy Reservoir on the Tuolumne River in Yosemite National Park. Water from the Pilarcitos Reservoir, on Pilarcitos Creek, directly serves one of the wholesale customers, the Coastside County Water District (which serves Half Moon Bay, Miramar, Princeton By The Sea, and El Granada), and can also deliver water to Crystal Springs and San Andreas Reservoirs. ~~Wholesale customers of the SFPUC Peninsula System include SFPUC supplies serve all of its wholesale customers, which include the following agencies: Alameda County Water District, the cities of Brisbane, Burlingame, Daly City, East Palo Alto, Hayward, Menlo Park, Millbrae, Milpitas, Mountain View, Palo Alto, San Bruno, Redwood City, San Jose, Santa Clara, Sunnyvale, the Town of Hillsborough, the Coastside County Water District, the Mid-Peninsula Water District, the Cordilleras Mutual Water Association, the Estero Municipal Improvement District, the Guadalupe Valley Municipal Improvement District, the Purissima Hills Water District, Stanford University, Westborough Water District, and the North Coast County Water District. It also serves the California Water Service Company Bear Gulch and Bayshore Districts.~~

A footnote is added to Table 2.12-2 (Draft EIR page 2.12-20) that states:

Note: San Francisco PUC values are for retail service only and do not include wholesale.

The first full paragraph on Draft EIR page 2.12-22 is revised as follows:

Some Bay Area water agencies are projecting future water supply shortfalls in dry years, and some are already seeing such shortfalls, as shown in **Table 2.12-4**. The San Francisco Public Utilities Commission (SFPUC), among others, is notable in taking account of the need to plan for multiple dry years. In fact, the SFPUC's water supply planning is based on an 8.5 year drought. Other agencies anticipate being able to handle a single dry year, largely due to reservoirs or other storage capacity. The severity and timing of dry year shortfalls differ greatly among the agencies due to the wide variation of supply sources, types of use, and climates within the region.

A footnote is added to Figure 2.12-6 (Draft EIR page 2.12-31) that states:

The Daly City and Oceanside treatment plans are represented by a single dot.

The last paragraph under “Impacts of Land Use Projects” on Draft EIR page 2.12-47 is revised as follows:

As seen in **Table 2.12-2**, the major water suppliers in the region—except the Solano County Water Agency—can supply adequate water for their projected service populations through 2035 during normal years. Adequate supplies for many districts also rely on successful achievement of water conservation targets and the completion of supply expansion projects, such as new water contracts, land acquisition, groundwater recharge, and reclaimed water distribution. In some areas, such as the City and County of San Francisco and the Santa Clara Valley, adequate supply through 2040 is not guaranteed without significant water conservation efforts. In San Francisco, the ability of supply projects to move forward depends on multiple factors, like environmental review, permitting requirements, public acceptable and the ability of funding. All water suppliers should be pursuing the water conservation targets set by the State under SB X7-7 and regularly updating their Urban Water Management Plans. The enforcement of SB 610 and SB 221 by local jurisdictions should ensure that an adequate water supply is available for large residential developments prior to their approval.

A footnote is added to Table 2.12-8 (Draft EIR page 2.12-51) that states:

Including demand from Treasure Island increases the projections for San Francisco by 2 mgd.

Mitigation Measure 2.12(f) (last paragraph on Draft EIR page 2.12-55 and continuing on to page 2.12-56) is revised as follows:

2.12(f) Mitigation measures that shall be considered by implementing agencies and/or project sponsors where feasible based on project-and site-specific considerations include, but are not limited to the following. Transportation projects shall incorporate stormwater control, retention, and infiltration features, such as detention basins, bioswales, vegetated median strips, and permeable paving, early into the design process to ensure that adequate acreage and elevation contours are planned. Implementing agencies shall require project sponsors to comply with existing local regulations and policies that exceed or reasonably replace any of the above measures that reduce stormwater drainage impacts.

The text under “Mitigation Measures” on Draft EIR page 2.12-57 is revised as follows:

Implementing agencies and/or project sponsors shall consider implementation of ~~mitigation~~ mitigation measures including, but not limited to, those identified below.

2.12(h) Mitigation measures that shall be considered by implementing agencies and/or project sponsors where feasible based on project-and site-specific considerations include, but are not limited to, the following. For projects that could increase demand on water and wastewater treatment facilities, project sponsors shall coordinate with the relevant service provider to ensure that the existing public services and utilities could be able to handle the increase in demand. If the current infrastructure servicing the project site is found to be

inadequate, infrastructure improvements for the appropriate public service or utility shall be identified in each project's CEQA documentation. The relevant public service provider or utility shall be responsible for undertaking project-level review as necessary to provide CEQA clearance for new facilities.

Further, ~~all of the Mitigation Measures 2.12(2), (b), (c), and (d) mitigation measures listed under Impact 2.12-1 and Impact 2.12-2~~ will help reduce water demand and wastewater generation, and subsequently help reduce the need for new or expanded water and wastewater treatment facilities. Mitigation Measures 2.12(e), (f) and (g) ~~The mitigation measures listed under Impact 2.12-3~~ will also help mitigate the impact of additional stormwater runoff from land use and transportation projects on existing wastewater treatment facilities.

REVISIONS TO DRAFT EIR CHAPTER 2.13: HAZARDS

Mitigation Measure 2.13(d) on Draft EIR page 2.13-35 and page 2.13-36 is revised as follows:

2.13(d) Mitigation measures that shall be considered by implementing agencies and/or project sponsors where feasible based on project-and site-specific considerations include, but are not limited to:

- Determining whether specific land use and transportation project sites are listed as a hazardous materials and/or waste site pursuant to Government Code Section 65962.5.
- Requiring preparation of a Phase I ESA in accordance with the American Society for Testing and Materials' ASTM E-1527-05 standards for any listed sites or sites with the potential of residual hazardous materials and/or waste as a result of location and/or prior uses. ~~For work requiring any demolition or renovation, the Phase I ESA shall make recommendations for any hazardous building materials survey work that shall be done.~~
- Implementing recommendations included in a Phase I ESA prepared for a site.
- If a Phase I ESA indicates the presence or likely presence of contamination, the implementing agency shall require a Phase II ESA, and recommendations of the Phase II ESA shall be fully implemented.
- For work requiring any demolition or renovation, the Phase I ESA shall make recommendations for any hazardous building materials survey work that shall be done.
- Requiring construction contractors to prepare and implement soil management contingency plans which provide procedural guidance on the handling, notification, and protective measures to be taken in the event of encountering suspected contamination or naturally occurring asbestos.

REVISIONS TO DRAFT EIR CHAPTER 2.14: PUBLIC SERVICES

Table 2.14-2 (Draft EIR page 2.14-5) is revised as follows:

TABLE 2.14-2: ~~BAY AREA PARKS AND OPEN SPACE~~BAY AREA PUBLICLY ACCESSIBLE PARKS AND OPEN SPACE

<i>County</i>	<i>Parks and Open Space (acres)*</i>
Alameda	116,000 110,000
Contra Costa	130,000 120,000
Marin	162,000 160,000
Napa	129,000 121,000
San Francisco	6,000 5,600
San Mateo	108,000 85,000
Santa Clara	201,000 178,000
Solano	53,000 40,000
Sonoma	110,000 117,000
TOTAL	1,015,000 940,000

* Includes publicly owned lands and privately owned lands that are accessible to the public.

Note: Figures may not sum due to independent rounding.

Source: Bay Area Open Space Council and GreenInfo Network, Bay Area Protected Areas Database, 2011

The text under “Mitigation Measure” on Draft EIR page 2.14-14 is revised as follows:

Implementing agencies and/or project sponsors shall consider implementation of ~~mitigations~~ mitigation measures including, but not limited to, ~~those~~ the measure identified below.

2.14(a) Mitigation measures that shall be considered by implementing agencies and/or project sponsors where feasible based on project-and site-specific considerations include, but are not limited to:

- Ensuring that adequate public services, and related infrastructure and utilities, will be available to meet or satisfy levels identified in the applicable local general plan or service master plan prior to approval of new development projects.
- Complying with existing local regulations and policies that exceed or reasonably replace the above measures that reduce in reducing public service impacts.

Table 2.14-3 (Draft EIR page 2.14-15) is revised as follows:

TABLE 2.14-3: BAY AREA PARKS AND OPEN SPACE AND ACREAGE PER 1,000 RESIDENTS, BY COUNTY

<i>County</i>	<i>Parks and Open Space (acres)*</i>	<i>2010 Population</i>	<i>2010 Acres Per 1,000 Residents</i>
Alameda	116,000 110,000	1,497,000	77 73
Contra Costa	130,000 120,000	1,044,000	125 115
Marin	162,000 160,000	246,000	659 650
Napa	129,000 121,000	134,000	965 903
San Francisco	6,000 5,600	800,000	7
San Mateo	108,000 85,000	715,000	151 119
Santa Clara	201,000 178,000	1,772,000	113 100
Solano	53,000 40,000	403,000	132 99
Sonoma	110,000 117,000	480,000	230 244
TOTAL	1,015,000940,000	7,091,000	143 133

* Includes publicly owned lands and privately owned lands that are accessible to the public.

Note: Figures may not sum due to independent rounding.

Source: Bay Area Open Space Council and GreenInfo Network, Bay Area Protected Areas Database, 2011

The first paragraph under “Impacts of Land Use Projects” (Draft EIR page 2.14-15) is revised as follows:

Currently, the nine-county Bay Area contains approximately ~~1,015,000~~940,000 acres of open space and parkland and 7,091,000 people, resulting in about ~~143~~133 acres per thousand residents, with acreage per resident varying substantially by county, as shown in **Table 2.14-3**. Open space resources, however, serve residents from throughout the region, so park acreage in Marin or Napa, for instance, is actually serving residents throughout the region. Implementation of the proposed Plan would increase the number of residents making use of existing parkland and could cause accelerated physical deterioration of parks and recreational facilities as a result. Most local jurisdictions have their own goals and standards for acceptable amounts of parkland, typically in terms of acres per 1,000 residents or per capita. Local jurisdictions strive to ensure that new developments make adequate provisions for new parkland. However, there is no similar regional goal for per capita open space and parkland acreage.

The text under “Mitigation Measures” on Draft EIR page 2.14-16 is revised as follows:

Implementing agencies and/or project sponsors shall consider implementation of ~~mitigation~~ mitigation measures including, but not limited to, ~~those the measure~~ identified below.

2.14(b) Mitigation measures that shall be considered by implementing agencies and/or project sponsors where feasible based on ~~project and~~ project- and site-specific considerations include, but are not limited to:

- Ensuring that adequate parks and recreational facilities will be available to meet or satisfy levels identified in the applicable local general plan or service master plan prior to approval of new development.
- Complying with existing local regulations and policies that exceed or reasonably replace the above measures that reduce in reducing impacts on recreational facilities.

REVISIONS TO DRAFT EIR CHAPTER 3.1: ALTERNATIVES

Page 3.1-5: Description of the No Project Alternative is revised as follows:

~~Urban growth boundaries~~ Urban boundary lines would be assumed to expand at historical rates, allowing for additional development potential in greenfield locations.

Page 3.1-8, Table 3.1-1: Policy Measure Comparison is revised as follows:

The LAND USE POLICIES sub-heading of “~~Growth Boundaries~~” is replaced with “Urban Boundary Lines”.

The second paragraph on Draft EIR page 3.1-10 is revised as follows:

Unlike all other alternatives, Alternative 4 has different levels of household and employment growth in the region. Compared to the proposed Plan, it includes four percent more households and one percent more jobs. ~~This higher growth total reflects the Senate Bill 375 requirement to house the region’s entire population (i.e., provide a house for every household employed in the region).~~

Table 3.1-7 (Draft EIR page 3.1-18) is revised as follows:**TABLE 3.1-7: TRANSPORTATION SYSTEM CAPACITY (2010-2040)**

	2010	2040 Plan (Alt 2)	2040 No Project (Alt 1)	Change from Proposed Plan	2040 Transit Priority Focus (Alt 3)	Change from Proposed Plan	2040 Enhanced Network of Communities (Alt 4)	Change from Proposed Plan	2040 Environment, Equity, and Jobs (Alt 5)	Change from Proposed Plan
Freeway Lane-Miles	5,495	6,056	5,806	-4%	5,998	-1%	6,056	0%	5,806	-4%
Expressway Lane-Miles	1,019	1,132 1,150	1,032 1,050	-9%	1,132 1,150	0%	1,132 1,150	0%	1,032 1,050	-9%
Arterial Lane-Miles	8,710	8,749 8,801	8,749 8,767	0%	8,749 8,801	0%	8,749 8,801	0%	8,683 8,735	-1%
Collector Lane-Miles	5,528	5,502 5,536	5,502 5,548	0%	5,502 5,536	0%	5,502 5,536	0%	5,509 5,543	0%
Total Roadway Lane-Miles	20,751	21,438 21,542	21,067 21,171	-2%	21,381 21,485	0%	21,438 21,542	0%	21,030 21,134	-2%
Daily ¹ Local Bus Seat-Miles	34,477,000 13,647,000	37,828,000 14,971,000	36,570,000 14,476,000	-3%	39,039,000 15,453,000	+3%	37,809,000 14,966,000	0%	41,887,000 16,580,000	+11%
Daily Express Bus Seat-Miles	7,560,000 2,993,000	9,050,000 3,582,000	6,753,000 2,673,000	-25%	9,136,000 3,616,000	+1%	9,045,000 3,581,000	0%	10,232,000 4,050,000	+13%
Daily Light Rail Seat-Miles	8,114,000 3,212,000	10,781,000 4,268,000	8,848,000 3,502,000	-18%	10,781,000 4,268,000	0%	10,781,000 4,268,000	0%	12,814,000 5,072,000	+19%
Daily Heavy Rail Seat-Miles	44,134,000 17,470,000	56,743,000 22,461,000	53,090,000 21,015,000	-6%	60,499,000 23,948,000	+7%	56,743,000 22,461,000	0%	60,499,000 23,948,000	+7%
Daily Commuter Rail Seat-Miles	14,463,000 5,725,000	22,842,000 9,042,000	18,277,000 7,235,000	-20%	22,842,000 9,042,000	0%	22,842,000 9,042,000	0%	22,842,000 9,042,000	0%

Daily Ferry Seat-Miles	4,612,000 1,826,000	7,099,000 2,810,000	5,821,000 2,304,000	-18%	7,099,000 2,810,000	0%	7,099,000 2,810,000	0%	7,099,000 2,810,000	0%
Total Daily Transit Seat-Miles	113,361,000 44,872,000	144,344,000 57,133,000	129,359,000 51,205,000	-10%	149,397,000 59,136,000	+4%	144,321,000 57,127,000	0%	155,374,000 61,502,000	+8%

1. Daily metrics are measured for a typical weekday.

Source: Metropolitan Transportation Commission Travel Forecasts, ~~2012~~2013.

The first paragraph under “Transportation” (Draft EIR page 3.1-19) is revised as follows:

As shown in **Table 3.1-8**, Alternatives 3 and 5 have lower levels of total VMT compared to the proposed Plan, while Alternative 4 has significantly higher levels of total VMT when compared to the proposed Plan. Of the alternatives analyzed, Alternative 3 has the least vehicle delay (4 percent less than the proposed Plan), while Alternative 5 has the greatest transit ridership (~~5-6~~percent more than the proposed Plan). These differences in travel behavior reflect the land use and transportation components of each alternative.

The second, third, and fourth bullets under the second paragraph (Draft EIR page 3.1-19) are revised as follows:

- **Table 3.1-10** lists the impacts of the various alternatives on **non-commute travel times**. ~~While the No Project alternative and Alternative 4 have slightly greater non-commute travel times than the proposed Plan, the~~ The impacts of the various land use and transportation investments are less significant than for commute trips. ~~This is likely due to the fact that non-commute travel tends to be at times of day where there is less traffic congestion, such as midday and evening time periods. All of the alternatives, except for Alternative 3, have slightly longer average per-trip non-commute travel times than on par with those for the proposed Plan. All alternatives are expected to have less than significant impacts related to non-commute travel times.~~
- **Table 3.1-11** demonstrates how the proposed Plan has significantly lower levels of **per-capita congested VMT** (per-capita vehicle miles traveled at level of service F) when compared to the No Project alternative and Alternative 4. In contrast, Alternative 3 performs much better than the proposed Plan, reducing daily per-capita congested VMT by ~~14-17~~ percent more than the proposed Plan, as a result of its emphasis on growth in existing urban centers with existing robust street grids and transportation alternatives. While mitigation measures would commit MTC and ABAG to advance bridge toll and commuter benefit policies to reduce levels of severe traffic congestion, it is not

known at this time if these strategies would reduce the impact below the significance threshold of a five percent increase to a less than significant level. Furthermore, MTC and ABAG cannot guarantee that local jurisdictions or employers would implement such policies in the most effective manner possible, given political or financial limitations. As a result, all alternatives are expected to have significant and unavoidable impacts related to per-capita congested VMT.

- **Table 3.1-12** highlights the differences in **per-capita VMT** between the various alternatives. While all of the alternatives considered have a reduction in per capita VMT compared to baseline conditions, the proposed Plan and Alternative 4 perform the best, reducing per-capita VMT by nine percent as a result of their focused growth patterns and emphasis on locating jobs in close proximity to housing. All alternatives are expected to have no adverse impact related to per-capita VMT.

The text under “Alternative 1-No Project” (Draft EIR page 3.1-20) is revised as follows:

Due to the lower-density development pattern and limited investments in new public transit services, the No Project alternative has significantly less transit ridership than the proposed Plan (~~24~~20 percent less) and much greater vehicle delay than the proposed Plan (34 percent more). The No Project alternative provides the greatest contrast with the proposed Plan, demonstrating how the proposed Plan shifts regional development and travel trends away from their historical trajectories.

As this alternative features fewer expansion projects for highway and transit facilities, and distributes more growth in suburban and exurban locations in the region, it exhibits travel times that are three percent longer than the proposed Plan during commute periods ~~and one percent longer during non-commute periods~~. With regard to non-commute travel times, this alternative performs on par with the proposed Plan. While per-trip travel times are slightly longer (two to three percent longer) for auto and transit modes, this alternative has somewhat greater mode share for auto-based modes (with shorter non-commute travel times). This leads to the average non-commute travel time for all modes remaining constant between the proposed Plan and this alternative. Most significantly, the No Project alternative increases single-occupant automobile travel times during commute periods by seven percent above the proposed Plan and transit travel times by five percent above the proposed Plan.

Lack of expansion projects also leads to increased levels of chronic congestion on the region’s highway corridors. As a result, the No Project alternative leads to per-capita congested VMT levels that are ~~468~~150 percent higher than the proposed project during the AM peak, ~~94~~25 percent higher during the PM peak, and ~~423~~115 percent higher over the course of a typical weekday. Per-capita VMT is ~~six~~five percent greater than the proposed Plan, resulting in the typical Bay Area resident driving approximately 21 miles per day. When compared to the proposed Plan and other focused growth alternatives, the No Project alternative indicates how more growth at the region’s periphery would lead to higher levels of congestion and more miles of driving each day.

Similar to the proposed Plan, the No Project alternative exhibits no regional transit capacity impacts, as transit demand remains significantly below the level of transit service supplied. Overall transit utilization is generally lower due to fewer transit expansion projects and a less transit-supportive land use pattern. The No Project alternative reflects transit demand levels that are only 36 percent of the transit service supplied over the course of a typical weekday PM peak period, compared to 39 percent utilization in the proposed Plan. Only one transit mode has greater utilization than the proposed Plan – express bus – likely as a result of the more suburban land use pattern and its need for long-distance modes of public transit.

The first three paragraphs under “Alternative 3 – Transit Priority Focus” (Draft EIR 3.1-21) are revised as follows:

This alternative shifts regional growth to the Transit Priority Project eligible areas, with the greatest emphasis on growth in the urban core close to high-frequency transit. While overall ridership of the region’s transit system ~~does not differ much from~~ is only slightly greater than the proposed Plan, the more efficient land use pattern leads to five percent less daily vehicle hours of delay and one percent less overall daily VMT.

By emphasizing focused growth around high-capacity transit hubs in the core of the region, Alternative 3 features commute travel times that are three percent less than the proposed Plan. Furthermore, it holds the region’s commute travel times at 2010 levels. This alternative exhibits the greatest benefits for transit commute travel times, reducing commute times by ~~five-four~~ percent as compared to the proposed Plan. With regard to non-commute travel times, Alternative 3 performs similarly to the proposed Plan.

While increasing BART and AC Transit services and emphasizing growth in areas well-served by transit only reduces total regional VMT by one percent from the levels of the proposed Plan, slight decreases in total VMT can significantly improve highly congested highway segments. This shift leads to per-capita congested VMT levels that are less than the proposed Plan (~~20-25~~ percent less in the AM peak, ~~42-10~~ percent less in the PM peak, and ~~44-17~~ percent less over the course of a typical weekday as compared to the proposed Plan). Conversely, greater levels of residential and commercial growth in the urban core leads to slightly longer commute distances for existing suburban residents, leading to per-capita VMT levels being two percent greater than the proposed Plan.

The first and third paragraphs under “Alternative 4 – Enhanced Network of Communities” (Draft EIR pages 3.1-21 and 3.1-22) are revised as follows:

As a result of the higher population and job growth projections, Alternative 4 has greater growth in overall VMT (four percent more VMT than the proposed Plan), greater growth in trip-making (five percent more vehicle-trips than the proposed Plan), and more vehicle delay (nine

percent more than the proposed Plan). As the alternative features a slightly more dispersed growth pattern, transit ridership is slightly less than the proposed Plan (~~three-two~~ percent less). By eliminating the net in-commute pattern from the region, interregional trips are reduced by five percent from the levels in the proposed Plan.

Higher population and job growth forecasts also impact per-capita congested VMT, as Alternative 4 does not proportionately increase transportation capacity (beyond what is in the proposed Plan) to accommodate such growth. As a result, per-capita congested VMT is significantly higher as more vehicles compete for the same amount of roadway space as in the proposed Plan; per-capita congested VMT levels are ~~36-27~~ percent higher in the AM peak, ~~54-55~~ percent higher in the PM peak, and ~~46-41~~ percent higher over the course of a typical weekday. As this alternative focuses growth in a relatively similar pattern to the proposed Plan (some growth in the region's core combined with additional growth in moderate-density suburban centers), per-capita VMT is reduced by the same amount as in the proposed Plan.

The first three paragraphs under “Alternative 5 – Environment, Equity, and Jobs” (Draft EIR page 3.1-22) are revised as follows:

Due to the substantial investments in transit service frequency improvements, as well as a more focused growth pattern than forecasted No Project alternative conditions, Alternative 5 has the strongest transit ridership of all of the alternatives considered, ~~five-six~~ percent more than the proposed Plan. Additionally, its lack of highway expansion projects and implementation of a VMT tax causes the alternative to have the lowest level of VMT of all of the alternatives considered, two percent less than the proposed Plan. However, the lack of highway expansion projects causes this alternative to have more delay (seven percent more than the proposed Plan), even as total VMT and total trips are reduced.

While Alternative 5 invests substantially in the region's transit services and discourages auto travel by charging a VMT tax and not constructing roadway expansion projects, it also boosts growth in suburban locations, such as San Mateo County, at the expense of more centrally-located urban locations. These two elements of this alternative counteract one another and lead to commute and non-commute travel times that are consistent with the proposed Plan. ~~With regard to non-commute travel times, this alternative has slightly longer (one percent) travel times than the proposed Plan; this is most likely due to more congested roadway conditions and higher numbers of transit riders (who tend to have longer average travel times, regardless of trip purpose).~~

While this alternative has the lowest level of VMT of all alternatives (two percent less than the proposed Plan) as a result of a VMT tax and significant funding shifts towards transit services, its levels of per-capita congested VMT are higher than the proposed Plan. Alternative 5 exhibits congested VMT levels ~~48-10~~ percent higher in the AM peak, ~~seven-eight~~ percent higher in the PM peak, and ~~44-seven~~ percent higher over the course of a typical weekday. These higher levels of per-capita congested VMT are primarily the result of canceling all uncommitted highway projects (both expansion and operational improvements) for inclusion in the proposed Plan, many of which are designed to alleviate congested bottlenecks on the region's highway system. Per-capita VMT is approximately the same as the proposed Plan.

Table 3.1-8 (Draft EIR page 3.1-24) is revised as follows:**TABLE 3.1-8: BAY AREA TRAVEL BEHAVIOR, 2010-2040**

	2010	2040 Plan	2040 No Project (Alt 1)	% Difference from Proposed Plan	2040 Transit Priority Focus (Alt 3)	% Difference from Proposed Plan	2040 Enhanced Network of Communities (Alt 4)	% Difference from Proposed Plan	2040 Environment, Equity, and Jobs (Alt 5)	% Difference from Proposed Plan
Daily ¹ Transit Boardings	1,581,000	3,054,000 3,032,000	2,426,000	-21% -20%	3,055,000	0% +1%	2,972,000	-3% -2%	3,219,000	+5% +6%
Daily Vehicle Miles of Travel (VMT) ²	149,046,000	179,408,000 179,397,000	180,060,000	0%	178,264,000	-1%	185,839,000	+4%	175,948,000	-2%
Daily ² Vehicle Miles of Travel ² per Capita ³	20.8	19.6	20.7	+6%	20.0	+2%	19.6	0%	19.7	+1%
Intraregional Daily Vehicle Trips ²	14,830,000	17,858,000 17,855,000	17,598,000	-1%	17,713,000	-1%	18,843,000	+6%	17,538,000	-2%
Interregional Daily Vehicle Trips	631,000	854,000	854,000	0%	854,000	0%	814,000	-5%	854,000	0%
Airport Daily Vehicle Trips	102,000	169,000	169,000	0%	169,000	0%	169,000	0%	169,000	0%
Commercial Daily Vehicle Trips	1,349,000	1,796,000 1,795,000	1,772,000	-1%	1,785,000	-1%	1,822,000	<u>+2%</u>	1,779,000	-1%
Total Daily Vehicle Trips	16,912,000	20,677,000 20,674,000	20,393,000	-1%	20,521,000	-1%	21,648,000	+5%	20,340,000	-2%
Daily Vehicle Hours of Recurring Delay	266,000	409,000	534,000	+31%	392,000	-4%	471,000	+15%	439,000	+7%
Daily Vehicle Hours of Recurring Delay (Freeways)	141,000	208,000	268,000	+29%	194,000	-7%	238,000	+14%	214,000	+3%
Daily Vehicle Hours of	58,000	104,000	149,000	+43%	100,000	-4%	121,000	+16%	119,000	+14%

TABLE 3.1-8: BAY AREA TRAVEL BEHAVIOR, 2010-2040

	2010	2040 Plan	2040 No Project (Alt 1)	% Difference from Proposed Plan	2040 Transit Priority Focus (Alt 3)	% Difference from Proposed Plan	2040 Enhanced Network of Communities (Alt 4)	% Difference from Proposed Plan	2040 Environment, Equity, and Jobs (Alt 5)	% Difference from Proposed Plan
Recurring Delay (Expressways and Arterials)										
Daily Vehicle Hours of Recurring Delay (Other Facilities)	67,000	97,000	117,000	+21%	98,000	+1%	112,000	+15%	106,000	+9%
Daily Vehicle Hours of Non-Recurrent Delay ³	108,000	147,000 146,000	203,000	+38% +39%	138,000	-6% -5%	169,000	+15% +16%	156,000	+6% +7%
Total Daily Vehicle Hours of Delay	374,000	556,000 555,000	738,000	+33%	530,000	-5%	639,000	+15%	595,000	+7%
Average Delay per Vehicle (Minutes)	4.6	5.6	7.5	+34%	5.4	-4%	6.1	+9%	6.0	+7%
Typical Weekday Intraregional Personal Trips	23,592,000	29,426,000 29,422,000	28,383,000	-4%	29,024,000	-1%	30,615,000	+4%	28,957,000	-2%

1. Daily metrics are measured for a typical weekday.

2. Only reflects interzonal trips (assigned directly to the highway network); includes intraregional, interregional, airport-bound, and commercial vehicle trips.

3. Total daily VMT is calculated using Travel Model One; therefore, to calculate per-capita VMT, it is essential to use simulated population levels to ensure consistency. Simulated population may be slightly different than overall population forecasts for Plan Bay Area EIR alternatives due to slight variability in modeling tools. Further clarification on this issue can be found in the Plan Bay Area EIR technical appendices.

4. Only includes non-recurrent delay on freeway facilities.

Source: Metropolitan Transportation Commission Travel Forecasts, ~~2012~~ 2013.

Table 3.1-9 (Draft EIR page 3.1-26) is revised as follows:

TABLE 3.1-9: PER-TRIP COMMUTE TRAVEL TIME, BY MODE

Mode	2010	2040 Plan	2040 No Project (Alt 1)	% Difference from Proposed Plan	2040 Transit Priority Focus (Alt 3)	% Difference from Proposed Plan	2040 Enhanced Network of Communities (Alt 4)	% Difference from Proposed Plan	2040 Environment, Equity, and Jobs (Alt 5)	% Difference from Proposed Plan
Drive Alone	18.7	<u>18.1</u>	19.3	+7%	17.7	-2%	18.3	+2% <u>+1%</u>	18.0	0%
Carpool	14.2	13.7	14.5	+6%	13.6	-1% <u>0%</u>	13.9	+1% <u>+2%</u>	13.7	0%
Transit	44.0	44.3	46.3	+5%	42.3	-5% <u>-4%</u>	45.0	+2%	43.9	-1%
Walk	19.5	19.3	19.5	+1%	19.4	+1% <u>0%</u>	19.5	+1%	19.4	+1% <u>0%</u>
Bike	12.5	12.8	12.8	0%	12.9	+1%	12.9	+1%	12.8	0%
All Modes	19.8	20.4	21.1	+3%	19.8	-3%	20.5	0%	20.5	0%

Source: Metropolitan Transportation Commission Travel Forecasts, ~~2012~~2013.

Table 3.1-10 (Draft EIR page 3.1-37) is revised as follows:

TABLE 3.1-10: PER-TRIP NON-COMMUTE TRAVEL TIME, BY MODE

Mode	2010	2040 Plan	2040 No Project (Alt 1)	% Difference from Proposed Plan	2040 Transit Priority Focus (Alt 3)	% Difference from Proposed Plan	2040 Enhanced Network of Communities (Alt 4)	% Difference from Proposed Plan	2040 Environment, Equity, and Jobs (Alt 5)	% Difference from Proposed Plan
Drive Alone	11.6	11.4	11.6	+2%	11.5	+1%	11.6	+2%	11.5	+1%
Carpool	11.4	11.3	11.5	+2%	11.4	+1%	11.4	+1%	11.3	0%
Transit	36.2	35.5 35.3	36.3	+2%	35.1	-1%	35.8	+1%	35.3	-1%
Walk	18.3	18.1	18.2	+1%	18.1	0%	18.4	+2%	18.1	0%
Bike	11.0	11.1	11.1	0%	11.1	0%	11.3	+2%	11.1	0%
All Modes	12.7	12.9	13.0	+1%	12.9	0%	13.0	+1%	13.0	+1%

Source: Metropolitan Transportation Commission Travel Forecasts, ~~2012~~ 2013.

Table 3.1-11 (Draft EIR page 3.1-28) is revised as follows:**TABLE 3.1-11: PER-CAPITA DAILY VEHICLE MILES OF TRAVEL BY LEVEL OF SERVICE (2010-2040)**

LOS ¹ (V/C Ratio)	2010	2040 Plan	2040 No Project (Alt 1)	% Difference from Proposed Plan	2040 Transit Priority Focus (Alt 3)	% Difference from Proposed Plan	2040 Enhanced Network of Communities (Alt 4)	% Difference from Proposed Plan	2040 Environment, Equity, and Jobs (Alt 5)	% Difference from Proposed Plan
AM Peak Period (6 AM to 10 AM)										
A-C (< 0.75)	4.19	3.70 3.69	3.65	-1%	3.84	+4%	3.66	-1%	3.67	-1% 0%
D-E (0.75-1.00)	1.05	1.16 1.15	1.39	+20% <u>+21%</u>	1.14	-2% -1%	1.17	+1%	1.20	+4%
F (> 1.00)	0.06	0.080.09	0.22	+168% <u>+150%</u>	0.06	-20% <u>-25%</u>	0.11	+36% <u>+27%</u>	0.10	+18% <u>+10%</u>
Total	5.31	4.93	5.26	+7%	5.04	+2%	4.94	0%	4.97	+1%
PM Peak Period (3 PM to 7 PM)										
A-C (< 0.75)	4.68	4.11	3.98	-3%	4.19	+2%	4.01	-2%	3.99	-3%
D-E (0.75-1.00)	1.20	1.35	1.64	+21%	1.38	+2%	1.42	+5%	1.47	+9%
F (> 1.00)	0.06	0.10	0.19	+94% <u>+97%</u>	0.09	-12% <u>-10%</u>	0.15	+54% <u>+55%</u>	0.10	+7% <u>+8%</u>
Total	5.94	5.56	5.81	+5%	5.66	+2%	5.58	0%	5.56	0%
Daily										
A-C (< 0.75)	18.27	16.56 16.57	16.83	+2%	16.88	+2%	16.36	-1%	16.50	0%
D-E (0.75-1.00)	2.45	2.88 2.86	3.41	+18% <u>+19%</u>	2.92	+1% <u>+2%</u>	2.98	+3% <u>+4%</u>	3.03	+5% <u>+6%</u>
F (> 1.00)	0.12	0.190.20	0.42	+123% <u>+115%</u>	0.16	-14% <u>-17%</u>	0.27	+46% <u>+41%</u>	0.21	+11% <u>+7%</u>
Total	20.84	19.63	20.66	+5%	19.97	+2%	19.61	0%	19.75	+1%

1. LOS (level of service) measures traffic density with a range of A to F. LOS A-C reflect free-flow conditions with minimal delay. LOS D-E reflect somewhat congested conditions with some possible delays. LOS F reflects very congested conditions with significant volumes greater than roadway capacity, leading to significant delays.

Source: Metropolitan Transportation Commission Travel Forecasts, ~~2012~~2013.

Table 3.1-12 (Draft EIR page 3.1-29) is revised as follows:**TABLE 3.1-12: DAILY VEHICLE MILES OF TRAVEL PER CAPITA (2010-2040)**

	2010	2040 Plan	2040 No Project (Alt 1)	% Difference from Proposed Plan	2040 Transit Priority Focus (Alt 3)	% Difference from Proposed Plan	2040 Enhanced Network of Communities (Alt 4)	% Difference from Proposed Plan	2040 Environment, Equity, and Jobs (Alt 5)	% Difference from Proposed Plan
Daily ¹ Vehicle Miles of Travel (VMT) ²	149,046,000	179,408,000 179,397,000	180,060,000	0%	178,264,000	-1%	185,839,000	+4%	175,948,000	-2%
Simulated Population ³	7,151,000	9,137,000 9,139,000	8,715,000	-5%	8,927,000	-2%	9,476,000	+4%	8,910,000	-2% -3%
Daily^a Vehicle Miles of Travel² per Capita³	20.8	19.6	20.7	+6%+5%	20.0	+2%	19.6	0%	19.7	+1%

1. Daily metrics are measured for a typical weekday.

2. Only reflects interzonal trips (assigned directly to the highway network); includes intraregional, interregional, airport-bound, and commercial vehicle trips.

3. Total daily VMT is calculated using Travel Model One; therefore, to calculate per-capita VMT, it is essential to use simulated population levels to ensure consistency. Simulated population may be slightly different than overall population forecasts for Plan Bay Area EIR alternatives due to slight variability in modeling tools. Further clarification on this issue can be found in the Plan Bay Area EIR technical appendices.

Source: Metropolitan Transportation Commission Travel Forecasts, ~~2012~~2013.

Table 3.1-13 (Draft EIR pages 3.1-30 and 3.1-31) is revised as follows:

TABLE 3.1-13: PERCENT UTILIZATION¹ OF PUBLIC TRANSIT SYSTEMS, BY TECHNOLOGY (2010-2040)

<i>Mode</i>	<i>2010</i>	<i>2040 Plan (Alt 2)</i>	<i>2040 No Project (Alt 1)</i>	<i>2040 Transit Priority Focus (Alt 3)</i>	<i>2040 Enhanced Network of Communities (Alt 4)</i>	<i>2040 Environment, Equity, and Jobs (Alt 5)</i>
AM Peak Period (6 AM to 10 AM)						
Local bus	24%	42%	37%	41%	41%	41%
Light rail ²	35%	57% 58%	54%	65%	52%	56%
Ferry	19%	23% 24%	20%	15%	20%	19%
Express bus	30%	44% 43%	49%	37%	38%	43%
Heavy rail ³	40%	57%	52%	45%	62%	50%
Commuter rail ⁴	7%	22%	11%	21%	22%	22%
All technologies	28%	44%	39%	39%	44%	41%
PM Peak Period (3 PM to 7 PM)						
Local bus	25%	42% 43%	36%	41%	42%	40%
Light rail ²	34%	59%	55%	67%	54%	57%
Ferry	9%	12%	11%	8%	10%	10%
Express bus	26%	37% 38%	43%	32%	31%	36%
Heavy rail ³	36%	46% 47%	47%	37%	50%	41%
Commuter rail ⁴	5%	20%	9%	19%	20%	20%
All technologies	25%	39%	36%	35%	39%	37%
Daily						
Local bus	19%	34%	29%	33%	33%	33%
Light rail ²	27%	49%	45%	55%	44%	47%

TABLE 3.1-13: PERCENT UTILIZATION¹ OF PUBLIC TRANSIT SYSTEMS, BY TECHNOLOGY (2010-2040)

<i>Mode</i>	<i>2010</i>	<i>2040 Plan (Alt 2)</i>	<i>2040 No Project (Alt 1)</i>	<i>2040 Transit Priority Focus (Alt 3)</i>	<i>2040 Enhanced Network of Communities (Alt 4)</i>	<i>2040 Environment, Equity, and Jobs (Alt 5)</i>
Ferry	8%	13%	10%	8%	11%	11%
Express bus	25%	36% 37%	40%	30%	31%	35%
Heavy rail ³	27%	36% 37%	36%	32%	39%	35%
Commuter rail ⁴	6%	17% 18%	9%	17%	17%	17%
All technologies	21%	33%	30%	30%	33%	32%

1. Percent utilization measures the passenger seat-miles required by forecasted transit patrons as a percentage of total passenger seat-miles provided by transit operators (i.e. the percentage of seats on transit vehicles filled with passengers). Utilization levels greater than 80 percent reflect conditions where passengers either would have difficulty finding a seat or would have to stand during all or part of their ride.

2. Reflects utilization of Muni Metro and VTA light rail systems.

3. Reflects utilization of BART heavy rail system.

4. Reflects utilization of Caltrain, SMART, Capitol Corridor, and ACE commuter rail systems.

Source: Metropolitan Transportation Commission Travel Demand Forecasts, ~~2012~~2013.

The page number on Draft EIR page 3.1-32 is changed from 2.1-3.2 to page 3.1-32.

The first paragraph on Draft EIR page 3.1-34 is revised as follows:

Tables 3.1-17 through 3.1-21 illustrate the percent change estimated in on-road mobile source TAC and PM_{2.5} emissions anticipated within CARE communities between the years 2010 and 2040 for the proposed Plan and the alternatives. In general, while the overall trends of TAC and PM emissions appear to be decreasing, the slight changes of TAC and PM_{2.5} emissions within CARE communities versus non-CARE communities is essentially the same between 2010 and 2040. However, when re-entrained road dust is included with exhaust emissions in the

2040 estimates, there is an increase in Total PM_{2.5} emissions for the CARE communities in ~~Alameda County (2.49 percent), and~~ Santa Clara County (10.531 percent) for the proposed Plan. **Table 3.1-22** compares increase in VMT as related to CARE communities. This impact is considered significant and unavoidable (SU) for all alternatives.

The first paragraph under “Alternative 1 – No Project” on Draft EIR page 3.1-34 is revised as follows:

The absence of uncommitted transportation investments would increase car use, VMT, and worsen congestion. However, as a result of fewer transportation projects, this alternative would have lower construction-related emissions than the proposed Plan. Construction-related emissions from land use developments would be more dispersed throughout the region due to the land use pattern. Emissions of NOx (summertime and wintertime), CO, PM₁₀, PM_{2.5}, and TACs would be higher. Emissions of ROG would be slightly ~~lower (0.2 percent)~~ higher (0.8 percent) than the proposed Plan; while overall VMT would be higher than the proposed Plan. The addition of the Express Lanes Network in the proposed Plan would increase speeds and VMT in these corridors, causing slightly higher ROG emissions compared to the No Project alternative.

Table 3.1-14 (Draft EIR page 3.1-38) is revised as follows:

TABLE 3.1-14: TRAVEL DATA

	2010	2040		Difference from Proposed Plan	2040	Difference from Proposed Plan	2040	Difference from Proposed Plan	2040	Difference from Proposed Plan
		Alternative 2: Proposed Plan	Alternative 1: No Project	Percent	Alternative 3: Transit Priority	Percent	Alternative 4: Connected	Percent	Alternative 5: EEJ	Percent
Vehicles in Use	4,608,722	5,463,760 5,463,760 63,106	5,493,962	0.5% 0.6%	5,450,157	-0.2%	5,668,407	3.6%	5,380,224	-1.6% -1.5%
Daily Vehicle Miles Traveled (VMT)	163,903,095	196,927,122 196,911,394	198,134,669	0.6%	196,371,589	-0.3%	204,179,341	3.6%	194,052,688	-1.5%
Engine Starts	30,834,375 30,834,375 384,825	36,362,648 36,362,648 4,443,678	36,478,594 36,478,594 55,043	0.3% 0.6%	36,303,442 36,303,442 367,622	-0.2%	37,768,831 37,768,831 5,737,490	3.7% 3.6%	35,771,643 35,771,643 33,925,494	-1.7% -1.5%
Total Population	7,091,000	9,196,000	9,196,000	0.0%	9,196,000	0.0%	9,535,000	3.6%	9,196,000	0.0%
Total Employment	3,385,000	4,505,000	4,505,000	0.0%	4,505,000	0.0%	4,550,000	1.0%	4,505,000	0.0%

Source: Metropolitan Transportation Commission, 2012

Table 3.1-15 (Draft EIR page 3.1-39) is revised as follows:

TABLE 3.1-15: EMISSION ESTIMATES FOR CRITERIA POLLUTANTS USING EMFAC2011 EMISSION RATES (TONS PER DAY)

		2040	2040	Difference from Proposed Plan		Difference from Proposed Plan		Difference from Proposed Plan		Difference from Proposed Plan
	2010	Alternative 2: Proposed Plan	Alternative 1: No Project	Percent	Alternative 3: Transit Priority	Percent	Alternative 4: Connected	Percent	Alternative 5: EEJ	Percent
ROG	93.78 5.0	36.530.2	36.530.5	-0.2%0.8%	36.530.1	-0.2%-0.4%	38.031.3	3.9%3.5%	35.829.7	-2.0%- 1.7%
NOx (Summertime)	164.3 163.5	48.547.8	48.748.0	0.4%	48.147.4	-0.8%	50.249.5	3.4%3.3%	47.647.0	-1.8%
CO	879.9 857.7	266.5241.0	268.5244.2	0.8%1.3%	265.9240.1	-0.2%-0.3%	277.0250.0	3.8%3.6%	262.2237.7	-1.6%- 1.4%
PM ₁₀	36.4	41.040.9	41.3	0.9%	40.8	-0.3%	42.4	3.5%	40.3	-1.5%
PM _{2.5}	10.4	9.9	10.0	0.8%	9.9	-0.4%	10.3	3.5%	9.8	-1.6%- 1.5%
NOx (Wintertime)	185.3 184.4	53.752.9	53.953.2	0.4%0.5%	53.352.5	-0.8%	55.654.7	3.4%3.3%	52.852.0	-1.8%

Source: Metropolitan Transportation Commission, 2012

Table 3.1-17 (Draft EIR page 3.1-41) is revised as follows:

TABLE 3.1-17: EXHAUST ONLY PM_{2.5} WITH ROAD-DUST PERCENT CHANGE 2010 - 2040

	<i>Alternative 1: No Project</i>	<i>Alternative 2: Proposed Plan</i>	<i>Alternative 3: Transit Priority</i>	<i>Alternative 4: Connected</i>	<i>Alternative 5: EEJ</i>
Alameda: Care Community	-57.38% <u>-57.33%</u>	-56.11%	-57.65% <u>-57.59%</u>	-55.52% <u>-55.46%</u>	-57.61% <u>-57.56%</u>
Remainder of County	-57.10% <u>-57.05%</u>	-55.13% <u>-55.01%</u>	-56.72% <u>-56.67%</u>	-53.92% <u>-53.87%</u>	-56.39% <u>-56.34%</u>
Contra Costa: Care Community	-56.04% <u>-55.98%</u>	-57.54% <u>-57.34%</u>	-56.61% <u>-56.55%</u>	-55.92% <u>-55.86%</u>	-59.15% <u>-59.10%</u>
Remainder of County	-57.52% <u>-57.47%</u>	-57.69% <u>-57.52%</u>	-59.51% <u>-59.46%</u>	-56.57% <u>-56.53%</u>	-60.17% <u>-60.12%</u>
Marin: Care Community	N/A	N/A	N/A	N/A	N/A
Remainder of County	-60.66% <u>-60.62%</u>	-61.29% <u>-61.33%</u>	-62.33% <u>-62.29%</u>	-60.39% <u>-60.35%</u>	-63.36% <u>-63.32%</u>
Napa: Care Community	N/A	N/A	N/A	N/A	N/A
Remainder of County	-51.34% <u>-51.28%</u>	-57.56% <u>-57.64%</u>	-54.37% <u>-54.31%</u>	-58.41% <u>-58.36%</u>	-56.23% <u>-56.18%</u>
San Francisco: Care Community	-53.05% <u>-52.98%</u>	-53.23% <u>-53.13%</u>	-53.98% <u>-53.91%</u>	-52.18% <u>-52.11%</u>	-54.24% <u>-54.17%</u>
Remainder of County	-46.45% <u>-46.33%</u>	-46.22% <u>-46.24%</u>	-43.78% <u>-43.65%</u>	-43.77% <u>-43.64%</u>	-44.19% <u>-44.06%</u>
San Mateo: Care Community	-55.08% <u>-55.02%</u>	-56.91% <u>-57.00%</u>	-55.63% <u>-55.58%</u>	-56.07% <u>-56.02%</u>	-54.20% <u>-54.15%</u>
Remainder of County	-56.09% <u>-56.04%</u>	-57.67% <u>-57.68%</u>	-54.90% <u>-54.85%</u>	-55.30% <u>-55.24%</u>	-54.99% <u>-54.94%</u>
Santa Clara: Care Community	-55.04% <u>-54.98%</u>	-50.86% <u>-50.85%</u>	-50.65% <u>-50.59%</u>	-47.67% <u>-47.60%</u>	-53.77% <u>-53.71%</u>
Remainder of County	-55.47% <u>-55.41%</u>	-54.14%	-53.64% <u>-53.59%</u>	-52.74% <u>-52.68%</u>	-55.09% <u>-55.03%</u>
Solano: Care Community	N/A	N/A	N/A	N/A	N/A
Remainder of County	-53.31% <u>-53.27%</u>	-54.67% <u>-54.61%</u>	-55.52% <u>-55.48%</u>	-54.64% <u>-54.59%</u>	-56.66% <u>-56.61%</u>
Sonoma: Care Community	N/A	N/A	N/A	N/A	N/A
Remainder of County	-47.83% <u>-47.76%</u>	-53.20% <u>-53.07%</u>	-56.38% <u>-56.33%</u>	-53.00% <u>-52.93%</u>	-56.68% <u>-56.62%</u>
Regionwide: Care Community	-55.80% <u>-55.75%</u>	-54.49% <u>-54.45%</u>	-54.79% <u>-54.73%</u>	-52.87% <u>-52.81%</u>	-56.04% <u>-55.99%</u>
Remainder of County	-55.60% <u>-55.54%</u>	-55.64% <u>-55.58%</u>	-56.09% <u>-56.04%</u>	-54.48% <u>-54.43%</u>	-56.75% <u>-56.70%</u>
Regionwide Average	-55.66% <u>-55.61%</u>	-55.25% <u>-55.20%</u>	-55.65% <u>-55.60%</u>	-53.94% <u>-53.89%</u>	-56.51% <u>-56.46%</u>

Source: Bay Area Air Quality Management District, 2013.

Table 3.18 (Draft EIR page 3.1-42) is revised as follows:

TABLE 3.1-18: TOTAL PM_{2.5} WITH ROAD DUST PERCENT CHANGE 2010 - 2040

	<i>Alternative 1: No Project</i>	<i>Alternative 2: Proposed Plan</i>	<i>Alternative 3: Transit Priority</i>	<i>Alternative 4: Connected</i>	<i>Alternative 5: EEJ</i>
Alameda: Care Community	-5.19% -5.15%	-1.36% -1.44%	-4.93% -4.88%	0.16% 0.20%	-4.97% -4.92%
Remainder of County	-3.24% -3.19%	2.49% 2.67%	-1.55% -1.50%	5.60% 5.65%	0.13% 0.18%
Contra Costa: Care Community	-0.34% -0.30%	-3.64% -3.28%	-1.32% -1.27%	0.62% 0.67%	-6.66% -6.61%
Remainder of County	-3.25% -3.21%	-3.70% -3.38%	-8.04% -8.00%	-0.43% -0.39%	-8.86% -8.82%
Marin: Care Community	N/A	N/A	N/A	N/A	N/A
Remainder of County	-11.66% -11.62%	-13.37% -13.53%	-15.70% -15.66%	-11.82% -11.78%	-17.71% -17.67%
Napa: Care Community	N/A	N/A	N/A	N/A	N/A
Remainder of County	8.33% 8.37%	-5.55% -5.83%	0.60% 0.64%	-7.52% -7.48%	-2.47% -2.43%
San Francisco: Care Community	-3.13% -3.09%	-3.62% -3.55%	-4.88% -4.83%	-1.54% -1.49%	-5.08% -5.04%
Remainder of County	-1.47% -1.42%	-2.35% -2.55%	1.73% 1.78%	1.28% 1.33%	1.04% 1.09%
San Mateo: Care Community	2.02% 2.07%	-1.53% -1.85%	1.10% 1.15%	-0.03% 0.02%	4.28% 4.33%
Remainder of County	-1.61% -1.57%	-4.82% -4.93%	1.72% 1.76%	1.15% 1.20%	1.19% 1.23%
Santa Clara: Care Community	0.68% 0.73%	10.53% 10.51%	11.24% 11.29%	17.94% 18.00%	3.89% 3.94%
Remainder of County	-1.48% -1.44%	2.89% 2.80%	3.84% 3.89%	6.16% 6.21%	0.25% 0.30%
Solano: Care Community	N/A	N/A	N/A	N/A	N/A
Remainder of County	8.27% 8.32%	2.24% 2.31%	1.39% -1.44%	1.89% 1.94%	0.41% 0.45%
Sonoma: Care Community	N/A	N/A	N/A	N/A	N/A
Remainder of County	12.33% 12.38%	2.70% 2.78%	-4.43% -4.39%	2.95% 3.00%	-4.78% -4.74%
Regionwide: Care Community	-1.81% -1.76%	1.65% -1.66%	1.10% 1.15%	5.49% 5.54%	-1.81% -1.76%
Remainder of County	-0.60% -0.56%	-0.23% -0.18%	-1.30% -1.25%	2.58% 2.63%	-2.43% -2.39%
Regionwide Average	-1.02% -0.97%	0.42% 0.45%	-0.47% -0.43%	3.58% 3.63%	-2.22% -2.17%

Source: Bay Area Air Quality Management District, 2013.

Table 3.1-22 (Draft EIR page 3.1-46) is revised as follows:

TABLE 3.1-22: VMT PERCENT CHANGE 2010 - 2040

	<i>Alternative 1: No Project</i>	<i>Alternative 2: Proposed Plan</i>	<i>Alternative 3: Transit Priority</i>	<i>Alternative 4: Connected</i>	<i>Alternative 5: EEJ</i>
Alameda: Care Community	13.84%	18.64% 18.48%	14.30%	20.48%	14.28%
Remainder of County	17.46%	24.69% 24.85%	19.69%	28.61%	21.97%
Contra Costa: Care Community	18.49%	14.56% 14.94%	17.41%	19.78%	11.11%
Remainder of County	16.42%	15.92% 16.25%	10.62%	20.00%	9.77%
Marin: Care Community	N/A	N/A	N/A	N/A	N/A
Remainder of County	7.20%	5.12% 4.87%	2.33%	6.94%	-0.07%
Napa: Care Community	N/A	N/A	N/A	N/A	N/A
Remainder of County	27.69%	11.34% 10.96%	18.44%	9.01%	14.99%
San Francisco: Care Community	12.17%	11.57% 11.59%	10.20%	13.97%	10.01%
Remainder of County	9.00%	7.89% 7.61%	12.33%	11.76%	11.57%
San Mateo: Care Community	23.14%	19.00% 18.53%	22.19%	20.73%	25.99%
Remainder of County	19.36%	15.53% 15.32%	23.54%	22.87%	22.86%
Santa Clara: Care Community	19.71%	31.63% 31.55%	32.50%	40.50%	23.65%
Remainder of County	17.51%	23.00% 22.84%	24.12%	26.94%	19.75%
Solano: Care Community	N/A	N/A	N/A	N/A	N/A
Remainder of County	34.60%	26.60% 26.63%	25.74%	26.11%	24.82%
Sonoma: Care Community	N/A	N/A	N/A	N/A	N/A
Remainder of County	31.40%	20.51% 20.52%	12.06%	20.74%	11.69%
Regionwide: Care Community	16.85%	21.12% 21.06%	20.41%	25.67%	17.02%
Remainder of County	19.51%	20.21% 20.20%	18.96%	23.67%	17.70%
Regionwide Average	18.58%	20.53%20.50%	19.47%	24.37%	17.46%

Source: Bay Area Air Quality Management District, 2013.

Table 3.1-2.3 on Draft EIR page 3.1-50 is revised as follows:

TABLE 3.1-23: POTENTIAL FARMLAND CONVERSION IN ACRES, BY TYPE AND ALTERNATIVE

<i>Farmland Type</i>	<i>Alternative 1: No Project</i>	<i>Alternative 2: Proposed Plan</i>	<i>Alternative 3: Transit Priority Focus</i>	<i>Alternative 4: Enhanced Network of Communities</i>	<i>Alternative 5: Environment Equity and Jobs</i>
Land Use Projects					
Farmland of Local Importance	1,455	573	497	622	740
Farmland of Statewide Importance	280	165	81	89	134
Grazing Land	11,464	2,992	3,758	2,257	4,502
Prime Farmland	2,671	395	510	620	583
Unique Farmland	497	260	378	222	455
Land Use Subtotal	16,367	4,385	5,224	3,810	6,414
Transportation Projects					
Farmland of Local Importance	227	421	421	421	331
Farmland of Statewide Importance	19	54	54	54	45
Grazing Land	298	742	625	742	302
Prime Farmland	50	228	211	228	180
Unique Farmland	1	83	82	83	71
	595	1,528	1,393	1,528	929
Transportation Projects Subtotal		1,529		1,529	
	16,962	5,913	6,617	5,338	7,343
Regional Total¹		5,914		5,339	
Regional Excluding Grazing Land	5,200	2,179 2,180	2,234	2,339 2,340	2,539

Note:

- Figures may not sum due to independent rounding.

- Modeling outputs reflect an approximate number of acres potentially converted. Modeling limitations result in a more conservative analysis for the proposed Plan than for the other alternatives.

TABLE 3.1-23: POTENTIAL FARMLAND CONVERSION IN ACRES, BY TYPE AND ALTERNATIVE

1. Assuming no overlapping acreage between land use and transportation projects.

Sources: MTC 2013; Census TIGER/Line Shapefiles, 2010; Farmland Mapping and Monitoring Program, Department of Conservation, 2008- 2010.

Table 3.1-24 on Draft EIR page 3.1-51 is revised as follows:

TABLE 3.1-24: WILLIAMSON ACT ACRES POTENTIALLY AFFECTED IN ACRES, BY ALTERNATIVE

	<i>Alternative 1: No Project</i>	<i>Alternative 2: Proposed Plan</i>	<i>Alternative 3: Transit Priority Focus</i>	<i>Alternative 4: Enhanced Network of Communities</i>	<i>Alternative 5: Environment, Equity and Jobs</i>
Land Use Development Subtotal	4,548	470 <u>472</u>	1,375 <u>1377</u>	424 <u>426</u>	1,563
Transportation Projects Subtotal	118	252	238	252	192
Regional Total¹	4,666	724 <u>723</u>	1,615	678	1,755

Note:

- Figures may not sum due to independent rounding.

- Modeling outputs reflect an approximate number of acres potentially converted. Modeling limitations result in a more conservative analysis for the proposed Plan than for the other alternatives.

1. Assuming no overlapping acreage between land use and transportation projects

Source: MTC 2013; Census TIGER/Line Shapefiles, 2010; Department of Conservation, Division of Land Resource Protection, Williamson Act Program, 2004-6006.

Draft EIR page 3.1-51:

The footnote on this page is deleted.

~~Protected open space includes lands protected primarily as open space by an ownership interest of a governmental agency or non-profit organization (fee or easement). These lands may or may not offer public access.~~

Table 3.1-25 (Draft EIR page 3.1-52) is revised as follows:**TABLE 3.1-25: POTENTIAL OPEN SPACE CONVERSION IN ACRES, BY ALTERNATIVE**

	<i>Alternative 1: No Project</i>	<i>Alternative 2: Proposed Plan</i>	<i>Alternative 3: Transit Priority Focus</i>	<i>Alternative 4: Enhanced Network of Communities</i>	<i>Alternative 5: Environment, Equity and Jobs</i>
Land Use Development Subtotal	1,786	2,115 <u>1,742</u>	1,572	1,163	1,667
Transportation Projects Subtotal	124	280	277	280	141
Regional Total¹	1,910	2,395<u>2,022</u>	1,849	1,443	1,808

Note:

- Figures may not sum due to independent rounding.
- Modeling outputs reflect an approximate number of acres potentially converted. Modeling limitations result in a more conservative analysis for the proposed Plan than for the other alternatives.

1. Assuming no overlapping acreage between land use and transportation projects

Sources: MTC, 2013; Farmland Mapping and Monitoring Program, Department of Conservation, 2008- 2010; California Protected Areas Database, 2012; USDA, National Agricultural Statistics Service, California Cropland Data Layer, 2011.

Table 3.1-26 (Draft EIR page 3.1-53) is revised as follows:

TABLE 3.1-26: POTENTIAL FOREST AND TIMBERLAND CONVERSION IN ACRES, BY ALTERNATIVE

	<i>Alternative 1: No Project</i>	<i>Alternative 2: Proposed Plan</i>	<i>Alternative 3: Transit Priority Focus</i>	<i>Alternative 4: Enhanced Network of Communities</i>	<i>Alternative 5: Environment, Equity and Jobs</i>
Land Use Development Subtotal	2,548	1,337 1,352	1,708	212	1,941
Transportation Projects Subtotal	29	58	58	58	40
Regional Total¹	2,577	1,3951,410	1,766	270	1,981

Note:

- Figures may not sum due to independent rounding.
- Modeling outputs reflect an approximate number of acres potentially converted. Modeling limitations result in a more conservative analysis for the proposed Plan than for the other alternatives.

1. Assuming no overlapping acreage

Source: MTC, 2013; USDA, National Agricultural Statistics Service, California Cropland Data Layer, 2011.

Table 3.1-28 (Draft EIR page 3.1-59) is revised as follows:

TABLE 3.1-28: TOTAL AND PER CAPITA PASSENGER VEHICLE AND LIGHT DUTY TRUCK CO₂ EMISSIONS, BY ALTERNATIVE

Year	Simulated Population ¹	Modeled GHG Emissions (daily tons of CO ₂)	Climate Policy Initiatives Reduction (daily tons of CO ₂) ²	CO ₂ Emissions Per Capita (lbs)	Per Capita CO ₂ Emissions Relative to 2005 ³
Alternative 1 - No Project					
2005	7,008,000	72,000	-	20.5	0.0%
2020	7,697,000	75,000	-1,600	19.2	-6.2%
2035	8,489,000	83,000	-2,000	19.0	-7.0%
2040	8,715,000	84,000	-2,000	18.9	-7.7%
Alternative 2 - Proposed Plan					
2005	7,008,000	72,000	-	20.5	0.0%
2020	7,694,000 7,697,000	75,000 74,000	-3,900	18.3	-10.3% -10.4%
2035	8,749,000	81,000 81,000	-59,000 -5,700	17.1	-16.4% -16.2%
2040	9,137,000 9,139,000	83,000 83,000	-59,000 -5,700	16.8	-18.0% -17.7%
Alternative 3 - Transit Priority					
2005	7,008,000	72,000	-	20.5	0.0%
2020	7,710,000	74,000	-3,800	18.3	-10.5%
2035	8,613,000	80,000	-5,800 -5,600	17.3 17.4	-15.4% -15.1%
2040	8,927,000	82,000	-5,800 -5,600	17.1 17.2	-16.2% -16.0%
Alternative 4 - Network of Communities					
2005	7,008,000	72,000	-	20.5	0.0%
2020	7,799,000	75,000	-2,500	18.7	-8.5%
					-14.8%
2035	9,028,000	83,000	-4,500 -4,300	17.4 17.5	-14.5%
2040	9,476,000	86,000	-4,500 -4,300	17.1 17.2	-16.3% -16.0%
Alternative 5 - Environment, Equity, and Jobs					
2005	7,008,000	72,000	-	20.5	0.0%
2020	7,698,000	74,000	-3,800	18.2	-11.1%
2035	8,607,000	79,000	-5,800 -5,600	17.1 17.2	-16.4% -16.1%
2040	8,910,000	81,000	-5,800 -5,600	17.0	-17% -16.8%

1. CO₂ emissions are calculated using Travel Model One outputs; therefore, to calculate per-capita VMT, it is essential to use simulated population levels to ensure consistency. Simulated population may be slightly different than overall population forecasts for Plan Bay Area EIR alternatives due to slight variability in modeling tools. Further clarification on this issue is provided in the Supplemental Report, *Summary of Predicted Traveler Responses*.

TABLE 3.1-28: TOTAL AND PER CAPITA PASSENGER VEHICLE AND LIGHT DUTY TRUCK CO₂ EMISSIONS, BY ALTERNATIVE

<i>Year</i>	<i>Simulated Population¹</i>	<i>Modeled GHG Emissions (daily tons of CO₂)</i>	<i>Climate Policy Initiatives Reduction (daily tons of CO₂)²</i>	<i>CO₂ Emissions Per Capita (lbs)</i>	<i>Per Capita CO₂ Emissions Relative to 2005³</i>
2. MTC's Climate Policy Initiatives, which are part of the proposed Plan, include Regional Electric Vehicle Public Charger Network, Vehicle Buy-Back and Plug-In/ Electric Vehicles Purchase Incentives, Car Sharing, Vanpool Incentives, Clean Vehicles Feebate Program, Smart Driving Strategy, and Commuter Benefits Ordinance.					
3. Bold numbers fail to meet SB 375 targets.					

Source: MTC, 2013.

The first paragraph of Draft EIR page 3.1-60 is revised as follows:

Total annual forecast GHG emissions (reported in metric tons of CO₂ equivalents or MTCO₂e) are expected to decline from 2010 to 2040 under all alternatives when considering ARB's scoping plan reductions for electricity and natural gas, recycling and waste, and implementation of Pavley and LCFS regulations, as shown in **Table 3.1-29**. The year 2010 is used as the baseline for this criterion as it is the most recent modeled year. These reductions, as well as methodology for calculating annual MTCO₂e, are described in detail in *Chapter 2.5*. ~~Alternatives 3 and 5 are~~ Alternative 5, closely followed by the proposed Plan and Alternative 3, is expected to result in the greatest reduction in land use GHG emissions from 2010 to 2040. The relatively lower increase in residential GHG emissions under these ~~two~~ alternatives is tied to an increase in the share of multifamily units, which require less electricity and natural gas to operate. Alternative 5 is expected to have the greatest reduction in on-road transportation GHG emissions from 2010 to 2040. A portion of this reduction is attributable to the substantial investments in transit service frequency improvements, as well as a focused growth pattern, resulting in the strongest transit ridership of all of the alternatives considered. Additionally, its lack of highway expansion projects and implementation of a VMT tax causes Alternative 5 to have the lowest level of VMT of all of the alternatives considered – one percent less than the proposed Plan.

Table 3.1-29 (Draft EIR, p. 3.1-61) is revised as follows:

TABLE 3.1-29: COMPARATIVE ANNUAL LAND-USE GHG EMISSIONS (MTCO₂E)

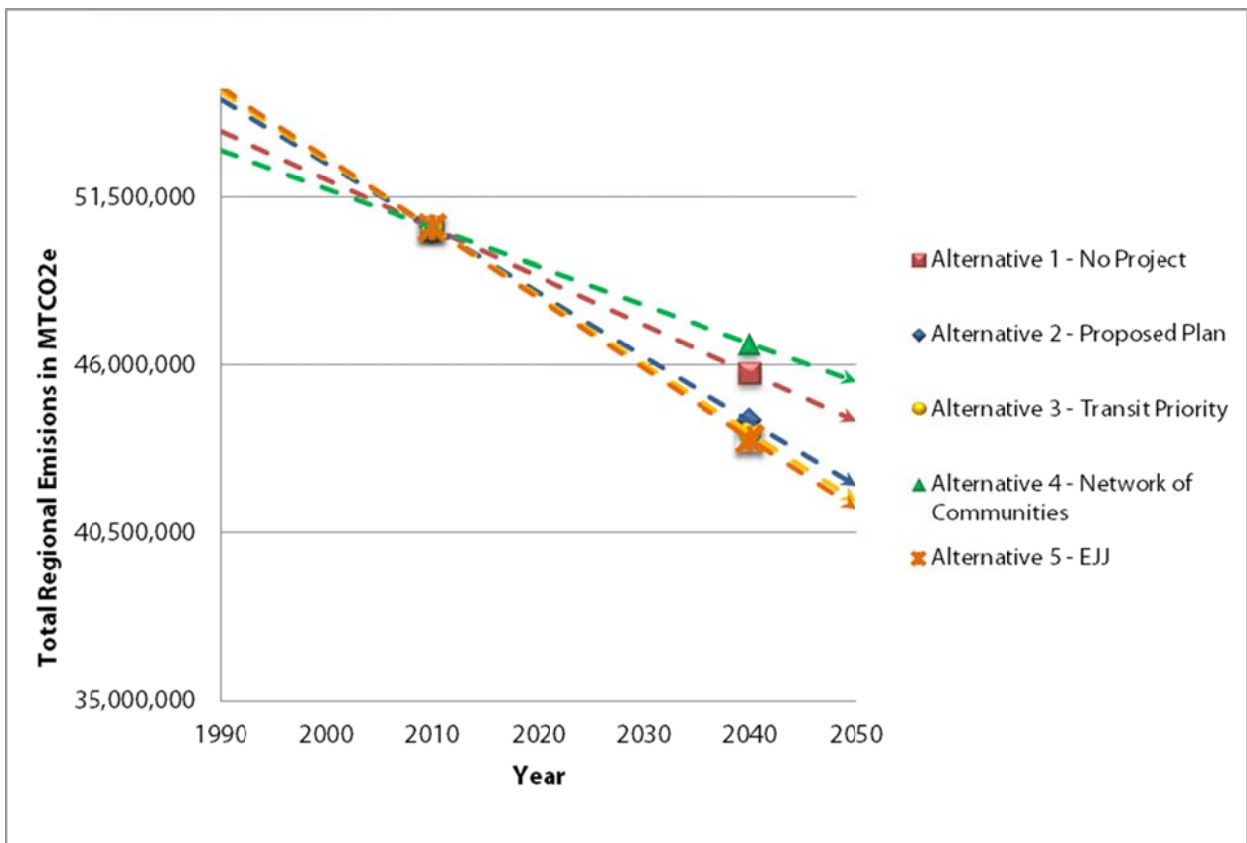
GHG Source	Existing Condition 2010	Alternative 1 - No Project	Alternative 2 - Proposed Plan	Alternative 3 - Transit Priority	Alternative 4 - Enhanced Network	Alternative 5 - EJJ
Single Family Residential	8,473,000	9,833,000	9,570,000	9,021,000	11,050,000	9,052,000
Multifamily Residential	2,488,000	3,619,000	3,751,000	4,028,000	3,324,000	4,013,000
Residential Subtotal	10,961,000	13,452,000	13,321,000	13,049,000	14,374,000	13,065,000
Commercial	757,000	867,000	867,000	867,000	867,000	867,000
Office	6,568,000	9,360,000	9,360,000	9,360,000	9,454,000	9,360,000
Industrial	1,037,000	1,077,000	1,077,000	1,077,000	1,087,000	1,077,000
Non-Residential Subtotal	8,362,000	11,304,000	11,304,000	11,304,000	11,408,000	11,304,000
Waste	4,943,000	6,410,000	6,410,000	6,410,000	6,646,000	6,410,000
Scoping Plan Reductions	n/a	-9,633,000	-9,633,000	-9,633,000	-9,633,000	-9,633,000
Total Land Use GHG Emissions	24,266,000	21,533,000	21,402,000	21,130,000	22,795,000	21,146,000
Land Use GHG Emissions #Change 2010 to 2040	n/a	-2,733,000	-2,864,000	-3,136,000	-1,471,000	-3,120,000
Land Use GHG Emissions % Change 2010 to 2040	n/a	-11%	-12%	-13%	-6%	-13%
Passenger Vehicles	19,383,000	14,927,000	14,631,000 <u>14,629,000</u>	14,579,000	15,182,000	14,427,000
Trucks	4,447,000	6,250,000	6,217,000	6,148,000	6,411,000	6,091,000
Buses	615,000	578,000	571,000 <u>570,000</u>	568,000	588,000	565,000
Other Vehicles	136,000	161,000 <u>140,000</u>	159,000 <u>138,000</u>	159,000 <u>138,000</u>	165,000 <u>143,000</u>	156,000 <u>135,000</u>

TABLE 3.1-29: COMPARATIVE ANNUAL LAND-USE GHG EMISSIONS (MTCO₂E)

<i>GHG Source</i>	<i>Existing Condition 2010</i>	<i>Alternative 1 - No Project</i>	<i>Alternative 2 - Proposed Plan</i>	<i>Alternative 3 - Transit Priority</i>	<i>Alternative 4 - Enhanced Network</i>	<i>Alternative 5 - EJJ</i>
<u>Airports</u>	<u>1,634,000</u>	<u>2,809,000</u>	<u>2,809,000</u>	<u>2,809,000</u>	<u>2,809,000</u>	<u>2,809,000</u>
MTC Climate Policy Initiative	n/a	-554,000 <u>-555,000</u>	-1,636,000 <u>-1,582,000</u>	-1,612,000 <u>-1,555,000</u>	-1,257,000 <u>-1,194,000</u>	- 1,609,000 = <u>1,555,000</u>
Total Vehicle GHG Emissions (Pavley I + LCFS)	<u>24,580,000</u> <u>26,215,000</u>	<u>21,362,000</u> <u>24,149,000</u>	<u>19,942,000</u> <u>22,781,000</u>	<u>19,842,000</u> <u>22,687,000</u>	<u>21,089,000</u> <u>23,939,000</u>	<u>19,630,000</u> <u>22,472,000</u>
On-Road GHG Emissions # Change 2010 to 2040 (excludes airports)	n/a	- 3,218,000 = <u>3,241,000</u>	-4,638,000 <u>-4,609,000</u>	-4,738,000 <u>-4,703,000</u>	-3,491,000 <u>-3,451,000</u>	- 4,950,000 = <u>4,918,000</u>
On-Road GHG Emissions % Change 2010 to 2040	n/a	-13%	-19%	-19%	-14%	-20%
Total Regional GHG Emissions	<u>48,846,000</u> <u>50,481,000</u>	<u>42,895,000</u> <u>45,682,000</u>	<u>41,344,000</u> <u>44,183,000</u>	<u>40,972,000</u> <u>43,817,000</u>	<u>43,884,000</u> <u>46,734,000</u>	<u>40,776,000</u> <u>43,618,000</u>
Change from 2010 to 2040		- <u>5,951,000</u> = <u>4,799,000</u>	-7,502,000 <u>-6,298,000</u>	-7,874,000 <u>-6,664,000</u>	-4,962,000 <u>-3,747,000</u>	- 8,070,000 = <u>6,863,000</u>
Percent Change from 2010 to 2040		-12% -10%	-15% -12%	-16% -13%	-10% -7%	-17% -14%

Source: MTC, 2013; Dyett & Bhatia, 2013, BAAQMD, 2013.

Figure 3.1-2 (Draft EIR, p. 3.1-64) is replaced with the following figure:



The first two paragraphs under the “Alternative 1” header on Draft EIR, p. 3.1-81 are revised as follows:

Alternative ~~4~~ 1 is not consistent with SB 375, as modeled CO₂ emissions do not meet the SB 375 targeted reductions for per capita car and light duty truck GHG emissions in 2020 or in 2035. Reductions are nine percent less than under the proposed Plan. This is in part due to the less focused land use scenario which is not as closely tied to the transportation improvements, and in part due to the fact that the No Project alternative includes the lowest GHG emissions reductions from MTC’s Climate Policy Initiatives since discretionary funds are not dedicated to these programs.

Total annual regional forecast GHG emissions from land use and on-road transportation are expected to decline by ~~42~~ 13 percent from 2010 to 2040 under the No Project alternative. This is a ~~three~~ two percent lower reduction than under the proposed Plan, and less than under Alternative 3, or Alternative 5, but ~~two~~ three percent greater than under Alternative 4.

The following paragraph is added after the first paragraph on Draft EIR, p. 3.1-82:

Alternative 1 has 15 transportation projects projected to be within the sea level rise inundation zone (compared to 32 under the proposed Plan) and 10 projected to be within the low-lying, hydraulically disconnected areas (compared to 21 under the proposed Plan), and therefore has the fewest transportation-related impacts.

The last full paragraph on Draft EIR, p. 3.1-82, on Alternative 3 is revised as follows:

Total annual regional forecast GHG emissions from land use and on-road transportation are expected to decline by ~~46~~ 13 percent from 2010 to 2040 under Alternative 3. This is a one percent greater decline than under the proposed Plan, and one percent less than under Alternative 5.

The second paragraph on Draft EIR, p. 3.1-84 is revised as follows:

Total annual regional forecast GHG emissions from land use and on-road transportation are expected to decline by ~~40~~ 7 percent from 2010 to 2040 under Alternative 4. This is the least reduction of all the alternatives, and five percent less than under the proposed Plan.

The second to last paragraph on Draft EIR, p. 3.1-85 is revised as follows:

Total annual regional forecast GHG emissions from land use and on-road transportation are expected to decline by ~~47~~ 14 percent from 2010 to 2040 under Alternative 5. This is a two percent greater decline than under the proposed Plan, and one percent greater than under Alternative 3.

The third paragraph on Draft EIR, p. 3.1-92 is revised as follows:

Transit noise under the Alternative 4 would be similar to that of the proposed Plan because it would implement the same transportation improvement investments as the proposed Plan. ~~Train horn noise impacts of the Sonoma Marin Area Rail Transit District (SMART) Commuter Rail project, which would be significant under the proposed Plan, would still occur under this Alternative.~~

Impacts 2.1-2 and 2.1-5 as presented in Table 3.1-56 (Draft EIR pages 3.1-121 through 3.1-127) are replaced with the following:**TABLE 3.1-56: SUMMARY OF ALTERNATIVES COMPARISON TO THE PROPOSED PLAN**

<i>Impact</i>	<i>Alternative 1: No Project</i>	<i>Alternative 2: Proposed Plan</i>	<i>Alternative 3: Transit Priority Focus</i>	<i>Alternative 4: Enhanced Network of Communities</i>	<i>Alternative 5: Environment, Equity and Jobs</i>
Transportation					
Impact 2.1-2: Non-commute travel times	Travel times slightly longer than the proposed Plan due to the inclusion of fewer expansion projects. (LS) Same as proposed Plan. (LS)	Travel times expected to be less than significant. (LS)	Same as proposed Plan. (LS)	Travel times slightly longer than the proposed Plan due to higher levels of population and job growth. (LS)	Travel times slightly longer than the proposed Plan due to greater utilization of public transit and higher levels of traffic congestion. (LS) Same as proposed Plan. (LS)
Impact 2.1-5: Transit capacity exceedance	Transit utilization slightly lower than the proposed Plan due to a more dispersed land use pattern. (NI)	Transit utilization below transit capacity supplied by operators. (NI) Transit utilization below transit capacity supplied by operators. (NI)	Transit utilization below the proposed Plan due to improved transit service frequencies. (NI) Transit utilization below the proposed Plan due to improved transit service frequencies. (NI)	Same as proposed Plan. (NI)	Transit utilization slightly less than the proposed Plan, while slightly greater than the No Project and Alternative 3 due to greater transit service levels, combined with significantly greater ridership. (NI)

Land Use, Housing, Agriculture, and Physical Development					
Impact 2.3-4: Conversion of agricultural land and open space to urbanized land	Greatest conversion of farmland compared to all alternatives. Conversion of 16,962 acres of total farmland, 5,200 2 acres of important farmland, 4,666 acres of Williamson Act lands, and 1,910 acres of open space. (SU)	Conversion of 5,912 <u>5,914</u> acres of total farmland, 2,479 <u>2,180</u> acres of important farmland, 724 <u>723</u> acres of Williamson Act lands, and 2,022 <u>2,396</u> acres of open space. (SU)	Generally slightly more farmland conversion than under proposed Plan but slightly less open space conversion. Conversion of 6,617 acres of total farmland, 2,234 acres of important farmland, 1,615 acres of Williamson Act lands, and 1,849 acres of open space. (SU)	Generally slightly less conversion than under the proposed Plan. Conversion of 5,338<u>5,339</u> acres of total farmland, 2,339<u>2,340</u> acres of important farmland, 1,615 acres of Williamson Act lands, and 1,443 acres of open space. (SU)	Generally slightly more farmland conversion than under the proposed Plan but slightly less open space conversion. Conversion of 7,343 acres of total farmland, 2,539 acres of important farmland, 1,755 acres of Williamson Act lands, and 1,808 acres of open space. (SU)
Impact 2.3-5: Conversion of forest land to urbanized land	Conversion of 2,577 acres, the most compared to all other alternatives. (SU)	Conversion of 1,395 <u>1,410</u> acres. (SU)	Conversion of 1,766 acres, slightly more than under the proposed Plan. (SU)	Conversion of 270 acres, the fewest of all alternatives (SU)	Conversion of 1,981 acres, slightly more than under the proposed Plan. (SU)
Climate Change and Greenhouse Gases					
Impact 2.5-2: Increase in GHG emissions	Forecast GHG emissions are expected to decline by 12 <u>10</u> percent from 2010 to 2040. This is a lower reduction than under proposed Plan, Alternative 3, or Alternative 5, but greater than under Alternative 4. (NI)	Forecast GHG emissions are expected to decline by 15 <u>12</u> percent from 2010 to 2040. (NI)	Forecast GHG emissions are expected to decline by 16 <u>13</u> percent from 2010 to 2040. This is a greater decline than under proposed Plan. (NI)	Forecast GHG emissions are expected to decline by 10 <u>7</u> percent from 2010 to 2040. This is the lowest reduction of all alternatives. (NI)	Forecast GHG emissions are expected to decline by 17<u>14</u> percent from 2010 to 2040. This is the greatest decline of all alternatives. (NI)
Impact 2.5-5: Increase transportation investments in areas regularly affected by sea level rise (SLR) by midcentury	<u>17 fewer transportation investments and projects in SLR zone compared to the proposed Plan.</u> Lowest potential for inclusion of SLR adaptation strategies. (SU)	High level of investments in transportation projects and potential for transportation project-related impacts (32 projects within the SLR zone). High potential for inclusion of SLR adaptation strategies to mitigate impacts. (SU, SB 375 Streamlining LS-M)	Transportation projects and related impacts comparable to proposed Plan (32 projects within the SLR zone). Same potential for inclusion of SLR adaptation strategies as proposed Plan. (SU, SB 375 Streamlining LS-M)	Transportation projects and related impacts comparable to proposed Plan (32 projects within the SLR zone). Same potential for inclusion of SLR adaptation strategies as proposed Plan. (SU, SB 375 Streamlining LS-M)	<u>Nine fewer transportation projects than proposed Plan and less potential for transportation project-related impacts.</u> Same potential for inclusion of SLR adaptation strategies as proposed Plan. (SU, SB 375 Streamlining LS-M)

The first bullet under “Environmentally Superior Alternative Determination” (Draft EIR pages 3.1-146 and 3.1-147) is revised as follows:

- In **Transportation**, Alternative 3 has the least environmental impact as it features shorter commute travel times (three percent shorter than the proposed Plan) and a lesser amount of congested VMT (~~44-17~~ percent fewer VMT at LOS F as compared to the proposed Plan) and the least potential for transit vehicle crowding (30 percent utilization of public transit systems, the same as the No Project alternative, and three percent less than the proposed Plan). These results are due to shifting regional growth to the Transit Priority Project eligible areas, with the greatest emphasis on growth in the urban core close to high-frequency transit.

The first full paragraph on Draft EIR page 3.1-148 is revised as follows:

While Alternative 5 is the environmentally preferred alternative due to its overall GHG emissions reductions and estimated reduction in criteria and TAC emissions, the proposed Plan does include some benefits over Alternative 5. For instance, the proposed Plan results in the lowest VMT per capita, with one percent fewer daily VMT per capita than Alternative 5. Alternative 5 also exhibits congested VMT levels ~~48-10~~ percent higher in the AM peak, ~~seven-eight~~ percent higher in the PM peak, and ~~44-seven~~ percent higher over the course of a typical weekday as compared to the proposed Plan. Finally, the proposed Plan results in ~~fewer acres of agricultural and open space conversion as compared to Alternative 5 (though more than Alternative 4), and the fewest acres of important farmland (excluding grazing land) of all alternatives, along with Alternative 4.~~

REVISIONS TO DRAFT EIR CHAPTER 3.2: CEQA REQUIRED CONCLUSIONS

None

ADDITIONAL REVISIONS TO THE DRAFT EIR

A complete and updated Glossary of Terms, updating the version in Chapter 4 of the Draft EIR, can be found in Appendix A of this Final EIR.

Appendix J has been added to the Draft EIR which lists all of the PDAs. The list is found below and is also available in the Draft Plan document.

Appendix J: List of Priority Development Areas (PDAs) Analyzed in the Plan Bay Area Draft Environmental Impact Report and Included in the Draft Plan Document

Some PDAs include more than one “area”. For those PDAs, as noted below, each area was evaluated in the Draft EIR as an independent PDA. Therefore, the total *number* of PDAs listed below is higher than the total *number* referenced elsewhere; however, the actual PDAs evaluated are the same.

Alameda County PDAs (43)

- Alameda County: Castro Valley BART
- Alameda County: East 14th Street and Mission Boulevard
- Alameda County: Hesperian Boulevard
- Alameda County: Meekland Avenue Corridor
- Alameda: Naval Air Station
- Alameda: Northern Waterfront
- Albany: San Pablo & Solano Mixed Use Neighborhood
- Berkeley: Adeline Street
- Berkeley: Downtown
- Berkeley: San Pablo Avenue
- Berkeley: South Shattuck
- Berkeley: Telegraph Avenue
- Berkeley: University Avenue
- Dublin: Downtown Specific Plan Area
- Dublin: Town Center
- Dublin: Transit Center/Dublin Crossings
- Emeryville: Mixed-Use Core
- Fremont: Centerville
- Fremont: City Center
- Fremont: Irvington District
- Fremont: Warm Springs
- Hayward: Downtown
- Hayward: Mission Boulevard Corridor
- Hayward: South Hayward BART
- Hayward: South Hayward BART

- Hayward: The Cannery
- Livermore: Downtown
- Livermore: East Side
- Livermore: Isabel Avenue/BART Station Planning Area
- Newark: Dumbarton Transit Oriented Development
- Newark: Old Town Mixed Use Area
- Oakland: Coliseum BART Station Area
- Oakland: Downtown & Jack London Square
- Oakland: Eastmont Town Center
- Oakland: Fruitvale and Dimond Areas
- Oakland: MacArthur Transit Village
- Oakland: Transit Oriented Development Corridors
- Oakland: West Oakland
- Pleasanton: Hacienda
- San Leandro: Bay Fair BART Transit Village
- San Leandro: Downtown Transit Oriented Development
- San Leandro: East 14th Street
- Union City: Intermodal Station District

Contra Costa County PDAs (38)

- Antioch: Hillcrest eBART Station
- Antioch: Rivertown Waterfront
- Concord: Community Reuse Area/Los Medanos (Area A)
- Concord: Community Reuse Area/Los Medanos (Area B)
- Concord: Downtown
- Contra Costa County: Contra Costa Centre
- Contra Costa County: Downtown El Sobrante
- Contra Costa County: Pittsburg/Bay Point BART Station (Area A: Bay Point)
- Contra Costa County: Pittsburg/Bay Point BART Station (Area B: Pittsburg)
- Danville: Downtown
- El Cerrito: San Pablo Avenue Corridor (Area A: Del Norte Station Area)
- El Cerrito: San Pablo Avenue Corridor (Area B: South of Del Norte Station)
- Hercules: Central Hercules

- Hercules: Waterfront District
- Lafayette: Downtown
- Martinez: Downtown
- Moraga: Moraga Center
- Oakley: Downtown
- Oakley: Employment Area
- Oakley: Potential Planning Area
- Orinda: Downtown
- Pinole: Appian Way Corridor
- Pinole: Old Town San Pablo Avenue
- Pittsburg: Downtown
- Pittsburg: Railroad Avenue eBART Station
- Pleasant Hill: Buskirk Avenue Corridor
- Pleasant Hill: Diablo Valley College
- Richmond & Contra Costa County: North Richmond
- Richmond: Central Richmond & 23rd Street Corridor (Area A)
- Richmond: Central Richmond & 23rd Street Corridor (Area B)
- Richmond: South Richmond
- San Pablo: San Pablo Avenue & 23rd Street Corridors
- San Ramon: City Center
- San Ramon: North Camino Ramon
- Walnut Creek: West Downtown
- West Contra Costa Transportation Advisory Committee: San Pablo Avenue Corridor (Area A: Contra Costa County)
- West Contra Costa Transportation Advisory Committee: San Pablo Avenue Corridor (Area C: Richmond)
- West Contra Costa Transportation Advisory Committee: San Pablo Avenue Corridor (Area G: Hercules)

Marin County PDAs (3)

- Marin County: Urbanized 101 Corridor
- San Rafael: Civic Center/North Rafael Town Center
- San Rafael: Downtown

Napa County PDAs (3)

- American Canyon: Highway 29 Corridor
- Napa: Downtown Napa
- Napa: Soscol Gateway Corridor

San Francisco County PDAs (12)

- San Francisco & Brisbane: San Francisco/San Mateo Bi-County Area (Area B: San Francisco)
- San Francisco: 19th Avenue
- San Francisco: Balboa Park
- San Francisco: Bayview/Hunters Point Shipyard/Candlestick Point
- San Francisco: Downtown-Van Ness-Geary
- San Francisco: Eastern Neighborhoods
- San Francisco: Market & Octavia
- San Francisco: Mission Bay
- San Francisco: Mission-San Jose Corridor
- San Francisco: Port of San Francisco
- San Francisco: Transbay Terminal
- San Francisco: Treasure Island

San Mateo County PDAs (28)

- Belmont: Villages of Belmont
- Burlingame: Burlingame El Camino Real
- City/County Association of Governments of San Mateo County: El Camino Real (Area A: Daly City)
- City/County Association of Governments of San Mateo County: El Camino Real (Area B: Colma)
- City/County Association of Governments of San Mateo County: El Camino Real (Area C: South San Francisco)
- City/County Association of Governments of San Mateo County: El Camino Real (Area D: San Bruno)
- City/County Association of Governments of San Mateo County: El Camino Real (Area E: Millbrae)
- City/County Association of Governments of San Mateo County: El Camino Real (Area F: San Mateo)

- City/County Association of Governments of San Mateo County: El Camino Real (Area H: San Carlos)
- City/County Association of Governments of San Mateo County: El Camino Real (Area I: Redwood City)
- City/County Association of Governments of San Mateo County: El Camino Real (Area J: Menlo Park)
- City/County Association of Governments of San Mateo County: El Camino Real (Area K: Unincorporated Colma)
- City/County Association of Governments of San Mateo County: El Camino Real (Area L: North Fair Oaks)
- City/County Association of Governments of San Mateo County: El Camino Real (Area M: San Mateo County)
- Daly City: Bayshore
- Daly City: Mission Boulevard
- East Palo Alto: Ravenswood
- Menlo Park: El Camino Real Corridor and Downtown
- Millbrae: Transit Station Area
- Redwood City: Broadway/Veterans Boulevard Corridor
- Redwood City: Downtown
- San Bruno: Transit Corridors
- San Carlos: Railroad Corridor
- San Francisco & Brisbane: San Francisco/San Mateo Bi-County Area (Area A: Brisbane)
- San Mateo: Downtown
- San Mateo: El Camino Real
- San Mateo: Rail Corridor
- South San Francisco: Downtown

Santa Clara County PDAs (48)

- Campbell: Central Redevelopment Area
- Gilroy: Downtown
- Milpitas: Transit Area
- Morgan Hill: Downtown
- Mountain View: Downtown
- Mountain View: El Camino Real
- Mountain View: North Bayshore

- Mountain View: San Antonio
- Mountain View: Whisman Station
- Palo Alto: California Avenue
- San Jose: Bascom TOD Corridor
- San Jose: Bascom Urban Village
- San Jose: Berryessa Station
- San Jose: Blossom Hill/Snell Urban Village
- San Jose: Camden Urban Village
- San Jose: Capitol Corridor Urban Villages
- San Jose: Capitol/Tully/King Urban Villages
- San Jose: Communications Hill
- San Jose: Cottle Transit Village (Hitachi)
- San Jose: Downtown "Frame"
- San Jose: East Santa Clara/Alum Rock Corridor
- San Jose: Greater Downtown
- San Jose: North San Jose
- San Jose: Oakridge/Almaden Plaza Urban Village
- San Jose: Saratoga TOD Corridor
- San Jose: Stevens Creek TOD Corridor
- San Jose: West San Carlos and Southwest Expressway Corridors
- San Jose: Westgate/El Paseo Urban Village
- San Jose: Winchester Boulevard TOD Corridor
- Santa Clara Valley Transportation Authority: City Cores, Corridors & Station Areas (Area A: Campbell)
- Santa Clara Valley Transportation Authority: City Cores, Corridors & Station Areas (Area B: Cupertino)
- Santa Clara Valley Transportation Authority: City Cores, Corridors & Station Areas (Area C: Gilroy)
- Santa Clara Valley Transportation Authority: City Cores, Corridors & Station Areas (Area D: Los Altos)
- Santa Clara Valley Transportation Authority: City Cores, Corridors & Station Areas (Area E: Los Gatos)
- Santa Clara Valley Transportation Authority: City Cores, Corridors & Station Areas (Area F: Milpitas)

- Santa Clara Valley Transportation Authority: City Cores, Corridors & Station Areas (Area H: Palo Alto)
- Santa Clara Valley Transportation Authority: City Cores, Corridors & Station Areas (Area I: San Jose)
- Santa Clara Valley Transportation Authority: City Cores, Corridors & Station Areas (Area J: Santa Clara)
- Santa Clara Valley Transportation Authority: City Cores, Corridors & Station Areas (Area L: Saratoga)
- Santa Clara Valley Transportation Authority: City Cores, Corridors & Station Areas (Area K: Santa Clara County)
- Santa Clara Valley Transportation Authority: City Cores, Corridors & Station Areas (Area M: Sunnyvale)
- Santa Clara: El Camino Real Focus Area
- Santa Clara: Santa Clara Station Focus Area
- Sunnyvale: Downtown & Caltrain Station
- Sunnyvale: East Sunnyvale
- Sunnyvale: El Camino Real Corridor
- Sunnyvale: Lawrence Station Transit Village
- Sunnyvale: Tasman Crossing

Solano County PDAs (11)

- Benicia: Downtown
- Benicia: Northern Gateway - Benicia's Industrial Park
- Dixon: Downtown
- Fairfield: Downtown South (Jefferson Street)
- Fairfield: Fairfield-Vacaville Train Station
- Fairfield: North Texas Street Core
- Fairfield: West Texas Street Gateway
- Suisun City: Downtown & Waterfront
- Vacaville: Allison Area
- Vacaville: Downtown
- Vallejo: Waterfront & Downtown

Sonoma County PDAs (12)

- Cloverdale: Downtown/SMART Transit Area

- Cotati: Downtown and Cotati Depot
- Petaluma: Central, Turning Basin/Lower Reach
- Rohnert Park: Central Rohnert Park
- Rohnert Park: Sonoma Mountain Village
- Santa Rosa: Downtown Station Area
- Santa Rosa: Mendocino Avenue/Santa Rosa Avenue Corridor
- Santa Rosa: North Santa Rosa Station
- Santa Rosa: Roseland
- Santa Rosa: Sebastopol Road Corridor
- Sebastopol: Core Area
- Windsor: Redevelopment Area

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3 Comments and Responses on the Draft EIR

This section contains copies of the written and oral comments received on the Plan Bay Area Draft EIR, outlined in the table below. MTC and ABAG received a total of 341 comment letters as well as numerous oral and written comments at public hearings during the 45-day comment period, from April 2, 2013 through May 16, 2013. As required by CEQA, MTC and ABAG evaluated all comments on environmental issues. (CEQA Guidelines § 15088(a).) This Final EIR fulfills MTC's and ABAG's obligation to provide written responses to all comments raising environmental issues received during the public comment period. (CEQA Guidelines § 15088(b).) While MTC and ABAG are under no obligation to respond to comments received after the close of the comment period, this Final EIR also includes responses to comments received through June 13th.

All documents referenced in this Final EIR are incorporated herein by reference and are available for review at the MTC and ABAG offices located at 101 Eighth Street, Oakland, CA 94607. The supplemental reports referenced in the responses can be found on the OneBayArea website at:

<http://onebayarea.org/regional-initiatives/plan-bay-area/draft-plan-bay-area/supplementary-reports.html>

NATURE OF RESPONSES

This Final EIR includes responses to all environmental comments received on the EIR. Comments on environmental issues are responded to on a point by point basis and often cross-reference Master Responses. Numbers are provided in the margins of each written comment and transcript as a general guide to the responses. Only comments that raise environmental issues are addressed in this Final EIR. Comments on the Draft Plan that do not raise environmental issues are addressed separately by MTC and ABAG and are not responded to in this Final EIR. Comments that do not raise environmental issues are generally not assigned numbers or responded to in this Final EIR.

Section 3 also includes "Master Responses" which respond to frequently raised issues referenced by multiple commenters.

Where appropriate, the information or revisions suggested in these comment letters resulted in changes to the EIR. These revisions are included in Section 2 of this Final EIR.

In accordance with CEQA Guidelines Section 15088(b) MTC and ABAG will provide proposed written responses to comments submitted by public agencies 10-days prior to MTC's and ABAG's certification of the Final EIR.

Responses may include acronyms or phrases employed elsewhere in the EIR or used by the commenter. See Appendix A of this Final EIR for an expanded glossary of terms.

ORGANIZATION OF COMMENTS AND RESPONSES

Comments are organized generally by type of commenter. MTC and ABAG divided commenters into four categories: public agencies (A), organizations (B), individuals (C), and comments received at hearings (D-F). This was done to facilitate responding to comments and to improve readability of the Final EIR. Some letters from organizations may be listed as individuals under the name of the letter's author. Each comment letter has an assigned number, and each individual comment is numbered in the left-hand margin. Letters are numbered in the order in which they were responded to by MTC and ABAG.

Table 3-1 lists all of the comments received and the corresponding number assigned in this EIR. Some individuals submitted multiple letters; these are not necessarily listed together, so please review the entire table. Duplicate letters from the same individual were typically not included.

Attachments to letters are included in Appendices C, D, and E. A number of letters included a significant volume of attachments. The attachments are included in the Appendix in order to improve readability and ensure letters from all agencies, organizations and individuals are able to be easily accessed.

Responses are marked with the same letter-number combination as the comment to which they respond, as shown in the margin of the comment letters. Responses frequently cross-reference another response by this number-letter identifier.

The remainder of Section 3 is organized by category—all of the letters in a category are provided, followed by responses to all the letters in the category. For example, all of the agency letters are followed by all of the agency responses. The comments and corresponding responses are broken up as follows:

- 3.1 Master Responses
- 3.2 Agency Comments
- 3.3 Agency Responses
- 3.4 Organization Comments
- 3.5 Organization Responses
- 3.6 Individual Comments
- 3.7 Individual Comments and Responses
- 3.8 EIR Hearings Oral Comments
- 3.9 EIR Hearings Responses
- 3.10 Plan Hearings Comments on the EIR
- 3.11 Plan Hearings Responses

- 3.12 Written Comments Submitted at Public Hearings
- 3.13 Responses to Written Comments Submitted at Public Hearings
- Appendix C: Attachments to Agency letters
- Appendix D: Attachments to Organization letters
- Appendix E: Attachments to Individual letters

In Table 3-1, an asterisk (*) marks comment letters with attachments.

TABLE 3-1: COMMENTS RECEIVED ON THE PLAN BAY AREA DRAFT ENVIRONMENTAL IMPACT REPORT				
<i>Letter #</i>	<i>Date</i>	<i>Agency/Organization</i>	<i>Commenter</i>	<i>Page #</i>
Agencies (Federal, State Regional, Local)(A)				
A1	5/6/2013	Town of Windsor	Linda Kelly, Town Manager	3.2-1
A2	5/14/2013	Alameda County Community Development Agency	Albert Lopez, Planning Director	3.2-4
A3	5/15/2013	Alameda County Transportation Commission	Arthur L. Dao, Executive Director	3.2-6
A4*	5/15/2013	Town of Los Altos Hills	Carl Cahill, City Manager	3.2-9
A5	5/6/2013	Central Valley Flood Protection Board	James Herota, Staff Environmental Scientist	3.2-11
A6	5/15/2013	City of Berkeley	Eric Angstadt, Director of Planning and Development	3.2-13
A7	5/16/2013	City of Lafayette	Mike Anderson, Mayor	3.2-16
A8	5/16/2013	City of Larkspur	Neal Toft, Director of Planning and Building	3.2-21
A9	5/16/2013	City of Los Altos	James Walgren, Assistant City Manager and Community Development Director	3.2-26
A10	5/15/2013	City of Mill Valley	Andrew Berman, Mayor	3.2-28

TABLE 3-1: COMMENTS RECEIVED ON THE PLAN BAY AREA DRAFT ENVIRONMENTAL IMPACT REPORT				
<i>Letter #</i>	<i>Date</i>	<i>Agency/Organization</i>	<i>Commenter</i>	<i>Page #</i>
A11	5/16/2013	City of Oakland	Fred Blackwell, Assistant City Administrator	3.2-31
A12	5/16/2013	City of Orinda	Janet S. Keeter, City Manager	3.2-37
A13	5/13/2013	City of San Rafael	Gary O. Phillips, Mayor	3.2-39
A14	5/10/2013	City of Santa Clara	Kevin L. Riley, Di- rector of Planning and Inspection	3.2-43
A15	5/15/2013	City of Saratoga	Jill Hunter, Mayor	3.2-46
A16	5/13/2013	City of Sausalito	Herb Weiner, Mayor	3.2-47
A17	5/16/2013	BART	Grace Crunican, General Manager	3.2-49
A18	5/14/2013	City of Sunnyvale	Hanson Horn, Director, Com- munity Develop- ment Department	3.2-52
A19	5/13/2013	County of Santa Clara	Dawn S. Cameron, County Transpor- tation Planner and Kimberly Brosseau, Park Planner III	3.2-56
A20*	5/15/2013	East Bay Regional Park District	Robert Nisbet, Assistant General Manager- Land Division	3.2-60
A21	5/17/2013	U.S. Environmental Pro- tection Agency	Cornell Dunning, Transportation Team Supervisor	3.2-63

TABLE 3-1: COMMENTS RECEIVED ON THE PLAN BAY AREA DRAFT ENVIRONMENTAL IMPACT REPORT

<i>Letter #</i>	<i>Date</i>	<i>Agency/Organization</i>	<i>Commenter</i>	<i>Page #</i>
A22	5/16/2013	San Francisco County Transportation Authority, San Francisco Planning Department, and San Francisco Municipal Transportation Agency	John Rahaim, Director, San Francisco Planning Department; Edward D. Reiskin, Director of Transportation, San Francisco Municipal Transit Agency; and Maria Lombardo, Interim Executive Director, San Francisco County Transportation Authority	3.2-66
A23	5/16/2013	SamTrans	Hilda Lafebre, Manager of Capital Project and Environmental Planning	3.2-71
A24	5/15/2013	Sonoma County Transportation Authority	Mike McGuire, Chair	3.2-73
A25	5/14/2013	San Francisco Public Utilities Commission	Stephen R. Ritchie, Assistant General Manager, Water	3.2-78
A26	5/16/2013	Sonoma-Marin Area Rail Transit		3.2-80
A27*	5/16/2013	Town Of Colma	Michael P. Laughlin, City Planner	3.2-82
A28	5/16/2013	Town of Corte Madera	Diane Furst, Mayor	3.2-85
A29*	5/16/2013	Town of Los Gatos	Sandy L. Baily, Assistant Community Development Director	3.2-88
A30	5/16/2013	Santa Clara Valley Transportation Authority	Chris Augenstein, Deputy Director, CMA Planning	3.2-90

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<i>Letter #</i>	<i>Date</i>	<i>Agency/Organization</i>	<i>Commenter</i>	<i>Page #</i>
A31	5/16/2013	Alameda County Health Care Services Agency Public Health Department	Muntu Davis, Department Director and County Health Officer	3.2-96
A32	5/14/2013	City of Santa Rosa	Scott P. Batley, Mayor	3.2-99
A33	5/16/2013	City of Novato	Pat Eklund, Mayor	3.2-101
A34*	4/16/2013	Caltrans	Bijan Sartipi, District Director	3.2-104
A35	5/16/2013	City of American Canyon	Dana Shigley, City Manager	3.2-114
A36	5/16/2013	City of Belvedere	Felicia N. Wheaton, Community Development Director	3.2-116
A37	5/15/2013	City of Hayward	Michael Sweeney, Mayor and Marvin Peixoto, Councilmember	3.2-119
A38*	5/13/2013	City of Palo Alto	H. Gregory Scharff, Mayor	3.2-121
A39	5/16/2013	Contra Costa Transportation Authority	Randell H. Iwasaki, Executive Director	3.2-124
A40	5/16/2013	City of Brentwood	Casey McCann, Community Development Director	3.2-129
A41	5/16/2013	Solano Transportation Authority	Daryl K. Halls, Executive Director	3.2-131
A42	5/16/2013	Town of Fairfax	John Reed, Mayor and Larry Bragman, Councilmember	3.2-134
A43	5/9/2013	City of Cloverdale	Paul Cayler, Interim City Manager	3.2-147
A44*	5/15/2013	City of San Mateo	Ronald Munekawa, Chief of Planning	3.2-140

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<i>Letter #</i>	<i>Date</i>	<i>Agency/Organization</i>	<i>Commenter</i>	<i>Page #</i>
A45	5/7/2013	County of Napa	Brad Wagenknecht, Chairman, Board of Supervisors	3.2-143
A46	5/8/2013	Napa County Transportation and Planning Agency/ Napa Valley Transportation Authority	Kate Miller, Executive Director	3.2-147
A47	5/13/2012	City of Brisbane	Raymond C. Miller, Mayor	3.2-149
A48	5/7/2013	City of Burlingame	Anne Keighran, Mayor	3.2-151
A49	5/14/2013	City of Walnut Creek	Andrew M. Smith, Senior Planner	3.2-156
A50	5/16/2013	Governor's Office of Planning and Research	Chris Ganson, Senior Planner	3.2-158
A51	5/15/2013	Delta Stewardship Council	Cindy Messer, Deputy Executive Officer, Delta Plan	3.2-172
A52	5/13/2013	City of Livermore	Stephen Kiefer, Community Development Director	3.2-179
A53	6/11/2013	City of Livermore	Stephen Kiefer, Community Development Director	3.2-182
Organizations (B)				
B1	4/17/2013	Rose Foundation for Communities and the Environment	Myesha Williams	3.4-1
B2*	5/2/2013	Greenbelt Alliance		3.4-3
B3	5/7/2013	San Mateo County Building & Construction Trades Council	William A. Nack, Business Manager	3.4-12
B4	5/16/2013	ACCE Riders for Transit Justice, et. al[1]		3.4-14

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<i>Letter #</i>	<i>Date</i>	<i>Agency/Organization</i>	<i>Commenter</i>	<i>Page #</i>
B5	5/16/2013	American Lung Association in California	Jenny Bard, Regional Director of Programs and Advocacy	3.4-20
B6	5/16/2013	Cargill	Paul Shepherd	3.4-22
B7*	5/17/2013	BIA	Paul Campos	3.4-32
B8	5/16/2013	Sierra Club	Arthur Feinstein, Chair, San Francisco Bay Chapter; Victoria Brandon, Chair, Redwood Chapter; and Melissa Hippard, Chair, Loma Prieta Chapter	3.4-45
B9	5/16/2013	Chinatown Community Development Center	Steve Woo, Senior Planner	3.4-51
B10	5/16/2013	Ditching Dirty Diesel Collaborative	Azibuike Akaba, Policy Analyst	3.4-55
B11	5/16/2013	East Bay Housing Organizations	Amie Fishman, Executive Director	3.4-63
B12	5/16/2013	Federated Indians of Graton Rancheria	Lorelle Ross, Tribal Administrator	3.4-66
B13	5/16/2013	Earth Justice	Irene Gutierrez and William Rostov	3.4-68
B14	5/16/2013	Housing Rights Committee of San Francisco and San Francisco Tenants Union	Sara Shortt, Executive Director of the Housing Rights Committee of San Francisco and Ted Gullicksen, Director of the San Francisco Tenants Union	3.4-81
B15	5/14/2013	Lafayette Homeowners Council	Jenny Kallio, President	3.4-83
B16	5/14/2013	League of Women Voters of Diablo Valley	Lee Lawrence, President	3.4-84

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<i>Letter #</i>	<i>Date</i>	<i>Agency/Organization</i>	<i>Commenter</i>	<i>Page #</i>
B17	5/15/2013	Marin Audubon Society	Barbara Salzman, Co-Chair, Conservation Committee and Phil Peterson, Co-Chair, Conservation Committee	3.4-86
B18	5/30/2013	League of Conservation Voters of Santa Clara County	Rod Diridon, Sr., President	3.4-93
B19	5/16/2013	Non Profit Housing Association of Northern California	Diane J. Spaulding, Executive Director	3.4-95
B20	5/16/2013	Natural Resources Defense Council	Justin Horner, Transportation Policy Analyst	3.4-98
B21	5/16/2013	Rose Foundation	Jill Ratner, President, Rose Foundation for Communities and the Environment and Myesha Williams, Co-Director, New Voices Are Rising	3.4-103
B22	5/16/2013	6 Wins Coalition		3.4-108
B23	5/16/2013	SPUR	Egon Terplan, Regional Planning Director	3.4-112
B24*	5/16/2013	Transform	Jeff Hobson, Deputy Director	3.4-118
B25 *	5/16/2013	Paul Hastings on behalf of Public Advocates		3.4-122
B25a	5/16/2013	Public Advocates, Urban Habitat, California Affordable Housing Law Project, and California Rural Legal Assistance		3.4-139
B26	5/16/2013	San Mateo County Chamber of Commerce	Amy Buckmaster, President/CEO	3.4-163
B27	5/16/2013	Abrams Associates	Stephen C. Abrams, President	3.4-164

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<i>Letter #</i>	<i>Date</i>	<i>Agency/Organization</i>	<i>Commenter</i>	<i>Page #</i>
B28	5/16/2013	Bay Area Regional Health Inequities Initiative	Sandi Galvez, Executive Director; Karen Smith, Co-Chair; and Chuck McKetney, Co-Chair	3.4-168
B29 *	5/15/2013	TRANSDEF	David Schonbrunn	3.4-172
B30*	5/16/2013	Sierra Club Marin	Michele Barni, Chair	3.4-185
B31	5/14/2013	League of Women Voters of Oakland	Katherine Gravzy, President	3.4-192
B32	5/16/2013	Council of Community Housing Organizations	Fernando Martí and Peter Cohen	3.4-197
B33*	5/15/2013	TRANSDEF	David Schonbrunn	3.4-203
B34	5/16/2013	Citizens Committee to Complete the Refuge	Florence LaRiviere	3.4-216
B35	5/16/2013	Safe Routes to School National Partnership	Marty Martinez, Bay Area Policy Manager	3.4-219
B36	5/16/2013	Sustainable San Rafael	William Carney, President	3.4-224
B37	5/17/2013	California Endowment	Robert K. Ross, President and CEO	3.4-227
B38	5/10/2013	League of Women Voters of Berkeley, Albany and Emeryville	Sherry Smith, President and Nancy Bickel, President-elect	3.4-230
B39	5/14/2013	League of Women Voters of the Los Altos-Mountain View Area	Sue Graham, President	3.4-232
B40	4/17/2013	Bay Area Business Coalition		3.4-234
B41	5/16/2013	Los Ranchitos improvement Association	Leyla Hill, Board President	3.4-237
B42	5/14/2013	League of Women Voters of the Bay Area	Marion Taylor, President	3.4-239

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<i>Letter #</i>	<i>Date</i>	<i>Agency/Organization</i>	<i>Commenter</i>	<i>Page #</i>
B43	5/7/2013	League of Women Voters of Fremont, Newark, and Union City	Miriam Keller, President	3.4-243
B44	4/29/2013	League of Women Voters of Marin County		3.4-245
B45	5/14/2013	League of Women Voters of Palo Alto	Mary Alice Thornton, President	3.4-248
B46	5/16/2013	Chinatown Community Development Center	Gen Fujioka, Public Policy Manager	3.4-249
B47*	6/15/2013	Building Industry Association	Paul Campos, Sr. V.P. and General Counsel	3.4-253
Individuals (C)				
C1	4/2/2013		Charles Steiner	3.6-1
C2	4/3/2013		Linda Graber	3.6-2
C3	4/11/2013		Ken Bone	3.6-3
C4	4/15/2013		Val Stuckey	3.6-4
C5	5/17/2013	Marin Residents: Judy Shriebman, Beverly Kleinbrodt, Archie and Annie Womble, Ronette King, Sally Held, Ed Troy, Adrian and Julie Jordan, Robert and Janet Phinney		3.6-5
C6	4/20/2013		John Shirley	3.6-10
C7	4/21/2013		Linda Jeffery Sailors	3.6-11
C8	4/25/2013		Deana Dearborn	3.6-12
C9	4/26/2013		Sarah Azerad	3.6-13
C10	4/26/2013		Denise Castellucci	3.6-14
C11	4/26/2013		Justin Kai	3.6-15

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<i>Letter #</i>	<i>Date</i>	<i>Agency/Organization</i>	<i>Commenter</i>	<i>Page #</i>
C12	5/6/2013		Rebecca Anderson	3.6-16
C13	4/26/2013		Kim Natuk	3.6-17
C14	4/26/2013		Eileen Vergino	3.6-18
C15	4/27/2013		Walter Natuk	3.6-19
C16	4/27/2013		Jon Spangler	3.6-20
C17	4/29/2013		Rebecca Lapedus	3.6-21
C18	4/29/2013		Athena McEwan	3.6-25
C19	5/4/2013		Muriel Benedetti	3.6-26
C20	5/3/2013		John Castellucci	3.6-28
C21	4/30/2013		Libby Lucas	3.6-29
C22	5/1/2013		K. Rose Hillson	3.6-30
C23	5/2/2013		Kaia Eakin	3.6-38
C24	5/2/2013		Kaia Eakin	3.6-39
C25	5/3/2013		Carl Fricke	3.6-40
C26*	5/9/2013		Robert Silvestri	3.6-41
C27	5/4/2013		Wouter Dito	3.6-75
C28	5/5/13		Sabine Grandke-Taft	3.6-76
C29	4/29/2013		Rebecca Lapedus	3.6-78
C30	5/3/2013		John Spangler	3.6-80
C31*	4/22/2013		John Wallace	3.6-82
C32	5/3/2013		Libby Lucas	3.6-83

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<i>Letter #</i>	<i>Date</i>	<i>Agency/Organization</i>	<i>Commenter</i>	<i>Page #</i>
C33*	5/8/2013		Sharon Rushton	3.6-84
C34	5/2/2013		Elliott and Shayna Stein	3.6-105
C35	5/4/2013		John and Kathleen Swart	3.6-106
C36	5/15/2013		Zelda Bronstein	3.6-107
C37	5/14/2013		Julane Jazzique	3.6-112
C38	5/16/2013		Anonymous	3.6-113
C39	5/15/2013		Denise Beck	3.6-115
C40	5/16/2013		Glen Bossow	3.6-116
C41	5/16/2013		Carl Fricke	3.6-117
C42	5/15/2013		Frank Egger	3.6-119
C43	5/16/2013		Adrian Jordan	3.6-123
C44	5/14/2013		Katherine Jain	3.6-124
C45	5/17/2013		Marian Johnson	3.6-125
C46	5/15/2013		Roger L. Duba	3.6-127
C47	5/15/2013		Bruce De Benedictis	3.6-128
C48	5/15/2013		Daniel G. DeBrusschere	3.6-129
C49	5/15/2013		Raymond Day	3.6-132
C50	5/15/2013		Vickie Day	3.6-136
C51	5/16/2013		Sidney Dent	3.6-138
C52	5/15/2013		Sidney Dent	3.6-139
C53	5/16/2013		Eric Egan	3.6-140

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<i>Letter #</i>	<i>Date</i>	<i>Agency/Organization</i>	<i>Commenter</i>	<i>Page #</i>
C54	5/15/2013		Stephen Einhaus	3.6-146
C55	5/16/2013		Charles Cagnon	3.6-148
C56	5/16/2013		Bob Cohen	3.6-152
C57	5/15/2013		Anne Cole	3.6-159
C58	5/1/2013		Leal Charonnat	3.6-163
C59*	5/5/2013		Peter Hansel	3.6-164
C60	5/15/2013		Peter Hansel	3.6-170
C61*	5/14/2013		Eleanor S. Hansen	3.6-175
C62	5/15/2013		Lorriana Leard	3.6-180
C63	5/15/2013		Jill Kai	3.6-181
C64	5/15/2013		Justin Kai	3.6-183
C65	5/14/2013		Libby Lucas	3.6-185
C66	5/15/2013		Patty Moore	3.6-186
C67	5/15/2013		Hilary Mize	3.6-188
C68	5/15/2013		Ryan Mize	3.6-190
C69	5/16/2013		Paul and Elizabeth McDermott	3.6-192
C70	5/15/2013		Joe McBride	3.6-193
C71	5/16/2013		Jessica Middleton	3.6-197
C72	5/15/2013		Michael Meyer	3.6-198
C73*	5/16/2013		Cindy Miracle	3.6-200
C74	5/14/2013		Pamela Macknight	3.6-203

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<i>Letter #</i>	<i>Date</i>	<i>Agency/Organization</i>	<i>Commenter</i>	<i>Page #</i>
C75	5/16/2013		Paul D. Maggini-ti	3.6-204
C76	5/15/2013		Krystal Macknight	3.6-210
C77	5/15/2013		Stephen Nestel	3.6-211
C78	5/16/2013		Nancy Okada	3.6-215
C79	5/15/2013		Joseph Orr	3.6-216
C80	5/15/2013		Lori Orr	3.6-218
C81	4/26/2013		Linda Rames	3.6-220
C82	5/14/2013		Jean Rieke	3.6-224
C83	5/12/2013		Pamela Sandu	3.6-225
C84	5/15/2013		Brad Sharp	3.6-226
C85	5/15/2013		Jim Shroyer	3.6-228
C86	5/13/2013		Stephen F. Shank	3.6-230
C87	5/6/2013		Toni Shroyer	3.6-231
C88	5/16/2013		Clayton Smith	3.6-233
C89	5/15/2013		Barbara Snekkevik	3.6-234
C90	5/15/2013		Elizabeth Specht	3.6-236
C91	5/15/2013		Elizabeth Specht	3.6-237
C92	5/16/2013		John Stein	3.6-238
C93	5/16/2013		Robin Stelling	3.6-239
C94	5/16/2013		Terry Stelling	3.6-240
C95	5/15/2013		Rachel Stengel	3.6-241
C96*	5/14/2013		Kerry Stoebner	3.6-245

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<i>Letter #</i>	<i>Date</i>	<i>Agency/Organization</i>	<i>Commenter</i>	<i>Page #</i>
C97	5/7/2013		Carolyn Turner	3.6-248
C98	5/15/2013		Lisa Culbertson (Master Marin-wood Letter)	3.6-249
C99	5/16/2013		Nancy Ahnemann	3.6-254
C100	5/16/2013		Peter Alexander	3.6-258
C101	5/16/2013		Rebecca Andersen	3.6-263
C102	5/16/2013		Donna Andersen	3.6-268
C103	5/16/2013		Eric Andersen	3.6-271
C104	5/16/2013		Paul Berg	3.6-274
C105	5/16/2013		Vladimir Bogak	3.6-277
C106	5/16/2013		Amie Buecker	3.6-283
C107	5/17/2013		Andy Buecker	3.6-286
C108	5/16/2013		Kevin Butts	3.6-291
C109	5/16/2013		Denice Castellucci	3.6-295
C110	5/17/2013		Gail Cohen	3.6-301
C111	5/17/2013		Maribel Cruz	3.6-305
C112	5/15/2013		Deana Dearborn	3.6-308
C113	5/16/2013		Deborah Fazeli	3.6-313
C114	5/16/2013		Amy Fitzgerald	3.6-317
C115	5/16/2013		Tenley Foran	3.6-320
C116	5/16/2013		Tenley Foran	3.6-324
C117	5/16/2013		Eric Forbes	3.6-328

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<i>Letter #</i>	<i>Date</i>	<i>Agency/Organization</i>	<i>Commenter</i>	<i>Page #</i>
C118	5/16/2013		Paul Franjeh	3.6-332
C119	5/16/2013		Becca Friedman	3.6-337
C120	5/17/2013		Jean Gallagher	3.6-340
C121	5/17/2013		Sabine Grandke-Taft	3.6-345
C122	5/17/2013		Maria Gregoriev	3.6-350
C123	5/16/2013		Igor Grinckenko	3.6-357
C124	5/17/2013		Adrienne Hart	3.6-362
C125	5/15/2013		Joanne Hernon	3.6-365
C126	5/17/2013		Scott Johnson	3.6-370
C127	5/16/2013		Robert Jones	3.6-375
C128	5/15/2013		Kim Kurtzman Meehyun	3.6-280
C129	5/16/2013		Barbara Layton	3.6-382
C130	5/16/2013		Katherine Lorber	3.6-386
C131	5/16/2013		Molly MacDaniel	3.6-389
C132	5/17/2013		Carolyn Margiotti	3.6-394
C133	5/16/2013		Stephen Nestel	3.6-397
C134	5/16/2013		Shawna O'Connor	3.6-402
C135	5/16/2013		Laurie A. Pirini	3.6-407
C136	5/16/2013		Tanya Powell	3.6-410
C137	5/17/2013		Cynthia Riley	3.6-415
C138	5/16/2013		Zoe Rolland	3.6-418

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<i>Letter #</i>	<i>Date</i>	<i>Agency/Organization</i>	<i>Commenter</i>	<i>Page #</i>
C139	5/16/2013		Barbra Rosenstein	3.6-423
C140	5/16/2013		Mitchell Rossi	3.6-428
C141	5/16/2013		Michelle Rowley	3.6-431
C142	5/16/2013		Michael Seaman	3.6-433
C143	5/17/2013		Gabriela Shea	3.6-439
C144	5/16/2013		Wolfgang Taft	3.6-442
C145	5/16/2013		Phyllis Teplitz	3.6-447
C146	5/16/2013		Pam Wirtherspoon	3.6-451
C147	5/16/2013		Pam Wirtherspoon	3.6-454
C148	5/16/2013		Heidi Zabit	3.6-457
C149	5/16/2013		Luke Teyssier	3.6-460
C150	6/7/2013		Wendell Cox	3.6-468
C151*	5/15/2013		Chris Engl	3.6-486
C152	5/15/2013		Susan Kirsch	3.6-539
C153*	5/15/2013		Randal O'Toole	3.6-548
C154	5/15/2013		Linda Pfeifer	3.6-566
C155	5/15/2013		Ann Fromer Spake	3.6-572
C156*	5/10/2013		Robert Silvestri	3.6-609
C157	5/11/2013		Athena McEwan	3.6-629
C158	5/16/2013		Barbara Brookins	3.6-632
C159	5/17/2013		James Campbell	3.6-633

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<i>Letter #</i>	<i>Date</i>	<i>Agency/Organization</i>	<i>Commenter</i>	<i>Page #</i>
C160	5/17/2013		Kathi Ellick	3.6-634
C161	5/16/2013		Ronette King	3.6-635
C162	5/21/2013		Libby Lucas	3.6-636
C163	5/16/2013		Ada Marquez	3.6-638
C164	5/16/2013		Merrilie Mitchell	3.6-640
C165	5/16/2013		Robert Piper	3.6-643
C166*	5/16/2013		Thomas Rubin	3.6-644
C167	5/16/2013		Susan Samols	3.6-649
C168	5/16/2013		Judy Schriebman	3.6-650
C169	5/15/2013		Jim Shroyer	3.6-651
C170	5/12/2013		Thomas Smith	3.6-652
C171*	5/7/2013		Panos Prevedouros	3.6-657
C172*	5/13/2013		Panos Prevedouros	3.6-663
C173	5/16/2013		Karen Westmont	3.6-674
C174	5/16/2013		Beverly Wood	3.6-675
C175	3/4/2013		Carol Brandt	3.6-676
C176	5/13/2013		Margery Entwisle	3.6-677
C177	5/16/2013		Devilla Ervin	3.6-678
C178	4/28/2013		Sue Hestor	3.6-680
C179	5/14/2013		Bill Long	3.6-681
C180	5/14/2013		Libby Lucas	3.6-682

TABLE 3-1: COMMENTS RECEIVED ON THE PLAN BAY AREA DRAFT ENVIRONMENTAL IMPACT REPORT

<i>Letter #</i>	<i>Date</i>	<i>Agency/Organization</i>	<i>Commenter</i>	<i>Page #</i>
C181	5/21/2013		Libby Lucas	3.6-685
C182	5/15/2013		Deirdre O'Brien	3.6-686
C183	5/9/2013		Greg Schmid	3.6-689
C184	5/16/2013		Pamela Tapia	3.6-692
C185	5/8/2013		Athena McEwan	3.6-694
C186*	5/16/2013		Chester Martine	3.6-699
C187*	5/16/2013		Peter Singleton	3.6-739
C188	5/15/2013		Rebecca Lapedus	3.6-825
C189*	5/15/2013		John Charles	3.6-857
C190*	5/16/2013		Peter Gordon	3.6-895
C191	5/13/2013		Herbert Brown	3.6-902
C192	5/14/2013		Debbie Coffey	3.6-906
C193	5/16/2013		Bruce London	3.6-909
C194	5/14/2013		Piers Whitehead	3.6-916
C195	5/12/2013		Allen Appell	3.6-917
C196	5/16/2013		Louisa Arndt	3.6-918
C197	5/16/2013		Brenda Barron	3.6-919
C198	5/16/2013		Bert Bartsch	3.6-920
C199	5/16/2013		James Bitter	3.6-921
C200	4/26/2013		Linda Christopoulos	3.6-922
C201	5/13/2013		Steve Raney	3.6-923

TABLE 3-1: COMMENTS RECEIVED ON THE PLAN BAY AREA DRAFT ENVIRONMENTAL IMPACT REPORT

<i>Letter #</i>	<i>Date</i>	<i>Agency/Organization</i>	<i>Commenter</i>	<i>Page #</i>
C202	5/16/2013		Daniel De-Busschere	3.6-927
C203*	5/16/2013		Adam Garcia	3.6-928
C204	5/15/2013		Doreen Gleason	3.6-933
C205	5/16/2013		Valerie Hood	3.6-934
C206	5/11/2013		Jane Hook	3.6-937
C207	5/12/2013		Judy Karau	3.6-938
C208	5/10/2013		Adina Levin	3.6-939
C209	5/16/2013		Elizabeth Manning	3.6-940
C210	4/29/2013		Kim Mollenauer	3.6-941
C211	4/29/2013		Kim Mollenauer	3.6-942
C212	4/29/2013		Dan Ransenberg	3.6-943
C213	4/27/2013		Hank Rose	3.6-946
C214	5/3/2013		Richard Hall	3.6-947
C215	6/14/2013		Various Bay Area Residents	3.6-960
C216	5/8/2013		Thomas Ayres	3.6-961
C217	5/16/2013		Anonymous	3.6-963
C218	5/14/2013		Elizabeth Appell	3.6-965
C219	5/13/2013		Ashley Eagle-Gibbs	3.6-966
C220	5/13/2013		Eric Irelan	3.6-968
C221	5/1/2013		Marshall Sanders	3.6-969
C222	5/16/2013		Shannon Tracey	3.6-971

TABLE 3-1: COMMENTS RECEIVED ON THE PLAN BAY AREA DRAFT ENVIRONMENTAL IMPACT REPORT				
<i>Letter #</i>	<i>Date</i>	<i>Agency/Organization</i>	<i>Commenter</i>	<i>Page #</i>
C223	5/9/2013		Elizabeth Wampler	3.6-973
C224	5/13/2013		Betty Winholtz	3.6-975
C225	5/16/2013		Kim Bowman	3.6-976
C226	4/25/2013		Joyce Britt	3.6-977
C227	5/5/2013		Jon Campo	3.6-978
C228	5/9/2013		June and Steve Kim	3.6-979
C229	5/16/2013		Mark Schoenbaum	3.6-980
C230	4/8/2013		Sebastian Ziegler	3.6-981
C231	4/2/2013		Victor Goodrum	3.6-982
C232	4/22/2013		Barbara Hagen	3.6-983
C233	4/22/2013		Kent Hagen	3.6-984
C234	5/2/2013		Susan K	3.6-985
C235	5/16/2013		John Parnell	3.6-986
C236	5/15/2013		Valorie Van Dahl	3.6-987
C237	5/14/2013		Byrne Mathisen	3.6-988
C238	5/16/2013		Kevin Moore	3.6-991
C239	5/10/2013		James Holmes	3.6-993
C240	5/16/2013		Debra England	3.6-997
C241	6/13/2013		Stephen Nestel	3.6-1005
C242	6/7/2013		Peter Singleton	3.6-1009
Oral Testimony at EIR Hearings (D)				
D1	4/16/2013	Public Hearing on Draft EIR – San Rafael		3.8-1

TABLE 3-1: COMMENTS RECEIVED ON THE PLAN BAY AREA DRAFT ENVIRONMENTAL IMPACT REPORT				
<i>Letter #</i>	<i>Date</i>	<i>Agency/Organization</i>	<i>Commenter</i>	<i>Page #</i>
D1-A			Peter Hensel	
D1-B			Richard Hall	
D1-C			Clayton Smith	
D1-D			Carolyn Lement	
D1-E		Marin Conservation League	Nona Dennis	
D1-F			Susan Kirsch	
D1-G			Linda Rames	
D1-H			Al Dugan	
D1-I			Harry Brophy	
D1-J			Ray Day	
D1-K			Margaret Kettunenzesar	
D1-L			Pam Drew	
D1-M			Jean Rieke	
D1-N			Nancy Ocada	
D1-O			Robert Chilvers	
D1-P			Elizabeth Moody	
D1-Q			Margaret Nan	
D1-R			Ann Spake	
D1-S			Julie Leitzell	
D1-T			Carol Sheerin	
D1-U			Sue Beittel	
D1-V			Joy Dahlgren	
D1-W			Vincent Welch	
D1-X			Brendan Burke	
D1-Y			Jim Bitter	
D1-Z			Barbara Salzman	
D1-AA			Stephen Nestel	
D1-BB			Marjorie Macris	
D1-CC			Lilie Crocker	
D1-DD			Susan Wernick	
D2	4/16/2013	Public Hearing on Draft EIR – Oakland		3.8-62
D2-A			Charlie Cameron	

TABLE 3-1: COMMENTS RECEIVED ON THE PLAN BAY AREA DRAFT ENVIRONMENTAL IMPACT REPORT				
<i>Letter #</i>	<i>Date</i>	<i>Agency/Organization</i>	<i>Commenter</i>	<i>Page #</i>
D2-B			Myesha Williams	
D2-C			Devilla Ervin	
D2-D			Brenda Barron	
D2-E			Pamela Tapia	
D2-F			Woody Little	
D2-G			Teadora Taddeo	
D2-H			Signe Mattson	
D2-I			Kasey Saeturn	
D2-J			Jill Ratner	
D2-K			Evelyn Stivers	
D2-L			Peter Singleton	
D2-M			Public Speaker	
D2-N			Azibuike Akaba	
D2-O			Rachel Hallow-grass	
D3	4/17/2013	Public Hearing on Draft EIR – San Jose		3.8-100
D3-A			Ivana Yueng	
D3-B			Ed Mason	
D3-C			Michael Ludwig	
D3-D			Don Conners	
D3-E			Hilda Lafebre	
D3-F			Jim Bitter	
Oral Testimony at Plan Hearings (E)				
<i>E1: Alameda County</i>				3.10-1
E1-A	5/1/2013		Clarissa Cabansagan	
E1-B	5/1/2013		Myesha Williams	
E1-C	5/1/2013		Pamela Tapia	
E1-D	5/1/2013		Devilla Ervin	
<i>E2: Contra Costa County</i>				3.10-3
E2-A	4/22/2013		Avon Wilson	
E2-B	4/22/2013		Daniel De-busschere	
E2-C	4/22/2013		Kathleen Jenkins	

TABLE 3-1: COMMENTS RECEIVED ON THE PLAN BAY AREA DRAFT ENVIRONMENTAL IMPACT REPORT

<i>Letter #</i>	<i>Date</i>	<i>Agency/Organization</i>	<i>Commenter</i>	<i>Page #</i>
E2-D	4/22/2013		Heather Pruett	
E2-F	4/22/2013		John Doe	
E2-G	4/22/2013		Rusty Snow	
E2-H	4/22/2013		Peter Singleton	
E2-I	4/22/2013		Terry Thompson	
E2-J	4/22/2013		Susan Callister	
E2-K	4/22/2013		Chet Martine	
E2-L	4/22/2013		Linda Delehunt	
E3: Marin County				3.10-8
E3-A	4/29/2013		Ronnie Teyssier	
E3-B	4/29/2013		Craig Thomas Yates	
E3-C	4/29/2013		Jesse Shepherd	
E3-D	4/29/2013		Ericka Erickson	
E3-E	4/29/2013		Cathy Cortez	
E3-F	4/29/2013		Lois Riddick	
E3-G	4/29/2013		Linda Rames	
E3-H	4/29/2013		Luke Teyssier	
E3-I	4/29/2013		Peter Hensel	
E3-J	4/29/2013		Linda Pfeifer	
E3-K	4/29/2013		Robert Bundy	
E3-L	4/29/2013		Liz Specht	
E3-M	4/29/2013		John Palmer	
E3-N	4/29/2013		Guy Meyer	
E3-O	4/29/2013		Richard Hall	
E3-P	4/29/2013		Toni Shroyer	
E3-Q	4/29/2013		Frank Egger	
E3-R	4/29/2013		Kerry Stoebner	
E3-S	4/29/2013		Ray Day	
E3-T	4/29/2013		James Bitter	
E3-U	4/29/2013		Sue Hestor	
E3-V	4/29/2013		Helen Lindquist	
E3-W	4/29/2013		Sharon Ruston	
E3-X	4/29/2013		Carol Sheerin	

TABLE 3-1: COMMENTS RECEIVED ON THE PLAN BAY AREA DRAFT ENVIRONMENTAL IMPACT REPORT				
<i>Letter #</i>	<i>Date</i>	<i>Agency/Organization</i>	<i>Commenter</i>	<i>Page #</i>
E3-Y	4/29/2013		Peter Lacques	
E3-Z	4/29/2013		Anne Spake	
E3-AA	4/29/2013		Margaret Zegart	
<i>E4: San Francisco</i>				3.10-17
E4-A			Steve Woo	
E4-B			Joel Ramos	
E4-C			Peter Cohen	
E4-D			Kate White	
E4-E			Starchild	
<i>E5: San Mateo County</i>				3.10-19
E5-A	4/29/2013		Jeff Hobson	
E5-B	4/29/2013		Bob Cohen	
E5-C	4/29/2013		Gail Raabe	
E5-D	4/29/2013		Joshua Hugg	
E5-E	4/29/2013		William Nack	
<i>E6: Santa Clara County</i>				3.10-21
E6-A	5/1/2013		Susan Stuart	
E6-B			Chris Lepe	
E6-C			Susan M	
E6-D			Susan Russell	
E6-E			Libby Lucas	
E6-F			Cat Nguyen	
E6-G			Michael Dittmer	
E6-H			Cecilia Ng	
E6-I			Mounia O'Neal	
E6-J			Anaruth Hernandez	
E6-K			Brian Darrow	
E6-L			Susan Marsland	
E6-M			Jean Ryan	
<i>E7: Solano County</i>				3.10-25
E7-A	4/22/2013		Bob Berman	
<i>E8: Sonoma County</i>				3.10-26
E8-A			Lloyd Guccione	

TABLE 3-1: COMMENTS RECEIVED ON THE PLAN BAY AREA DRAFT ENVIRONMENTAL IMPACT REPORT				
<i>Letter #</i>	<i>Date</i>	<i>Agency/Organization</i>	<i>Commenter</i>	<i>Page #</i>
E8-B			Rosa Koire	
E8-C			Jenny Bard	
Written Comments Submitted at Hearings (F)				
F-A			Alameda County Resident	3.12-1
F-B			Marita Platon	
F-C			Mike Garrabrants	
F-D			Eric Strattmann	
F-E			Colleen O'Connell	
F-F			Jewlia Eisenberg	
F-G			Janet Maiorana	
F-H			Pam Drew	
F-I			Ericka Erickson	
F-J			Michael Ludwig	
F-K			Ed Mason	
F-L			Carla Giustino	
F-M			Liz Sprech	
F-N			Jack Simonitch	
F-O			Nathan Scout	
F-P			Nathan Scout	
F-Q			Sofia Lozano-Pallos	
F-R			Finau Faleofa	
F-S			Jean Ryan	
F-T			Ed Mason	
F-U			Ed Mason	
F-V			Ed Mason	
F-W			Ed Mason	
F-X			Ed Mason	
F-Y			Ed Mason	
F-Z			Ed Mason	
F-AA			Ed Mason	
F-BB			Ed Mason	
F-CC			Ed Mason	

TABLE 3-1: COMMENTS RECEIVED ON THE PLAN BAY AREA DRAFT ENVIRONMENTAL IMPACT REPORT				
<i>Letter #</i>	<i>Date</i>	<i>Agency/Organization</i>	<i>Commenter</i>	<i>Page #</i>
F-DD			Ed Mason	
F-EE			James B. Walsh	
F-FF			James B. Walsh	
F-GG			Nathan Daniel Stout	
F-HH			Michael J. Hayes	
F-II			Roger Delaware	
F-JJ			Adam Kirshenbaum	

*Comment letters with attachments: Attachments from Agency comment letters can be found in Appendix C, attachments from Organization comment letters in Appendix D, and attachments from Individual letters in Appendix E.

3.1 Master Responses

Numerous comments raised common concerns or questions that are most appropriately answered or clarified in one comprehensive or “master” response. For this Final EIR, the issues listed in Table 3-2 are addressed in Master Responses, lettered A through I. Many of the individual responses refer back to these master responses.

TABLE 3-2: MASTER RESPONSE LIST

<i>Master Response</i>	<i>Title</i>	<i>Page Number</i>
<i>A</i>	<i>Land Use and Environmental Review</i>	
A.1	Local Control Over Land Use	3.1-2
A.2	CEQA Streamlining Options	3.1-4
A.3	Specificity of a Program EIR	3.1-7
<i>B</i>	<i>Project Description</i>	
B.1	Population Projections	3.1-8
B.2	Feasibility of the Proposed Plan’s Priority Development Areas	3.1-10
<i>C</i>	<i>Requests for Extensions of the Public Comment Period</i>	3.1-13
<i>D</i>	<i>GHG Impacts</i>	
D.1	Regional Greenhouse Gas Emissions Reductions for Land Use and Transportation Planning Sectors Under SB 375	3.1-16
D.2	The Connection between High-Density Housing near Transit and Reduced Greenhouse Gas Emissions	3.1-19
<i>E</i>	<i>Sea Level Rise</i>	3.1-25
<i>F</i>	<i>Displacement</i>	3.1-28
<i>G</i>	<i>Water Supply</i>	3.1-34
<i>H</i>	<i>UrbanSim Modeling and Subsidies</i>	3.1-36
<i>I</i>	<i>Priority Development Area (PDA) Process</i>	3.1-39

A: LAND USE AND ENVIRONMENTAL REVIEW

Master Response A.1: Local Control Over Land Use

The proposed Plan Bay Area (the proposed Plan) is a joint effort led by Metropolitan Transportation Commission (MTC) and Association of Bay Area Governments (ABAG) and completed in partnership with the Bay Area's other two regional government agencies, the Bay Area Air Quality Management District (BAAQMD), and the Bay Conservation and Development Commission (BCDC). (Draft EIR, pp. 1.1-1 to 1.1-2.) The proposed Plan constitutes the first Regional Transportation Plan (RTP) for the Bay Area that includes a Sustainable Communities Strategy (SCS) as well as a transportation policy element, an action element, and a financial element.

The Sustainable Communities and Climate Protection Act of 2008, also known as Senate Bill 375 (SB 375), requires California's 18 metropolitan planning organizations (MPOs) to develop an SCS or an Alternative Planning Scenario (APS) if an SCS is not feasible, as a new element of their federally mandated RTPs. The preferred land use scenario and resulting development pattern described in Chapter 3 of the Draft Plan represent the SCS for the Plan.

Pursuant to SB 375, the SCS must do the following:

- Identify the general location of uses, residential densities, and building intensities within the region;
- Identify areas within the region sufficient to house all the population of the region, including all economic segments of the population, over the course of the planning period of the regional transportation plan taking into account net migration into the region, population growth, household formation and employment growth;
- Identify areas within the region sufficient to house an eight-year projection of the regional housing need for the region;
- Identify a transportation network to service the transportation needs of the region;
- Gather and consider the best practically available scientific information regarding resource areas and farmland in the region;
- Consider the state housing goals;
- Set forth a forecasted development pattern for the region, which, when integrated with the transportation network, and other transportation measures and policies, will reduce the greenhouse gas emissions from automobiles and light trucks to achieve, if there is a feasible way to do so, the greenhouse gas emission reduction targets for the region; and
- Allow the regional transportation plan to comply with Section 176 of the federal Clean Air Act (42 U.S.C. § 7506). (Gov. Code, § 65080, subd. (b)(2)(B).)

The purpose of SB 375 is, in part, to “encourage developers to submit applications and local governments to make land use decisions that will help the state achieve its climate goals under AB 32, assist in the achievement of state and federal air quality standards, and increase petroleum conservation.” (SB 375, Stats. 2008, ch. 728, § 1(f) [uncodified legislative findings].) The CEQA streamlining benefits provided by SB 375 are some of the mechanisms utilized to incentivize development of pro-

jects that will help the state achieve its climate goals under AB 32. It is important to note, however, that while this EIR provides lead agencies with CEQA streamlining benefits for certain projects, neither the proposed Plan nor this EIR limits in any way the existing land use authority of any city or county. (Gov. Code, § 65080, subd. (b)(2)(K).)¹

In other words, even after the final Plan Bay Area (the Plan) is adopted by MTC and ABAG, the lead agencies for future projects retain the discretion to, for example, (1) carry out or approve projects that are not consistent with the Plan, (2) exercise their discretion to deny approval of projects even if they are consistent with the Plan, and (3) reach environmental conclusions and/or adopt mitigation measures that differ from those identified in this EIR. In short, the Plan, if adopted, is advisory and not binding at the local level. For this reason, unless MTC or ABAG have regulatory or approval authority over a future project implemented pursuant to the Plan, MTC and ABAG must rely on incentives to encourage implementing agencies to commit to the mitigation measures set forth in the program EIR for the Plan. As discussed in greater detail in Master Response A.2, an implementing agency that elects to take advantage of the CEQA Streamlining provisions of SB 375 (Public Resources Code sections 21155.1, 21155.2, and 21159.28) must commit to the mitigation measures set forth in the program EIR, as applicable and feasible, to address site-specific conditions.

Cities and counties, not MTC or ABAG, are ultimately responsible for the manner in which their local communities continue to be built out in the future. For this reason, cities and counties are not required to revise their “land use policies and regulations, including [their] general plan, to be consistent with the regional transportation plan or an alternative planning strategy.” (Gov. Code, § 65080, subd. (b)(2)(K).) The proposed Plan merely provides a transportation and land use vision that “*if implemented*, [would] achieve the greenhouse gas emission reductions targets” for the region. (Pub. Resources Code, § 21155, subd. (a) (emphasis added).) The land use portion of the proposed Plan will only be implemented insofar as local jurisdictions act upon the Plan’s policies and recommendations.

Some commenters on this EIR suggest that the relationship between the proposed Plan and the Regional Housing Needs Allocation (RHNA) is evidence that the proposed Plan supersedes the land use authority of cities and counties within the region. This is incorrect. The legislature first established the RHNA process in 1980 as an additional requirement for housing elements in local General Plans. The RHNA statutes require cities and counties to make sites available through their General Plans and zoning that can accommodate the jurisdiction’s share of the regional housing need and, where necessary, requires a jurisdiction to zone or rezone adequate sites to accommodate its RHNA. (Gov. Code, §§ 65583, subd. (c)(1), 65584.09, subds. (a), (c).) This requirement predates enactment of SB 375’s SCS process. SB 375, however, requires the RHNA, starting in 2014, to be consistent with the development pattern included in the SCS. (Gov. Code, § 65584.04, subd. (i).)

Therefore, SB 375 both requires future RHNAs to be consistent with the SCS and states that the proposed Plan must not be interpreted to supersede the exercise of the land use authority of cities and counties within the region. (Gov. Code, §§ 65080, subd. (b)(2)(K), 65584.04, subd. (i).) Interpreting these provisions to be internally inconsistent would violate established canons of statutory inter-

¹ “Nothing in a sustainable communities strategy shall be interpreted as superseding the exercise of the land use authority of cities and counties within the region.” (Gov. Code, § 65080, subd. (b)(2)(K).)

pretation. (*Hatch v. Superior Court* (2000) 80 Cal.App.4th 170, 226 [a statute should not be interpreted in a manner that is “inconsistent with other provisions of the same statute, defeats the apparent legislative intent and is otherwise in conflict with accepted interpretive canons”].) As a result, the proposed Plan should not be viewed as superseding local land use authority simply because SB 375 requires the RHNA to be consistent with the development pattern included in its SCS.

SB 375 neither compels cities and counties to construct housing necessary to fulfill their RHNA obligations nor limits their discretionary authority in evaluating future projects proposed within their jurisdictions. As stated in Government Code section 65584, subdivision (a)(2), “[w]hile it is the intent of the Legislature that cities, counties, and cities and counties should undertake all necessary actions to encourage, promote, and facilitate the development of housing to accommodate the entire regional housing need, it is recognized, however, that future housing production may not equal the regional housing need established for planning purposes.” (Gov. Code, § 65584, subd. (a)(2).) Both market forces and discretionary actions taken by cities and counties, not the proposed Plan, will dictate whether the regional housing need established for planning purposes is achieved.

Master Response A.2: CEQA Streamlining Options

Once certified by MTC and ABAG, this Final EIR may be used to streamline the environmental review process for some future projects carried out or approved by various agencies and municipalities including, but not limited to, cities and counties, Bay Area congestion management agencies (CMAs), Caltrans, transportation authorities, BCDC, BAAQMD, and transit providers in the region (such as Muni, BART, AC Transit, SamTrans, Caltrain, SolTrans, WestCAT, ACE, Water Emergency Transit Authority, etc.). (Pub. Resources Code, §§ 21068.5, 21093-21094.5.5, 21155-21155.3, 21159.28.) As discussed on pages 1.1-12 to 1.1-16 of the Draft EIR, SB 375 and other CEQA provisions provide a number of potential streamlining benefits to proposed projects that are consistent with the Plan.

If Plan Bay Area is adopted and the program EIR is certified by MTC and ABAG, and the California Air Resources Board determines that the proposed Plan, if implemented, would achieve the greenhouse gas emission reduction targets required by AB 32 and SB 375, then a number of streamlining benefits may become available to lead agencies that carry out or approve future projects contemplated by the Plan.

For a lead agency to take advantage of many of the potential streamlining benefits associated with the SCS, the lead agency must comply with all feasible and applicable mitigation measures included in this EIR, to the extent necessary, to substantially lessen or avoid the potentially significant impacts of the project. Where a future project, as mitigated by the lead agency, will not result in a potentially significant impact identified in this EIR, the lead agency is not required to adopt the mitigation measures set forth in this EIR and/or other relevant project-level EIRs to take advantage of the CEQA streamlining benefits discussed below.

SB 375 provides streamlining benefits for Transit Priority Projects (TPP). A TPP is a project that is:

- Consistent with the general land use designation, density, building intensity, and applicable policies specified for the project area in the SCS;
- Located within half a mile of a major transit stop or high-quality transit corridor;

- Comprised of at least 50 percent residential use based on total building square footage, or as little as 26 percent residential use if the project has a floor area ratio of not less than 0.75; and
- Built out with a minimum of 20 dwelling units per acre. (Pub. Resources Code, § 21155.)

One of three potential streamlining benefits may apply to a TPP pursuant to SB 375.

First, TPPs that meet a detailed list of criteria set forth in Public Resources Code section 21155.1 are statutorily exempt from CEQA. Due to the extensive list of criteria that must be met to achieve this exemption, the exemption will likely only be available in very limited circumstances. This conclusion is supported by the fact that although the Southern California Association of Governments (SCAG) and Sacramento Area Council of Governments (SACOG) both adopted their first respective RTP/SCS in early 2012, no agency in either region has invoked the statutory exemption created by SB 375 in approving any project.

Second, a TPP that does not qualify for the statutory exemption may be eligible to comply with CEQA using a Sustainable Communities Environmental Assessment (SCEA). An SCEA is similar to a streamlined negative declaration or mitigated negative declaration that requires a 30-day public review period rather than the otherwise available 20-day public review period. An SCEA is available for a TPP that does not result in any potentially significant environmental impacts after mitigation and that has incorporated all feasible mitigation measures, performance standards, or criteria set forth in the prior applicable EIRs including the EIR for the RTP/SCS. (Pub. Resources Code, § 21155.2, subd. (a).) An SCEA is not required to discuss (1) growth inducing impacts, or (2) any project specific or cumulative impacts from cars and light-duty truck trips generated by the project on global warming or the regional transportation network. (Pub. Resources Code, §§ 21155.2, subd. (b)(1), 21159.28, subd. (a).) And, unlike a negative declaration or mitigated negative declaration, a lead agency's decision to approve a TPP based on an SCEA is reviewed, if challenged, by a court under the substantial evidence standard. (Pub. Resources Code, § 21155.2, subd. (b)(7).)

Third, a TPP that will result in one or more potentially significant impacts after mitigation may be reviewed using a tiered TPP EIR as established by Public Resources Code section 21155.2(c). A tiered TPP EIR is only required to address the significant or potentially significant effects of the TPP on the environment and is not required to include a discussion of (1) growth inducing impacts, (2) any project specific or cumulative impacts from cars and light-duty truck trips generated by the project on global warming or the regional transportation network, (3) cumulative effects that have been adequately addressed and mitigated in prior applicable certified EIRs, (4) off-site alternatives, or (5) a reduced density alternative to address effects of car and light truck trips generated by the TPP. (Pub. Resources Code, §§ 21155.2, subd. (c), 21159.28, subds. (a)-(b).)

In addition to the benefits provided for TPPs, SB 375 provides streamlining benefits for residential or mixed-use residential projects, as defined in Public Resources Code section 21159.28(d), that are consistent with the use designation, density, building intensity, and applicable policies specified for the project area in the SCS. Projects eligible for streamlining must incorporate mitigation measures required by an applicable prior environmental document, such as this EIR if it is certified by MTC and ABAG. EIRs for qualifying residential or mixed-use residential projects are not required to include a discussion of (1) growth inducing impacts, (2) any project specific or cumulative impacts from cars and light-duty truck trips generated by the project on global warming or the regional trans-

portation network, or (3) a reduced density alternative to address effects of car and light truck trips generated by the project. (Pub. Resources Code, § 21159.28, subds. (a)-(b).)

In 2011, SB 226 was enacted by the legislature to establish additional streamlining benefits applicable to infill projects. (Pub. Resources Code, § 21094.5.) Within the Bay Area, SB 226 applies to infill projects that are consistent with the general use designation, density, building intensity, and applicable policies specified for the project area in the SCS once adopted, and are consistent with the requirements set forth in CEQA Guidelines section 15183.3. (Pub. Resources Code, §§ 21094.5, subd. (c), 21094.5.5.) For these projects, an “Infill EIR” is only required to analyze effects on the environment that are specific to the project or to the project site and were not addressed as significant effects in a prior planning level EIR unless new information shows the effects will be more significant than described in the prior EIR. (Pub. Resources Code, § 21094.5, subd. (a)(1).) Moreover, an Infill EIR is not required to consider potentially significant environmental effects of the project that may be reduced to a less than significant level by applying uniformly applicable development policies or standards adopted by the city, county, or the lead agency. (Pub. Resources Code, § 21094.5, subd. (a)(2).) And, the Infill EIR is not required to discuss (1) alternative locations, project densities, and building intensities, or (2) growth inducing impacts.

Unlike the CEQA streamlining benefits established by SB 375, the benefits created by SB 226 may apply to non-residential projects including qualifying commercial, retail, transit station, school, or public office building projects. (CEQA Guidelines, § 15183.3, subd. (f)(1).) It should be noted, however, that the effectiveness of Public Resources Code section 21094.5 and the related CEQA Guidelines section are uncertain. Although Public Resources Code section 21094.5 provides that “[a] lead agency’s determination pursuant to this section shall be supported by substantial evidence,” many believe the supporting CEQA Guidelines require lead agencies to make determinations that may implicate the fair argument standard of review thereby limiting SB 226’s streamlining benefits.

Finally, for all other types of projects proposed to be carried out or approved by a lead agency within the region, the lead agency may utilize this EIR for the purposes of traditional CEQA tiering. (Pub. Resources Code, §§ 21068.5, 21093-21094.) Tiering is the process by which general matters and environmental effects in an EIR prepared for a policy, plan, program or ordinance are incorporated by reference into a narrower second-tier or site-specific EIR. (Pub. Resources Code, § 21068.5.) Moreover, by tiering from this EIR (if certified by MTC and ABAG), a later tiered EIR would not be required to examine effects that (1) were mitigated or avoided in this EIR, (2) were examined at a sufficient level of detail in this EIR to enable those effects to be mitigated or avoided by site specific revisions, the imposition of conditions, or by other means in connection with the approval of the later project, or (3) constitute cumulative effects and were adequately addressed in this EIR. (Pub. Resources Code, § 21094.)

Therefore, the proposed Plan and this EIR, if adopted and certified, respectively, by MTC and ABAG, will provide lead agencies with a number of potential ways to streamline CEQA review for future projects proposed within their jurisdictions. While the streamlining benefits of the proposed Plan may serve to reduce time and costs associated with complying with CEQA, the ultimate land use authority provided to local agencies to approve, modify, or deny proposed projects within their jurisdiction is not diminished by the proposed Plan.

Master Response A.3: Specificity of a Program EIR

The proposed Plan is subject to the California Environment Quality Act (CEQA) and, as a result, this program EIR is being prepared. MTC and ABAG are serving as joint lead agencies in preparing this program EIR for the proposed Plan. Therefore, MTC and ABAG will rely on the EIR's analysis of potential environmental effects in their review of the proposed Plan prior to taking action on the Plan. (See also Draft EIR, p. 1.1-4.)

“The level of specificity of an EIR is determined by the nature of the project and the ‘rule of reason’.” (*Laurel Heights Improvement Ass’n v. Regents of University of California* (1988) 47 Cal.3d 376, 407.) “[W]here an EIR covers several possible projects that are diverse and geographically dispersed, the agency has discretion to evaluate the potential environmental impacts of the individual projects in general terms in the EIR, while deferring more detailed evaluation of the projects for future EIRs.” (*California Oak Foundation v. Regents of University of California* (2010) 188 Cal.App.4th 227, 271, citing *In re Bay-Delta* (2008) 43 Cal.4th 1143, 1170-1171.) Here, the proposed Plan is a long-term, regional-scale plan covering 101 cities and nine counties, over 150 major transportation projects, and many other transportation and land use projects over the next approximately 28 years. Accordingly, the EIR analyzes the proposed Plan at a programmatic level.

With limited exceptions, MTC and ABAG cannot require local implementing agencies to adopt specific mitigation measures, and it is ultimately the responsibility of a lead agency to determine and adopt mitigation measures. Moreover, because MTC and ABAG have prepared a program EIR, the EIR does not include city, county, or site-specific environmental analysis. For both of these reasons, MTC and ABAG cannot ensure either that the mitigation measures set forth in this EIR will be feasible for all site-specific projects or that local implementing agencies will exercise their discretion to implement the measures. As a result, a large number of impacts identified in this EIR remain potentially significant and unavoidable. Where MTC and ABAG have determined that successful implementation of the mitigation measures identified in this EIR would reduce a potentially significant and unavoidable impact to a less than significant level, however, the EIR states this conclusion and discusses the above uncertainties concerning successful implementation of the measures.

Subsequent second-tier land use plans (such as city and county general plans and specific plans) as well as project-specific CEQA analysis will be undertaken by implementing agencies. This EIR does not dictate the environmental conclusions a lead agency must reach as part of future project-specific CEQA analysis. For example, the EIR does not conclude that all transportation and land use projects will, on the project-level, result in each of the potentially significant environmental impacts identified at the programmatic level in this EIR for Plan Bay Area.

Where substantial evidence supports the conclusion that a future project as mitigated by the lead agency will not result in one or more of the potentially significant environmental impacts identified in this EIR, implementation of the mitigation measures identified in this EIR would not be required pursuant to CEQA. Similarly, in the event that currently unforeseen project-specific factors result in additional significant impacts or make infeasible mitigation measures included in this EIR, and no alternative measures can otherwise mitigate or avoid the future project's significant effect, then the lead agency may, based on substantial evidence, adopt findings required by Public Resources Code section 21081, subdivision (a)(3), and approve the project notwithstanding any significant and unavoidable impacts. Therefore, the proposed Plan and this EIR do not diminish in any way the jurisdic-

tion and authority of implementing agencies that serve as the lead agency under CEQA for future projects. (See also Draft EIR, pp. 1.1-11 to 1.1-12.)

B: PROJECT DESCRIPTION

Master Response B.1: Population Projections

Several commenters requested an explanation of the different population projections provided by ABAG and the California Department of Finance (DOF). MTC and ABAG relied on ABAG's population projections in the Jobs-Housing Connection Strategy, which was released on May 16, 2012. The Jobs-Housing Connection Strategy, which serves as the base land use element of the Sustainable Communities Strategy, describes the job growth projections and demographic trends ABAG relied on to establish population growth projections. (Jobs-Housing Connection Strategy, pp. 14-30.) ABAG predicts the Bay Area population will be 9.3 million people in 2040, which includes an increase of 1.1 million jobs and 2.1 million people. (Draft Plan Bay Area, p. 29; Jobs-Housing Connection Strategy, p. 24; Draft EIR, pp. 1.2-5 to 1.2-8.)

ABAG's population forecast is based on the detailed, industry-specific job growth projections compiled and analyzed by the Center for Continuing Study of the California Economy ("Levy Report").² ABAG combined the job growth projections from the Levy Report with demographic information, including fertility/mortality projections and ethnic composition, derived from DOF reports and 2010 Census data. (Draft Plan Bay Area, p. 30; Draft EIR, p. 1.2-7.)

In January 2013, DOF released population projections for the Bay Area forecasting 1.3 million additional people between 2010 and 2040, which is significantly lower than ABAG's forecast of 2.1 million additional people. The DOF develops population projections for various purposes, including consultation by the Department of Housing and Community Development's ("HCD") Regional Housing Needs Determination ("RHND") for the Bay Area. The RHND is an estimate of the number of housing units needed over the next eight years to meet housing demand, which ABAG then allocates to local jurisdictions through the Regional Housing Need Allocation ("RHNA") process.

ABAG must ensure that the land use pattern in the proposed Regional Transportation Plan/Sustainable Communities Strategy ("Plan") accommodates its RHNA determination; however, MTC and ABAG are under no obligation to use DOF's population projections for the purposes of developing the proposed Plan. ABAG, not DOF, is responsible for developing population projections for each RTP/SCS. In this instance, the proposed Plan accommodates ABAG's population projections, which are higher than DOF's, and the draft RHNA is consistent with the land use pattern in the proposed Plan. Thus, the RHNA and the proposed Plan are consistent regardless of any apparent disparity between DOF's 2013 population projections and ABAG's population projections for the Plan.

Recognizing the public controversy surrounding the differences between the population projections, ABAG, DOF, and HCD, voluntarily collaborated to explain the discrepancy and affirm the reasonableness of ABAG's methodology. On April 2, 2013, ABAG, DOF, and HCD jointly held a work-

² Levy, Stephen, Bay Area Job Growth to 2040: Projections and Analysis, Center for Continuing Study of the California Economy, February 2012 ("Levy Report"). http://www.onebayarea.org/pdf/3-9-12/CCSCE_Bay_Area_Job_Growth_to_2040.pdf

shop and released a memorandum (“Population Memo”) that discusses the different methodologies used by ABAG and DOF that resulted in the different population projections.³

ABAG, DOF, and HCD concluded that the primary cause of the different population projections was the migration data relied upon by DOF. Migration is one of the three variables in the baseline cohort-component method used by DOF to forecast population growth. Employment is a major driver of migration, however the DOF model does not specifically incorporate current and projected employment trends in its model. DOF’s projections were based on net migration into the Bay Area between 2000 and 2010. The DOF net-migration number does not account for irregularities, such as the job losses that occurred from 2000-2002 and from 2007-2010 and fails to reflect current and expected employment trends. As a result, the Population Memo concludes that DOF’s projections are “not a forecast of the most likely outcome.” DOF and HCD agreed that ABAG’s methodology for determining population projections is appropriate for ABAG’s purposes.

In contrast to DOF’s methodology, ABAG’s methodology incorporates current and expected employment trends by linking population growth to projected job growth.⁴ The Population Memo states:

Job growth is the main determinant of population growth in the ABAG regional growth forecast as in all major regional forecast modeling in California and around the nation. ABAG job growth to 2040 is estimated as a share of U.S. projected job growth, based on an assessment of regional competitiveness by major industry sectors.

ABAG projections use DOF fertility and mortality assumptions to determine the amount of natural increase in the population. Migration, rather than being tied to recent trends, is a function of job growth. The theory of deriving migration forecasts linked to job growth is that most migration is the result of people moving to regions where job growth exceeds the number of workers supplied by the local economy and vice versa. For the Bay Area, the best example is the large number of people who migrated to the region from other parts of the state, nation and world during the high-tech and dot.com boom of the late 1990s and the exodus out of the region in the years when job losses occurred after 2000 when the boom ended.

ABAG’s methodology linking population projections to expected job growth is a better predictor of future populations than models that simply rely on net-migration numbers from the previous decade. Linking population growth to job growth is used in the regional projections of all of the other major Councils of Governments in California as well as the three major national forecasting firms (IHS Global Insight, Regional Economic Models, Inc., and Moody’s). As a result, the Population Memo

³ The Population Memo is available at:
http://apps.mtc.ca.gov/meeting_packet_documents/agenda_2038/06_Overview_of_RHND__DOF_Projections__and__Plan_Bay_Area.pdf

⁴ A June 11, 2013 memorandum from Stephen Levy responds to critics of ABAG’s population projections and includes current data and analysis that provide additional support for ABAG’s determinations. The memorandum can be found at <http://onebayarea.org/regional-initiatives/plan-bay-area/draft-plan-bay-area/supplementary-reports.html>

states that “DOF acknowledges that ABAG employment methodology and its impact on migration is reasonable.”

Staff at the California Air Resources Board (CARB) also support ABAG’s population projection methodology. CARB’s technical analysis of the proposed Plan states:

ARB staff’s analysis of the Bay Area’s population projection methodology and process show that ABAG/MTC used the best available information at the time of their plan development process to come up with their projections. The agencies considered a variety of data inputs to estimate the future population, such as 2010 Census and Bureau of Labor Statistics projections, DOF projections, local jurisdiction inputs, expert panel review and a consultant-provided set of economic assumptions.⁵

Under CEQA, population projections relied on in an EIR must be supported by substantial evidence. (*Federation of Hillside and Canyon Assns. v. City of Los Angeles* (2004) 126 Cal.App.4th 1180, 1206-1207 [CEQA challenges to population projections in an EIR reviewed under the substantial evidence standard].) MTC’s and ABAG’s population projections are based on sound methodology, incorporate current data and trends, and were developed by experts in consultation with other relevant agencies through a transparent public process. All three agencies, ABAG, DOF, and HCD, agree that the methodology used by MTC and ABAG are appropriate for the SCS. (Population Memo.)

Master Response B.2: Feasibility of the Proposed Plan’s Priority Development Areas

Some commenters expressed concern regarding the feasibility of the proposed Plan. In expressing this concern, some commenters cited the March 29, 2013 Priority Development Area Development Feasibility and Readiness Assessment Report commissioned by MTC and prepared by Economic & Planning Systems, Inc (EPS).

ABAG forecasts that by 2040 the Bay Area’s population will grow another 30 percent from the 2010 level (over 2.1 million more residents) and employment will increase by 33 percent (over 1.1 million additional jobs). To house this population growth, it is estimated that 660,000 new housing units will need to be built in the same timeframe to meet the forecasted demand of 700,000 new housing units (the other 40,000 units will be supplied from currently projected vacant and foreclosed units). (Draft EIR, p. 1.2-6.)

Pursuant to SB 375, MTC and ABAG are required to develop as part of the RTP an SCS that identifies areas within the region sufficient to house all the population of the region, including all economic segments of the population, which, when integrated with the transportation network, and other transportation measures and policies, will reduce the greenhouse gas emissions from automobiles and light trucks to achieve the greenhouse gas emission reduction targets established for the region. SB 375 acknowledges that achieving a region’s greenhouse gas target will require metropolitan planning organizations to adopt “*changed* land use patterns” that depart from the business-as-usual model.

⁵ Draft Technical Evaluation of the Greenhouse Gas Emissions Reduction Quantification for the Association of Bay Area Governments’ and Metropolitan Transportation Commission’s SB 375 Sustainable Community Strategy (“Technical Evaluation”), June 2013, p. 34.

To depart from the business-as-usual development pattern, both political- and market- based changes must take place. Based on a sample of 20 Priority Development Areas (PDAs), the Priority Development Area Development Feasibility and Readiness Assessment Report⁶ (PDA Development Feasibility Report) concludes that without any rezoning or change in land use policies, 62 percent of the housing growth identified within the PDAs included in the sample could be developed. The “readiness” analysis included in the PDA Development Feasibility Report should not be interpreted to suggest that successful implementation of the proposed Plan is infeasible. In fact, the “readiness” analysis of constraints to development within PDAs including policy, market, infrastructure, financing, and related factors demonstrated that 62 percent of the housing growth allocated to the PDAs included in the sample could currently be accommodated with no changes to existing land use controls (e.g. General Plans and zoning). Relatively straightforward policy actions at the local, regional, state, and federal levels would allow these PDAs to accommodate 80 percent or more of the housing growth allocated to them by 2040.

The PDA Development Feasibility Report does note that implementation of certain policies could allow “PDA housing production [to] exceed the amounts estimated,” however. For example, housing demand is positively correlated with lower crime, better schools, and distance from environmental contamination. While these factors were considered as constraints affecting development, the PDA Development Feasibility Report did not recommend any specific policies and strategies to improve local “readiness”.

The PDA Development Feasibility Report, therefore, supports the conclusion that the proposed Plan, on average, requires a relatively minor amount of rezoning and related land use policy changes in order to accommodate the densities envisioned in the PDAs by the proposed Plan. For this reason, the PDA Development Feasibility Report provides support for the conclusion that the proposed Plan is feasible.

The focus of SB 375 is to require metropolitan planning organizations to “identify areas within the region sufficient to house all the population of the region”; SB 375 was not drafted to provide metropolitan planning organizations with a mechanism to ensure that all local municipalities are committed to achieving the land use pattern proposed within the applicable RTP/SCS. In fact, SB 375 expressly prohibits metropolitan planning organizations from using an RTP/SCS to regulate the use of land or to “supersede the exercise of the land use authority of cities and counties within the region.” (Gov. Code, § 65080, subd. (b)(2)(K).) Therefore, the success of an RTP/SCS inherently relies on numerous independent actions by local agencies with land use authority as well as other actions by regional, state and federal stakeholders.

Consistent with SB 375, the proposed Plan is designed to provide a broad array of incentives and voluntary measures and strategies that can be adapted to local circumstances, rather than compel local agencies and project proponents to pursue projects that are consistent with the proposed Plan’s objectives. For example, the transportation projects in the proposed Plan were selected to complement a certain type of land development (balanced and compact within previously developed areas) and discourage another type of development (imbalanced, sprawling, and on greenfields). Similarly,

⁶ http://onebayarea.org/pdf/Draft_Plan_Bay_Area/Draft_PBA_PDA_Development_Feasibility_and_Readiness.pdf

the proposed Plan encourages localities to adopt land use policies and programs that promote focused growth rather than growth beyond targeted areas. These may include urban growth boundaries and reduced parking requirements, which already have been embraced by many local governments, in some cases with supportive votes of residents at the ballot box. Moreover, the CEQA streamlining provisions included in SB 375 – which will be activated by adoption of Plan Bay Area – are designed to reduce the time and cost associated with developing projects consistent with the RTP/SCS.

In short, while the Report demonstrates that future policy- and market- based changes will be required to achieve the development pattern in the proposed Plan, the Report does not conclude such policy and market changes are infeasible. Therefore, MTC and ABAG do not interpret the Report to suggest that implementation of the proposed Plan is infeasible.

MTC and ABAG’s interpretation of the Report is further supported by a May 10, 2013 letter from EPS to MTC.⁷ In that letter, EPS explains that while “development of the planned housing growth is likely to face significant challenges, we do not arrive at or accept the conclusion that housing growth in the PDAs cannot possibly grow beyond the figures that we’ve deemed reasonable to expect.” In short, EPS concluded that “the growth allocation in Plan Bay Area represent an achievable, if not easy, outcome consistent with the scope and purpose of any comprehensive regional plan.”

Finally, accommodating the substantial growth within the region will be challenging no matter the land use pattern proposed. EPS’s May 10, 2013 letter states that “many of the same political, regulatory, market, and infrastructure challenges [that must be addressed in PDAs] will constrain growth outside the PDAs.” For example, EPS notes that non-PDAs typically have less existing infrastructure to accommodate new growth, and new suburban subdivisions frequently carry significant costs to install new roadways, utility extensions, parks, schools, etc.

These costs, paired with typically lower home values in new “greenfield” development areas as compared to existing urbanized areas (such as the PDAs), represent additional financing obstacles for new subdivision developments as compared to infill development. Regulatory, market, and infrastructure planning changes are required to overcome such obstacles. Moreover, affordable housing is also more difficult to achieve in non-PDA areas. The federal Low Income Housing Tax Credit program, often critical to financing affordable housing projects, prioritizes development of rental housing and provides preference to projects near urban services such as transit, healthcare facilities, schools, etc. Suburban “greenfield” development is less likely to have the attributes necessary to make an affordable housing project competitive for grant funding under the program. EPS’s letter, therefore, concludes that “it is not at all certain that non-PDA areas are ‘ready’ (as we have measured it for the sample PDAs) for significantly more growth than has been allocated to them under Plan Bay Area.”

In short, based on information prepared by EPS and all other evidence in the record, MTC and ABAG believe that the proposed Plan includes a reasonable and potentially feasible land use development pattern that can both house the region’s projected population growth and achieve the sustainable development goals associated with SB 375.

⁷ http://onebayarea.org/pdf/Draft_Plan_Bay_Area/EPS_ltr051013_1.pdf

MASTER RESPONSE C: REQUESTS FOR EXTENSIONS OF THE PUBLIC COMMENT PERIOD

MTC and ABAG received multiple written and oral comments requesting an extension of the public comment period for the Draft EIR. On May 10, 2013, the MTC Planning Committee and ABAG Administration Committee considered the request for an extension and both voted unanimously against extending the public comment period.⁸ MTC and ABAG did so for two main reasons: (1) the comment period was adequate and complied with CEQA's requirements; and (2) any additional delay would result in significant consequences for the agencies and the communities they serve without providing additional environmental protection.

The comment period on the Draft EIR commenced on April 2, 2013 and closed on May 16, 2013, in compliance with CEQA's 45-day statutory requirement. (Pub. Resources Code § 21091.) The public comment period on the Draft EIR followed an extensive public participation process that began in 2010 to gather input on the proposed Plan. During the public comment period, the public was able to submit comments on the Draft EIR during public meetings, including three public hearings on the Draft EIR, as well as nine public hearings held on the Draft Plan, one in each county of the region, throughout April and May 2013 (see details below), via e-mail, regular mail, or in-person. Approximately 1,250 residents attended the public hearings, with 385 speaking.⁹ MTC and ABAG received 342 written comments on the Draft EIR, in addition to numerous oral and written comments during open public hearings. This large volume of comments demonstrates that the legally prescribed comment period was sufficient to produce a robust level of public review of the Draft EIR.

Following is a list of open houses and public hearings:

Draft EIR Public Hearings

- April 16, 2013, 10 a.m. to 12 noon, San Rafael
- April 16, 7 p.m. to 9 p.m., Oakland
- April 17, 2013, 1 p.m. to 3 p.m., San Jose

Draft Plan Bay Area Open Houses and Public Hearings

- April 8, 6 p.m. to 9 p.m., Napa
- April 8, 6 p.m. to 9 p.m., Santa Rosa
- April 11, 6 p.m. to 9 p.m., San Francisco
- April 22, 6 p.m. to 9 p.m., Vallejo

⁸ [http://apps.mtc.ca.gov/meeting_packet_documents/agenda_2051/5_Draft_PBA_Draft EIR_Ext_Request_memo.pdf](http://apps.mtc.ca.gov/meeting_packet_documents/agenda_2051/5_Draft_PBA_Draft_EIR_Ext_Request_memo.pdf)

⁹ Transcripts and comment forms are available online here:

<http://www.onebayarea.org/regional-initiatives/plan-bay-area/meetings-events/What-We-Heard.html>

- April 22, 6 p.m. to 9 p.m., Walnut Creek
- April 29, 6 p.m. to 9 p.m., Foster City
- April 29, 6 p.m. to 9 p.m., San Rafael
- May 1, 6 p.m. to 9 p.m., Fremont
- May 1, 6 p.m. to 9 p.m., San Jose

The April 2 – May 16, 2013 public comment period for the Draft Plan and Draft EIR capped off more than three years of dialogue and consultation on this planning effort. To date, some 250 meetings—including public workshops, policy board meetings and other public engagement activities—have been conducted since the process commenced in the spring of 2010.

Other public engagement during spring of 2013 surrounding the Draft Plan and Draft EIR included: MTC and ABAG staff made presentations at public meetings to local elected officials in all nine counties; notices of all meetings were mailed to the clerks of the board of all local jurisdictions for posting. A series of 12 focus groups were conducted in early spring 2013 in partnership with community-based organizations working in low-income communities and communities of color, drawing a total of 181 participants. One session each was conducted in Spanish and Cantonese. Presentations on the Draft Plan and Draft EIR were made to ABAG's Regional Planning Committee, consisting of stakeholders and elected officials, and two presentations to MTC's Policy Advisory Council, which represents a broad range of interests, including seniors, people with disabilities, low-income residents and residents from communities of color, as well as representatives from the business community and environmental organizations. MTC and ABAG staff held a consultation workshop with Native American tribal government leaders in Sonoma County. A statistically valid telephone poll of over 2,500 Bay Area residents was conducted during March, April and early May 2013 measuring the general public's opinion on issues relating to Plan Bay Area. A brown-bag lunch for news reporters provided information to encourage media coverage of the Plan and open houses/public hearings, and two news releases issued during the public comment period encouraged media coverage promoting public participation in the planning/public comment process. A direct mail piece and five email blasts notifying residents about the release of the draft and opportunities to comment.

Newspapers in all nine Bay Area counties published legal notices, and display ads were purchased in smaller community newspapers in ethnic and minority communities, including display ads and legal notices in Spanish and Chinese language newspapers. See Section 1 of the Final EIR for more details of the legal notices distributed to newspapers throughout the region. Additional information on the public outreach process was presented to the Joint MTC Planning Committee and ABAG Administrative Committee in June.¹⁰

Based upon input gathered through written public comments and at public meetings related to the draft Plan and Draft EIR, MTC and ABAG are considering changes to the Draft Plan and the Draft EIR. Discussions about these potential changes necessarily could not commence in earnest until the formal comment period closed. Staff then needed sufficient time to adequately summarize and respond to comments and identify key issues for MTC and ABAG policymakers.

¹⁰ http://apps.mtc.ca.gov/meeting_packet_documents/agenda_2070/Item_3a_Summary_of_Public_Input.pdf

The schedule to develop Plan Bay Area has been extended several times over the past three years in response to input from stakeholders and local jurisdictions. There was no additional time in the schedule for further extension without impacting federal air quality conformity requirements and the Transportation Improvement Plan (TIP), which are directly tied to the schedule for the adoption of Plan Bay Area following certification of the EIR.

Air Quality Conformity Lapse and the TIP

Under federal regulations, the Air Quality conformity for the Regional Transportation Plan (RTP) and related short-term Transportation Improvement Plan (TIP) is valid for 4 years. MTC's Air Quality conformity determination for the current RTP and TIP was approved on May 29, 2009. Upon this lapse, the region entered a one-year lapse grace period. During this period, the Federal Highway Administration (FHWA) and Federal Transit Administration (FTA) can continue to authorize projects and approve environmental documents for projects already in the 2011 TIP. No amendments to the TIP may be approved (for either exempt or non-exempt projects), however, until the Air Quality Conformity determination for the 2013 TIP is approved. The Air Quality Conformity determination is anticipated to be approved by FHWA within two months following approval of Plan Bay Area and the Air Quality Conformity Analysis for Plan Bay Area and the 2013 TIP. Thus, the current schedule will involve a “freeze” on TIP amendments for new projects of about four months. Any additional delay in approving the Plan compounds and extends that freeze.

The region processes roughly one TIP revision each month with each revision on average affecting roughly 60 projects for \$90 million in funding changes. The first amendment for the new TIP will contain the new OneBayArea Grant (OBAG) projects. The Congestion Management Agencies have submitted their OBAG programs and are in the process of including these in the new TIP through the first amendment. Over \$230 million in OBAG funds, and over 100 projects are anticipated to be part of this first amendment. Sponsors cannot proceed until the projects are in the TIP, with most of these projects scheduled for delivery over the next couple years. As it stands now, it is extremely challenging for sponsors to perform the environmental and design elements of the projects and have the projects ready for construction in the next summer construction season. Any further delay jeopardizes the ability for sponsors to deliver these projects next summer. A delay of more than two months essentially causes the sponsors to miss next year's construction season and thus delay these projects a full year.

MTC and ABAG extended the Plan development process as much as possible in order to consider and respond to the input received on the Plan. MTC and ABAG complied with the statutory requirements for public comment on the Draft EIR. The public process allowed for a robust discussion of important issues that have been identified in the comment period and ensured compliance with the state and federal statutory requirements described above. The responses to comments included in this Final EIR allow the dialogue to continue through the final public review and adoption process.

D: GHG IMPACTS

Master Response D.1: Regional Greenhouse Gas Emissions Reductions for Land Use and Transportation Planning Sectors Under SB 375

MTC and ABAG received multiple comments regarding the SB 375-related greenhouse gas (GHG) analysis contained in Section 2.5 of the Draft EIR. Many comments questioned why the analysis focused on emissions reductions from the land use and transportation planning sector, while not factoring in emissions reductions from other statewide GHG emissions reductions efforts, such as the California Light-Duty Vehicle Greenhouse Gas Standards adopted under AB 1493 (Pavley) and low carbon fuel standards (LCFS). Commenters also questioned why a baseline year of 2005 was used for the GHG analysis.

As described in greater detail below and on Draft EIR pages 2.5-41 through 2.5-45, MTC and ABAG focused solely on land use and transportation planning GHG reduction measures and used a 2005 baseline for their analysis of GHG emissions reductions under the Plan because that is what SB 375 and CARB require. Pavley and LCFS are separate components of the State's GHG emissions reduction efforts. MTC and ABAG would be impermissibly double-counting the reductions from Pavley and LCFS if they were to take credit for those emissions reductions in this EIR. CARB selected the year 2005 as a baseline (see pp. 6 in the *Recommendations of the Regional Targets Advisory Committee*¹¹) in September 2009. The purpose of developing the SCS as a component of the RTP is to provide a tool for regional governing bodies, such as MTC and ABAG, to meet CARB's GHG reductions targets specific to the land use and transportation planning sector.

CARB's Scoping Plan calls for a reduction of 31.7 million metric tons (MMT) per year of carbon dioxide equivalent (CO₂e) from Pavley, 15 MMT CO₂e from LCFS, and 5 MMT CO₂e from Regional Transportation-Related GHG Targets. (Scoping Plan, p. 17.) The land use and transportation planning sector accounts for a small portion of overall Scoping Plan GHG reductions, but it is still an important contribution to the State's GHG emissions reduction efforts and is entirely separate and in addition to other Scoping Plan measures.

As outlined in the Draft EIR, pages 2.5-24 through 2.5-26, the SB 375 GHG reductions targets are mandates that result from a multi-year process of legislative and state agency action. AB 32, the California Global Warming Solutions Act, enacted in September 2006, requires the reduction of statewide GHG emissions to 1990 levels by 2020. The Act directs CARB to develop and implement regulations to reduce statewide GHG emissions from stationary sources and address GHG emissions from vehicles. SB 375 tasked CARB with setting GHG emissions reductions targets for regional agencies to achieve through integrated land use and transportation planning.

In response to AB 32, CARB developed and adopted its Climate Change Scoping Plan as a roadmap of the CARB's plans to achieve GHG reductions. The Scoping Plan assigns various amounts of GHG reductions for each sector of the state's GHG inventory. Pavley, LCFS, and other vehicle efficiency measures are separate statewide GHG emissions reductions strategies that complement, but do not supplant efforts to reduce GHG emissions through regional land use and transportation planning. (CARB Scoping Plan, pp. 38, 46, 51.) Pursuant to SB 375, the Scoping Plan identifies SCS

¹¹ <http://www.arb.ca.gov/cc/sb375/rtac/report/092909/finalreport.pdf>

implementation as the primary action required to obtain the necessary reductions from the regional land use and transportation planning sectors. (Scoping Plan, pp. 47-51.) Therefore, GHG emissions reductions targets through improved regional land use and transportation planning are independent from statewide vehicle efficiency measures implemented by CARB.

CARB established GHG emissions reductions targets for the land use and transportation sectors for each region in the state for 2020 and 2035 relative to a year 2005 baseline. The CARB targets for the San Francisco Bay Area are a 7 percent per capita reduction by 2020, and a 15 percent per capita reduction by 2035. Other emissions, such as small particulate matter (PM 2.5), are not subject to the SB 375 targets.

Under SB 375 and the Scoping Plan, MTC and ABAG must plan to meet regional land use and planning sector GHG emissions reductions. Other agencies are responsible for implementing emissions reductions measures through vehicle and fuel technology. To meet these GHG emissions reductions targets for the land use and transportation sectors, MTC and ABAG followed CARB direction (Scoping Plan, pp. 47-51) to exclude other policy initiatives in its GHG modeling. Otherwise, as commenters have pointed out, MTC and ABAG could have simply stated that the Bay Area meets its emissions reduction targets solely through statewide clean technology initiatives, but this would completely undermine the mandate from SB 375 and CARB to achieve regional GHG emission reduction targets through improved regional land use and transportation planning policies. In other words, to account for Pavley and LCFS GHG reductions in the modeling for the proposed Plan would result in double counting in the Scoping Plan – vehicle and fuel measures would be credited under the Regional Transportation-Related GHG Targets as well as the California Light-Duty Vehicle Greenhouse Gas Standards (Pavley) and the LCFS. (Scoping Plan, p. 17.) Such double-counting would be contrary to SB 375 and the Scoping Plan.

SB 375 requires regional planning agencies in the state to include an SCS in their RTP that demonstrates how the region could achieve the GHG emissions reduction targets for the land use and transportation planning sectors through integrated land use and transportation planning. The Scoping Plan specifically charges CARB, not MTC and ABAG, with implementing GHG reduction strategies related to clean vehicles and fuel efficiency. Therefore, as stated in the method of analysis for the Draft EIR Chapter 2.5 Criterion 1, the SB 375 targets analysis does not include the GHG emissions reductions that are anticipated as the result of the Pavley fuel efficiency standards and the LCFS, as those benefits are identified in the Scoping Plan as being CARB-led emissions sectors.

At a recent CARB hearing evaluating Plan Bay Area's GHG reduction methodology, CARB's Air Pollution Specialist Jennifer Gray explained that CARB reviewed the methodology with a focus "on the accounting of greenhouse gas emissions reductions as described in our July 2011 technical methodology paper," which CARB also used to evaluate the five other SCS.¹² CARB looked at four key components of the travel demand modeling system, including technical methodologies, data inputs and assumptions, model sensitivity analysis, and performance indicators.¹³ After conducting a thor-

¹² Hearing Transcript, California Air Resources Board hearing on Plan Bay Area's GHG reduction methodology, June 27, 2013, p. 25, lines 15-18.

¹³ Id. at pp. 25-26 lines 19-2.

ough analysis of the Plan's methodology, CARB staff concluded that the Plan's methodology is sound and, if implemented, the Plan would meet CARB's 2020 and 2035 GHG reduction targets.¹⁴ CARB's Technical Evaluation (p. 21) states:

ABAG/MTC has appropriately not included GHG emissions reductions from the technology and fuel programs adopted by ARB, such as the Low Carbon Fuel Standard and the Advanced Clean Cars program. This is because the targets adopted by ARB in 2010 do not include reductions from these statewide technology and fuel programs, but rather focus on reductions from strategies implemented at the regional and local level.

Some of the comments questioned the cost-effectiveness of land use strategies to reduce greenhouse gas emissions, as opposed to technology strategies (such as more efficient vehicles and cleaner fuels). MTC and ABAG agree that technological strategies are certainly an essential part of the multi-faceted effort to combat climate change. Technological improvements in vehicles and fuels, however, are likely to be offset by the growth in VMT expected to occur as the United States recovers from a period of economic recession. Without efforts such as more efficient land use patterns and more extensive public transit systems, it will be difficult to reduce VMTs and maximize GHG reductions.¹⁵ (Scoping Plan, pp. 49-50.)

Technology strategies are largely within the purview of federal and state agencies. SB 375 tasked regional agencies, including MTC and ABAG, to address the fundamental land use and transportation challenges on a more localized level. Reducing per-capita VMT is the primary strategy for regional agencies to achieve the GHG reduction required under SB 375; the emissions reductions from the Plan's land use pattern and transportation investment package will complement the technology-based emissions reductions expected from federal and state regulatory actions.

Master Response D.2: The Connection between Higher-Density Housing near Transit and Reduced Greenhouse Gas Emissions

Plan Bay Area relies on a strategy of focusing growth around the region's existing and planned public transit system (Draft EIR, pp. 1.2-25), primarily through the Priority Development Area (PDA) framework. Due to this focused growth pattern and the associated investments into the public transit system, the proposed Plan is forecasted to result in 93 percent more transit boardings and 6 percent fewer vehicle miles traveled per capita by year 2040 (Draft EIR, pp. 2.1-28). These changes in passenger travel patterns, along with the land use pattern and other transportation and climate program investments, are expected to reduce per-capita light-duty vehicle greenhouse gas (GHG) emissions by 16% between 2005 and 2035 (Draft EIR, pp. 2.5-50). The success of this strategy can be compared

¹⁴ Id. at p. 107, lines 15-16. See also, Draft Technical Evaluation of the Greenhouse Gas Emissions Reduction Quantification for the Association of Bay Area Governments' and Metropolitan Transportation Commission's SB 375 Sustainable Community Strategy ("Technical Evaluation"), June 2013, p. 5.

¹⁵ Ewing, R., Bartholomew, K., Winkleman, S., Walters, J., & Chen, D. Urban Land Institute (2007). Growing cooler: The evidence on urban development and climate change. Retrieved from website: <http://www.smartgrowthamerica.org/documents/growingcoolerCH1.pdf>

to a more dispersed land use pattern by examining the relative performance of the No Project alternative (Alternative 1). The No Project alternative results in lower levels of residential and employment density than the Draft Plan due to a greater share of regional growth being directed to green-field locations outside of PDAs (Draft EIR, pp. 3.1-15). This alternative exhibited 21% fewer transit boardings and effectively yielded no reduction in per-capita vehicle miles traveled over the time horizon of the proposed Plan (Draft EIR, pp. 3.1-24). Those trends contribute to the No Project alternative's failure to achieve the GHG reduction target (Draft EIR, pp. 3.1-59). The EIR alternatives analysis demonstrates the comparative strength of a focused growth land use approach.

In response to the Draft EIR's conclusion that focused growth alternatives support transit ridership and reduce per-capita GHG emissions, a number of comments received during the Plan Bay Area Draft EIR public review period challenged this linkage between greater development densities, particularly in close proximity to transit stations, and reduced greenhouse gas (GHG) emissions. These comments stated that no correlation exists between denser development and reduced GHG emissions and that, even if any increased transit utilization does occur, it will have a negligible or adverse effect on emissions. Furthermore, these comments asked for further justification of the focused growth GHG reduction strategy and the forecasted benefits from transit-oriented growth. As discussed in detail below, there is voluminous peer-reviewed, credible research to support the GHG reduction benefits of transit oriented development. Furthermore, GHG reductions from the integration of land use and transportation planning are confirmed by the results of the GHG analysis of this project, as compared to the No Project alternative.

In general, these comments reflect a misperception that urban areas have greater environmental impacts than suburban or rural areas. Because of higher population levels in urban areas, total GHG emissions in these locations tend to be higher than sparsely populated suburban or rural locations. On a per-capita basis, however, emissions are significantly lower for residents of urban areas compared to residents elsewhere in the same country; the availability of public transit alternatives, reduced driving distances, and greater residential densities are some of the primary causes of this important finding.¹⁶ Dodman (2009) establishes that "there is no fundamental link between urbanization and high levels of greenhouse gas emissions – rather, it appears that well-planned, well-managed cities can play a central role in helping to mitigate against climate change."¹⁷ As the CARB target (discussed in detail in Master Response D.1) is also set on a per-capita basis, increasing the proportion of the regional population in denser areas (where per-capita GHG is lower) contributes directly to achieving the per-capita GHG reduction target.¹⁸

In order to demonstrate that higher-density development supports greenhouse gas emission reductions, this response addresses the key questions listed below:

¹⁶ Dodman, D. (2009). Blaming cities for climate change? An analysis of urban greenhouse gas emissions inventories. *Environment and Urbanization*, 21(185), 185-201. Retrieved from <http://eau.sagepub.com/content/21/1/185.full.pdf>

¹⁷ Id.

¹⁸ See Scoping Plan, Appendix C, pp. C-74 to C-84 for a detailed description of the CARB targets for regional planning agencies. Appendix C can be found online at: http://www.arb.ca.gov/cc/scopingplan/document/appendices_volume1.pdf

- How does increased housing density affect automobile vehicle miles traveled (VMT) and GHG emissions?
- How does increased housing density near transit affect public transit utilization?
- How do changes in public transit utilization affect GHG emissions?

Impact of Density on Demand for Auto Travel and GHG Emissions

Housing density plays a critical role in affecting travel demand, regardless of travel mode. By bringing travel origins (typically a place of residence) and destinations (employment, retail, etc.) closer together, travel distances are reduced and non-auto modes become increasingly viable.¹⁹ Transportation Research Board (TRB) Special Report 298²⁰, which examined the connections between the built environment and travel behavior, identified that densification even in lower-density urban fringe areas (a shift from 1 acre residential lots to ¼ acre residential lots) reduces trip distances and total VMT. This effect is multiplied in denser suburban and urban areas where supportive infrastructure, such as sidewalks, bike lanes, and transit access, allow for greater VMT reduction.

TRB Special Report 298 also identified that doubling residential densities could lead to per-household VMT reductions of 5 to 12 percent, a substantial impact on the demand for automobile travel. If implemented in coordination with denser employment centers, public transit improvements, and demand management measures, the study forecasted that VMT reductions could reach 25 percent. This conclusion is supported by numerous other research efforts, all supporting per-capita VMT reduction as a result of increased residential densities.^{21, 22, 23, 24, 25}

¹⁹ Bailey, L., Mokhtarian, P., & Little, A. American Public Transportation Association (2008). The broader connection between public transportation, energy conservation and greenhouse gas reduction. Retrieved from website: [http://www.equinoxcenter.org/assets/files/broader connection between pub trans, energy conservation and GHG reduction.pdf](http://www.equinoxcenter.org/assets/files/broader%20connection%20between%20pub%20trans,%20energy%20conservation%20and%20GHG%20reduction.pdf)

²⁰ Transportation Research Board, Board on Energy and Environmental Systems (2009). Driving and the built environment: The effects of compact development on motorized travel, energy use, and CO2 emissions (Special Report 298). Retrieved from website: <http://onlinepubs.trb.org/Onlinepubs/sr/sr298.pdf>

²¹ Chatman, D. (2003). The influence of workplace land use and commute mode choice on mileage traveled for personal commercial purposes. Presented at the Transportation Research Board Annual Meeting. Retrieved from http://www.ltrc.lsu.edu/TRB_82/TRB2003-002473.pdf

²² Dunphy, R., & Fisher, K. (1996). Transportation, congestion, and density: New insights. Transportation Research Record: Journal of the Transportation Research Board, 1552, 89-96. Retrieved from <http://trb.metapress.com/content/a1122u077238q212/>

²³ Ewing, R., Pendall, R., & Chen, D. Smart Growth America (2002). Measuring sprawl and its impact. Retrieved from website: <http://landusclaw.wustl.edu/Articles/measuringsprawl.pdf>

As each mile traveled by automobile emits additional GHG emissions, shorter trip lengths resulting from greater densities on average lead to lower per-capita GHG emissions. Lifecycle GHG emissions analyses – which include GHG emissions from construction, operation, and transportation associated with development patterns – show that low-density suburban development is at least twice as GHG-intensive as high-density development.²⁶ While this result is partially due to more efficiently-sized residential units, higher VMT required to access suburban dwellings plays a major role in the results; when transportation GHG emissions are isolated, low-density suburban development is four times as GHG-intensive per capita, and two times as GHG-intensive per square foot, as high-density development.²⁷ MTC’s analysis presented in this EIR demonstrates that this conclusion holds true under the proposed Plan as well, confirming the conclusions from the research reviewed for the EIR even when expected vehicle efficiency gains, as mandated by law, are completely factored in, as they were in the analysis.

Density & Utilization of Public Transit

Focused growth is a key principle of Plan Bay Area, as it minimizes impacts on open space and agricultural areas while at the same time making more effective use of the region’s public transportation network. In order to achieve a focused growth land use pattern and meet SB 375’s GHG emissions reduction targets, the Plan utilizes Priority Development Areas (PDAs) to locate moderate- and higher-density housing near the region’s public transit network. This type of development is often referred to as “transit-oriented development” (TOD) as it is designed to provide multimodal mobility to residents in high-density areas.

When multi-family housing is developed in close proximity to frequent transit service, the auto trip reduction benefits, discussed above, become even greater as the transit service provides an alternative transportation mode that reduces VMT per capita to a greater extent than high density development

²⁴ Ewing, R., & Cervero, R. (2001). Travel and the built environment: A synthesis. Transportation Research Record: Journal of the Transportation Research Board, 1780, 87-114. Retrieved from <http://trb.metapress.com/content/a1w1712rw1225372/>

²⁵ Bartholomy, P., Barkalow, G., Bemis, G., McKeever, N., Phinney, S., Silvas, J., & Vinton, J. California Energy Commission, (2007). The role of land use in meeting California’s energy and climate change goals (CEC-600-2007-008-SF). Retrieved from website: <http://www.energy.ca.gov/2007publications/CEC-600-2007-008/CEC-600-2007-008-SF.PDF>

²⁶ Norman, J., MacLean, H., & Kennedy, C. (2006). Comparing high and low residential density: Life-cycle analysis of energy use and greenhouse gas emissions. Journal of Urban Planning and Development, 132(1), 10-21. Retrieved from <http://users.rowan.edu/~everett/courses/STBE/docs/Normal et al 2006.pdf>

²⁷ Norman, J., MacLean, H., & Kennedy, C. (2006). Comparing high and low residential density: Life-cycle analysis of energy use and greenhouse gas emissions. Journal of Urban Planning and Development, 132(1), 10-21. Retrieved from <http://users.rowan.edu/~everett/courses/STBE/docs/Normal et al 2006.pdf>

that is not located near public transit.^{28,29} Transit Oriented Developments (TODs) decrease VMT and produce significantly lower traffic impacts than a typical auto-oriented development project due to greater proximity to daily services and public transit options. On average, 44 percent fewer auto trips were observed entering/exiting TODs than from traditional auto-oriented developments of the same size.³⁰

High-density housing near transit hubs leads to notable increases in transit ridership. Population density has been shown to be one of the strongest factors in determining transit mode choice, with an effect ten times greater than land use mix.³¹ TCRP Report 128³² identified that TOD residents are twice as likely to not own a car and two to five times more likely to use transit for both commute and non-commute purposes. That study also identified that transit stations in close proximity to high density housing had increasing transit ridership between 1970 and 2000, even as transit ridership in surrounding metropolitan areas declined as a result of job sprawl.

National studies linking dense housing near transit and higher transit ridership are supported by California-specific studies; in fact, the Bay Area's vital job centers with excellent transit access lead to TOD benefits above and beyond the national average.³³ Residents around Bay Area Rapid Transit (BART) TOD projects reported a significant shift to transit, walking, biking, and carpooling.³⁴ Analysis of the year 2000 Bay Area Travel Survey results showed that Bay Area residents living within ½ mile of a rail or ferry station are four times more likely to use transit than residents living more than

²⁸ Haas, P., Miknaitis, G., Cooper, H., Young, L., & Benedict, A. Center for Transit-Oriented Development, (2010). Transit oriented development and the potential for VMT-related greenhouse gas emissions growth reduction. Retrieved from website: <http://www.cnt.org/repository/TOD-Potential-GHG-Emissions-Growth.FINAL.pdf>

²⁹ Gossen, R. Metropolitan Transportation Commission, Planning Section (2006). Characteristics of rail and ferry station area residents in the San Francisco bay area: Evidence from the 2000 bay area travel survey. Retrieved from website: http://www.mtc.ca.gov/planning/smart_growth/stars/_BATS2000_Station_Area_Residents_Study_Vol_I.pdf

³⁰ U.S. Department of Transportation, Federal Transit Administration (2010). Public transportation's role in responding to climate change. Retrieved from website: <http://www.fta.dot.gov/documents/PublicTransportationsRoleInRespondingToClimateChange2010.pdf>

³¹ Davis, J., & Seiskin, S. (1997). Impacts of urban form on travel behavior. *The Urban Lawyer*, 29(2), 215-232. Retrieved from <http://heinonline.org/HOL/LandingPage?collection=journals&handle=hein.journals/urban29&div=21&id=&page=>

³² Cervero, R., & Arrington, G. Transportation Research Board (2008). Effects of TOD on housing, parking, and travel (TCRP Report 128). Retrieved from The National Academies Press website: http://download.nap.edu/catalog.php?record_id=14179

³³ Lund, H., Cervero, R., & Willson, R. California Department of Transportation (2004). Travel characteristics of transit-oriented development in California. Retrieved from website: http://www.bart.gov/docs/planning/travel_of_tod.pdf

³⁴ Lund, H., Cervero, R., & Willson, R. California Department of Transportation (2004). Travel characteristics of transit-oriented development in California. Retrieved from website: http://www.bart.gov/docs/planning/travel_of_tod.pdf

½ mile from a rail or ferry station.³⁵ Furthermore, Bay Area residents who live and work within ½ mile of a rail or ferry station use transit for 42 percent of their commute trips, compared to 4 percent for individuals who do not live and work within ½ mile of a station.³⁶ Under the proposed Plan, VMT will decrease as opportunities to ride transit, bike or walk increase.

CARB reaches similar conclusions. In the Technical Analysis of the proposed Plan, CARB states:

Transit ridership sharply increases as housing and employment increases within a one mile radius of transit stations (Kolko 2011). Other studies show significant VMT reductions for placement of housing and employment closer to rail stations and bus stops (Tal, et al 2010). In the ABAG/MTC region, the percentage of housing units in PDAs was more than 26 percent in 2010. ABAG/MTC projects that this will increase to 30 percent in 2020 and 35 percent in 2035 (Figure 15). The anticipate increase in housing units near transit stations/stops provides additional supportive evidence for the reported reduction trend in GHG emissions in the region.³⁷

Lower levels of VMT and higher levels of transit ridership resulting from higher-density housing near transit are a result of multiple factors, including the presence of walkable retail development near the transit stations (which is made more commercially viable by proximate dense housing) and the tendency to reduce auto ownership when relocating to an efficient, transit-served location.³⁸

Impact of Increased Utilization of Public Transit on GHG Emissions

Public transit has the potential to affect greenhouse gas emissions in two ways: by shifting individuals from cars to transit vehicles and by reducing overall traffic congestion levels (i.e. improving vehicle speeds and therefore reducing auto emissions). The EIR documents this in the analysis of changes in mode of travel under the proposed Plan (see Table 2.1-13), reduced travel times for commuting and other trip purposes (Tables 2.1-14 and 15), and daily vehicle miles of travel per capita (Table 2.1-17). As of 2007, public transit is estimated to reduce U.S. travel by 102.2 billion VMT annually, a 3.4 percent reduction, just from the modal shift alone; this correlates with a savings of 6.9 million metric

³⁵ Gossen, R. Metropolitan Transportation Commission, Planning Section (2006). Characteristics of rail and ferry station area residents in the San Francisco bay area: Evidence from the 2000 bay area travel survey. Retrieved from website: http://www.mtc.ca.gov/planning/smart_growth/stars/_BATS2000_Station_Area_Residents_Study_Vol_I.pdf

³⁶ Gossen, R. Metropolitan Transportation Commission, Planning Section (2006). Characteristics of rail and ferry station area residents in the San Francisco bay area: Evidence from the 2000 bay area travel survey. Retrieved from website: http://www.mtc.ca.gov/planning/smart_growth/stars/_BATS2000_Station_Area_Residents_Study_Vol_I.pdf

³⁷ Draft Technical Evaluation of the Greenhouse Gas Emissions Reduction Quantification for the Association of Bay Area Governments' and Metropolitan Transportation Commission's SB 375 Sustainable Community Strategy ("Technical Evaluation"), June 2013, p. 76.

³⁸ Cervero, R., & Arrington, G. Transportation Research Board (2008). Effects of TOD on housing, parking, and travel (TCRP Report 128). Retrieved from The National Academies Press website: https://download.nap.edu/catalog.php?record_id=14179

tons of CO₂. With secondary effects of congestion relief and land use changes, the total effect is estimated to be a 37 million metric ton reduction just from operating today's transit systems.³⁹ The public transit expansions funded in Plan Bay Area are forecasted to yield an additional regional travel mode shift towards transit that will produce secondary effects such as reduced levels of congestion and greater potential for densification in Priority Development Areas.

When examining pounds of CO₂ emissions per passenger-mile, and these emissions expressed in terms of CO₂e, public transit performs significantly better than a single-occupant motor vehicle (SOV)⁴⁰, with BART's emissions just 9 percent of an SOV, Muni Metro's emissions 31 percent of an SOV, and Muni bus emissions 68 percent of an SOV.⁴¹ These results, in fact, reflect a conservative estimate of transit's GHG reduction potential. Greater transit utilization, which boosts the number of seats filled on a given bus, reduces the pounds CO₂ emitted per passenger-mile and makes it even more competitive with the automobile.⁴² Dense developments around transit take advantage of excess transit capacity that is often already available, producing zero net increase in CO₂ emissions from the transit vehicles, while at the same time eliminating or reducing CO₂ emissions from travelers' automobiles.

A shift to transit has been shown to be a significant way to reduce GHG emissions because it could lead to an 8.1 percent household CO₂ emissions reduction compared to continued reliance on SOVs. As automobiles continue to become more energy-efficient over the coming years, so too will public transit vehicles. Diesel buses are rapidly being replaced by lower-emission hybrid and alternative-fuel buses, which produce significantly lower levels of CO₂ emissions.⁴³ Therefore, while technological advancements will likely lessen automobile CO₂ emissions over the coming decades, similar ad-

³⁹ Bailey, L., Mokhtarian, P., & Little, A. American Public Transportation Association (2008). The broader connection between public transportation, energy conservation and greenhouse gas reduction. Retrieved from website: [http://www.equinoxcntr.org/assets/files/broader connection between pub trans, energy conservation and GHG reduction.pdf](http://www.equinoxcntr.org/assets/files/broader%20connection%20between%20pub%20trans,%20energy%20conservation%20and%20GHG%20reduction.pdf)

⁴⁰ Chester, M., & Horvath, A. (2009). Life-cycle energy and emissions inventories for motorcycles, diesel automobiles, school buses, electric buses, Chicago rail, and New York City rail. Informally published manuscript, UC Berkeley Center for Future Urban Transport, University of California, Berkeley, Berkeley, CA. Retrieved from <http://www.its.berkeley.edu/publications/UCB/2009/VWP/UCB-ITS-VWP-2009-2.pdf>

⁴¹ U.S. Department of Transportation, Federal Transit Administration (2010). Public transportation's role in responding to climate change. Retrieved from website: <http://www.fta.dot.gov/documents/PublicTransportationsRoleInRespondingToClimateChange2010.pdf>

⁴² U.S. Department of Transportation, Federal Transit Administration (2010). Public transportation's role in responding to climate change. Retrieved from website: <http://www.fta.dot.gov/documents/PublicTransportationsRoleInRespondingToClimateChange2010.pdf>

⁴³ U.S. Department of Transportation, Federal Transit Administration (2006). Alternative Fuels Study: A Report to Congress on Policy Options for Increasing the Use of Alternative Fuels in Transit Vehicles. Retrieved from website: [http://www.fta.dot.gov/documents/Alternative Fuels Study Report to Congress.pdf](http://www.fta.dot.gov/documents/Alternative_Fuels_Study_Report_to_Congress.pdf)

vancements in transit technologies are likely to preserve transit's competitive edge with regards to CO₂ emissions.

MASTER RESPONSE E: SEA LEVEL RISE

The Draft EIR addresses sea level rise within the Climate Change and Greenhouse Gases Chapter. (See Draft EIR, pp. 2.5-7 to 2.5-17, 2.5-32 to 2.5-37, 2.5-46 to 2.5-49, 2.5-61 to 2.5-84.) The Draft EIR evaluates potential sea level rise impacts caused by projected sea level rise by mid-century. The projections were used to evaluate potential flooding impacts at mid-century from sea level rise, including: (1) an increase in transportation investments in areas projected to be regularly affected by sea level rise by midcentury, (2) a net increase in the number of people projected to be residing within areas regularly inundated by sea level rise by midcentury, and (3) an increase in land use development within areas projected to be regularly inundated by sea level rise by midcentury. (Draft EIR, pp. 2.5-61 to 2.5-76; see also Draft EIR, pp. 2.5-62 to 2.5-67 (Tables 2.5-11 and 2.5-12 [listing transportation projects located within the midcentury sea level rise inundation zone and low-lying hydraulically disconnected zone]), 2.5-69 to 2.5-70 and 2.5-73 to 2.5-75 (Tables 2.5-13 to 2.5-21 [listing total 2040 population, employment, and household projections within the midcentury sea level rise inundation zone for priority development areas, transit priority projects, and each county overall]).) The methodology for the sea level rise analysis was developed in close consultation with the Bay Conservation and Development Commission (BCDC), and BCDC reviewed all of the findings and conclusions of the analysis and the adaption strategies presented in this EIR with MTC and ABAG's technical consultants, and BCDC's comments are fully reflected in this EIR. This close working relationship on the EIR is similar to BCDC's contributions to the proposed Plan itself.

The Draft EIR proposes a number of mitigation measures and adaptation strategies that may reduce project-specific sea level rise impacts to a less than significant level. (Draft EIR, pp. 2.5-67 to 2.5-68, 2.5-71, 2.5-76.) Because MTC and ABAG cannot require local implementing agencies to adopt the mitigation measures proposed in the Draft EIR, and site-specific or project-specific conditions may preclude adoption of the mitigation measures proposed in the Draft EIR for at least some future land use development projects, however, the Draft EIR concludes that sea level rise impacts may be significant and unavoidable. (Draft EIR, pp. 2.5-68, 2.5-71, 2.5-76.)

Some public comments requested that the EIR evaluate the significance of sea level rise impacts for 2100 rather than 2050. The extent of the future potential sea level rise inundation area is uncertain. The sea level rise inundation extents used in the EIR do not account for future changes in bay morphology, land use, or shore protection upgrades that may occur over time, in part because this information is not available. Over time, the extent of potential inundated areas will be dependent on the response of bay hydrodynamics and other relevant processes (such as erosion, accretion, and subsidence) to sea level rise. Future shoreline protection upgrades and other land use changes such as wetland restoration that may occur in response to sea level rise would also affect the extent of the potential future inundated area. Sea level rise projections beyond midcentury- and the associated sea level rise inundation extent- have more uncertainty, which is one reason sea level rise impacts were evaluated at midcentury, rather than the year 2100. The EIR evaluates sea level rise impacts at midcentury, however, the EIR also discloses potential sea level rise projections within the region both at midcentury and the year 2100. (See, e.g., Draft EIR, pp. 2.5-7 to 2.5-10.) As individual projects are designed and implemented, they may need to consider sea level rise impacts beyond 2050 as appropriate.

Additionally, the significance criteria used for sea level rise is whether areas within the region projected to be regularly inundated by sea level rise will by midcentury experience (1) a net increase in transportation investment, (2) a net increase in the number of people residing therein, or (3) an increase in land use development. (Draft EIR, p. 2.-42.) The EIR concludes that any increase in transportation investment, residential populations, or land use development within areas regularly inundated by sea level rise is considered a potentially significant impact before mitigation. (Draft EIR, pp. 2.5-61, 2.5-68, 2.5-71, 2.5-76.)

Sea level rise impacts of the proposed Plan are potentially significant before mitigation at midcentury because the proposed Plan will result in increases in transportation investment, residential populations, and land use development within areas projected to be regularly inundated by sea level rise by midcentury. (Draft EIR, pp. 2.5-61, 2.5-69, 2.5-72.) Sea level rise impacts of the proposed Plan in the year 2100 will also be potentially significant because increases in transportation investment, residential populations, and land use development projected to occur before midcentury necessarily occur before the year 2100.

The EIR proposes mitigation measures to reduce or avoid sea level rise impacts projected both at midcentury and the year 2100. Mitigation Measure 2.5(d), for example, directs implementing agencies to require project sponsors to comply with Executive Order (EO) S-13-08 by incorporating an appropriate adaptation strategy or strategies to reduce the impacts of sea level rise on specific transportation and land use development projects, where feasible, based on project and site-specific considerations. (Draft EIR, pp. 2.5-67 to 2.5-68.) The EIR includes a detailed list of potential adaptation strategies, including raising future project elevations, building levees, floodwalls, and berms, waterproofing structures, developing project-specific emergency management plans, improving drainage systems, and creating, restoring or enhancing wetlands and beaches. (Draft EIR, pp. 2.5-76 to 2.5-82.) By its terms, EO S-13-08 only applies to projects proposed by state agencies. The Draft EIR, however, directs all implementing agencies to comply with the EO in approving future transportation or land use projects within the Plan area. The EO requires agencies to evaluate and reduce the potential risks of, and increased resiliency to, sea level rise based on a range of sea level rise scenarios for 2050 and 2100. (Draft EIR, p. 2.5-27.) Therefore, mitigation measures included in this EIR are proposed to reduce or avoid sea level rise impacts, to the extent feasible, projected both in 2050 and 2100.

Comments stating land use projects developed in the future may need to be abandoned and that residents will need to be relocated as a result of sea level rise are speculative. The EIR provides the public and the decision-makers with a detailed analysis of potential sea level rise impacts and sets forth mitigation measures that may reduce this impact to a less than significant level for future projects. The SCS does not vest MTC and ABAG with new enforceable land use authority. (Gov. Code, § 14522.2(b)(2)(J).) Because the SCS does not supersede the authority of cities and counties within the region with respect to land use decision-making, successful implementation of the sea level rise mitigation measures proposed in the EIR are contingent on future actions taken by implementing agencies as well as site- and project- specific considerations. The EIR acknowledges these uncertainties. At the same time, these implementing agency actions are likely to be influenced by the fact that a considerable portion of the Bay Area's existing built environment lies within potential inundation zones. In conclusion, the sea level rise mitigation measures proposed in the EIR fully comply with CEQA's requirements for a first-tier plan of this nature.

Under either the proposed Plan or the other alternatives analyzed in the EIR, implementing agencies will evaluate potential sea level rise impacts associated with specific transportation and land use projects as they are proposed. The EIR sets forth mitigation measures that may avoid or substantially reduce potential sea level rise impacts of future transportation and land use projects. The EIR, however, does not limit the discretion of implementing agencies to adopt mitigation measures not otherwise identified in the EIR. Similarly, neither the proposed Plan nor any other alternative analyzed in the EIR limits an implementing agency's ability to deny a project on the basis of significant and unavoidable sea level rise impacts. Therefore, while the proposed Plan and other alternatives included in the EIR contemplate development in areas, which in consideration of project- and site- specific considerations may be subject to significant sea level rise impacts, the EIR provides a detailed discussion of adaptation strategies to enable implementing agencies to avoid such impacts where feasible. Moreover, implementing agencies also retain the discretion to deny future projects in consideration of impacts such as sea level rise.

It is important to note that many areas that are projected to be regularly inundated already include significant land use development, population, and transportation infrastructure. While adaptation planning is still in its early stages, it is reasonable to assume that adaptation strategies that will be developed to protect the existing population, employment centers and infrastructure will also benefit the new people, transportation projects and land use development identified in the Draft EIR as being at risk.

Moreover, transportation investments, population increases, and land use development in areas that may regularly be inundated by sea level rise in the future are a byproduct of achieving the fundamental project objective, as established by SB 375, of reducing CO₂ emissions from cars and light-duty trucks by 15 percent below baseline levels by 2020 while housing the region's projected population growth through 2040 within the Year 2010 urban footprint in the region.

Each of the alternatives analyzed in the Draft EIR would result in a potentially significant and unavoidable sea level rise impact. (Draft EIR, pp. 3.1-128 to 3.1-130.) No potentially feasible alternatives capable of attaining the basic objectives of the project have been identified that could avoid this potentially significant and unavoidable impact. Therefore, pursuant to Public Resources Code section 21081, in order to adopt the proposed Plan or any of the alternatives analyzed in the EIR, MTC and ABAG will be required to first adopt findings concerning sea level rise as well as a statement of overriding considerations before certifying this EIR and acting on the proposed Plan itself.

A recently published CEQA decision opines that sea level rise impacts "do not relate to environmental impacts under CEQA" and are not required to "be analyzed in an EIR." (*Ballona Wetlands Land Trust v. City of Los Angeles* (2011) 201 Cal.App.4th 455, 475 (*Ballona*).) Sea level rise constitutes an impact of the environment on the proposed Plan (as opposed to impacts of a project or plan on the environment). In *Ballona* the court explicitly concluded that an EIR was not required to consider sea level rise impacts. (*Ibid.*) The court reached this conclusion because "the purpose of an EIR is to identify the significant effects of a project on the environment, not the significant effects of the environment on the project." (*Id.* at p. 473.)

Notwithstanding that a court has concluded that a sea level rise analysis is not required by CEQA, MTC and ABAG included a detailed discussion of sea level rise within the EIR for informational

purposes in an effort to foster a robust public discourse regarding the proposed Plan. Therefore, the EIR exceeds the requirements of CEQA with respect to sea level rise.

MASTER RESPONSE F: DISPLACEMENT

The Draft EIR concluded the proposed Plan’s impacts on regional displacement will be less than significant; however, the proposed Plan could have potentially significant localized displacement impacts. (Draft EIR, pp. 2.3-35 to 2.3-36.) It is important to recognize from the outset that displacement pressure is a function of population growth; it is not an environmental impact that is caused by the Plan. The Plan will not, in itself, create population growth. On the contrary, the Plan is the regional strategy to accommodate the projected population and job growth in an equitable and efficient manner in partnership with local governments who retain local land use authority.

CEQA only requires analysis and mitigation of potentially substantial adverse changes in the physical environment. (Pub. Resources Code §§ 21151, 21060.5, 21068.) “Economic and social changes resulting from a project are not treated as significant environmental effects [citation] and, thus, need not be mitigated or avoided under CEQA.” (*San Franciscans for Reasonable Growth v. City and County of San Francisco* (1984) 209 Cal.App.3d 1502, 1516.) Physical changes in the environment caused by economic or social effects of a project may constitute significant environmental effects and economic and social effects of a project may be factors in determining the significance of physical changes in the environment. (CEQA Guidelines §§ 15131, 15064(e).) Social and economic effects in and of themselves, however, are not significant environmental effects on the environment under CEQA. (*Melom v. City of Madera* (2010) 183 Cal.App.4th 41, 55.) Therefore, the socio-economic impacts of displacement are addressed in the proposed Plan as part of the Equity Analysis, rather than in this EIR. (Draft EIR, p. 2.3-32)

Some commenters raise socio-economic policy issues arising out of the displacement of residents due to affordability; however, the potential environmental impacts of these policy concerns are unspecified and speculative. (CEQA Guidelines § 15145; *Fort Mojave Indian Tribe v. Department of Health Services* (1995) 38 Cal. App. 4th 1574, 1600 [“speculation does not establish... a deficiency in [an] EIR”].) While the EIR concludes it is likely that there may be some localized displacement as a result of investment in certain areas, the EIR also concludes that because the Plan “houses all the population,” regional displacement will be less than significant. The qualitative conclusion that there may be some localized displacement cannot be computed into quantitative environmental impacts as a model cannot predict whether a displaced household will relocate next door, one block away, or one county away. Therefore, a qualitative threshold of significance was used in the EIR to determine whether the Plan could result in “displacement of substantial numbers of existing population and housing.”⁴⁴

⁴⁴ Under CEQA, the lead agency has considerable discretion to decide which significance threshold to apply to an impact. If supported by substantial evidence, that threshold is adequate, regardless of whether a petitioner proposes an alternative threshold. (*Citizens for Responsible Equitable Environmental Development v. City of Chula Vista* (2011) 197 Cal.App.4th 327, 335-336 (CREED) [rejecting petitioner’s argument that the City erred by failing to apply a different significance threshold]; *California Oak Foundation v. Regents of University of Cal.* (2010) 188 Cal.App.4th 227, 282 [rejecting argument that a lead agency used the incorrect significance threshold]; *National Parks & Conservation Assn. v. County of Riverside* (1999) 71 Cal.App.4th 1341, 1356-1357 [upholding the County’s biological significance threshold as supported by substantial evidence].) Here, MTC operated within its discretion when it adopted the displacement significance threshold identified in the EIR. (See also *N. Coast Rivers Alliance v. Marin Municipal Water District Bd. of Dirs.* (2013) 216 Cal.App.4th 614.)

(Draft EIR, p. 2.3-35.) None of the comments refute the Draft EIR conclusion that regional displacement of residents, in and of itself, may have some impacts on the physical environment but that such impacts are insignificant at the regional level. (Draft EIR, pp. 2.3-35-36.)

On a regional basis, the EIR's analysis of environmental impacts - in particular impacts on transportation, air quality, and GHG emissions - looks at the projected changes in the Bay Area's land use pattern. (Draft EIR, p. 2.3-36.) MTC and ABAG predict changes in demographics and land use patterns in the draft Summary of Predicted Land Use Responses (pages 14-16) and the draft Forecast of Jobs, Population, and Housing (pages 23-24). MTC and ABAG's demographic projections include changes in concentrations of people and households based on income. MTC's travel model then incorporates these demographic projections in order to evaluate the potential impacts of Plan implementation. Thus, the transportation modeling of the Plan takes into account projected demographic shifts from the draft Forecast of Jobs, Population, and Housing and is useful for understanding environmental impacts, and was a factor in determining the significance of physical changes in the environment, as required by CEQA. (CEQA Guidelines §§ 15131, 15064(e).)

The analysis does not provide specific information about the causes of changing demographics, however. For example, the draft Forecast of Jobs, Population, and Housing can show where a new concentration of low-income households arises in 2040, but it does not tell us whether that concentration is a result of displacement from within the region, or from new migration from outside the region. The socio-economic causes of displacement and efforts to alleviate displacement pressure are properly addressed in the Plan's Draft Equity Analysis Report ("Equity Report").

The Equity Report assessed the potential risk of displacement by location based on areas of major planned growth where people pay more than half their income in rent. Thus, the fact that the Plan has a higher potential for displacement than other alternatives simply reflects the fact that the Plan directs more resources to historically neglected communities. This may create a potential for displacement, but the Plan is also designed to house all the population and to provide housing for all economic segments of the population. The Equity Report concluded there were about 30,000 at risk households or about 1% of total Bay Area households. Given that the Plan's sustainability strategy is to increase affordable housing near transit, and that low-income workers are more likely to commute to work by transit (Equity Report, p. 3-7), the Plan encourages the creation of more affordable units in locations that address these issues. The effectiveness of the Plan relies on the social, economic and cultural vitality of our existing neighborhoods, which could be disrupted through displacement. But the same private and public investment that might increase displacement risk also might create greater economic opportunities for residents who seek to remain in the communities receiving the investment. A balanced equity analysis of these issues must consider both the potential burdens and benefits of the proposed Plan.

Displacement risk can be addressed both by the distribution of housing and increasing resources for the creation and preservation of affordable housing and by improving economic opportunities for current, at-risk households so they can afford to absorb higher housing costs. Plan Bay Area does both.

The Plan's housing distribution strategically identifies locations to house the region's entire population including all economic segments. Specifically, of the 660,000 new units accommodated by the Plan through 2040, ABAG and MTC staff and consultants forecast that, with foreseeable and neces-

sary planning support, coordination of regulations, and increases in public funding, 26 percent will be affordable to very low income households, 17 percent to low income households, 17 percent to moderate income households, and 39 percent to above moderate income households. (Draft EIR, p. 1.2-53; Jobs Housing Connection Strategy, pp. 26-55.) The Bay Area is projected to have a slightly higher share of very low and low income households and slightly lower shares of moderate and above moderate income households in 2040. The Plan's housing distribution is directly informed by projected household income and related housing need through 2040. (*Ibid.*) The Plan provides for the development of affordable housing in locations served by transit and proximate to employment and an increased demand for multi-family housing at a variety of densities as well as attached town-houses. The locations for new housing growth including Priority Development Areas provide for the range of densities and housing types needed to meet the region's housing need across all economic segments. The housing distribution also recognizes major demographic changes through 2040 including a significant increase in the senior population.

The Plan's housing distribution is significantly focused in Priority Development Areas (PDAs), but also allots over 130,000 housing units across the region including every suburban and rural community. PDAs are locally nominated areas, which increases the likelihood of the Plan's success, where growth is anticipated to occur and the area is well served by transit. PDAs offer existing and future residents, including economically disadvantaged households, with easy access to transit, services, and the region's existing and future job base. PDAs offer several key advantages relative to the production of affordable housing. Most have existing neighborhood plans and zoning to accommodate multi-family housing at a variety of densities. Many PDAs have existing neighborhood or specific plans that are accompanied by programmatic environmental documents that ease project delivery and entitlement as well as local policies that require the inclusion of affordable housing.

Affordable Housing is typically multi-family housing, to provide for shared services for future residents, economies of scale needed for project feasibility, and efficient and cost effective site management. Plan Bay Area's housing distribution pattern recognizes the need for appropriate zoning and densities to accommodate the development of affordable housing. The Plan's housing distribution is linked to existing jurisdiction-level general and neighborhood plans and provides a strong nexus to the Plan's investments and advocacy platform. This connectivity provides a basis to significantly increase the supply of affordable housing in the region. In the wake of the recent housing crisis and economic downturn and the related impacts on low and moderate income households in the region, as well as the loss of redevelopment-related affordable housing funding the Plan sets the stage for expanded housing opportunities for all economic segments.

The Plan's investment strategy is also designed to alleviate displacement risk. The Equity Report identified three additional initiatives that MTC and ABAG are implementing to "incentivize community stabilization and minimize existing and future displacement pressures on low-income households." (Equity Report, p. 4-20.) All three initiatives address the need to increase resources for the creation and preservation of affordable housing while the third also involves developing ways to connect at-risk low income households with middle-income jobs. These initiatives include:

1. **OneBayArea Grant (OBAG) program guidelines.** Using regional discretionary transportation funding available to MTC, OBAG incentivizes local community stabilization efforts to combat displacement pressures in two ways: (1) local jurisdictions must have a general plan housing element adopted and certified by the California Department of Housing and Com-

munity Development (HCD) for the 2007-14 Regional Housing Needs Allocation (RHNA) for their general plans to be eligible for OBAG funds, which is expected to increase the availability of affordable housing in the future; and (2) the OBAG distribution formula rewards jurisdictions based on the construction of housing for very low- and low-income households as well as the current RHNA distribution of very low- and low-income units.

2. **Bay Area Transit Oriented Affordable Housing (TOAH) Fund.** In 2010, MTC launched the Bay Area Transit Oriented Affordable Housing Fund with a \$10 million commitment to establish a revolving loan fund of \$50 million to finance land acquisition for affordable housing development in select locations near rail and bus lines throughout the Bay Area. Other investors include major banking institutions, national and regional foundations, and six community development financial institutions. In December 2012, the U.S. Environmental Protection Agency awarded MTC a 2012 National Award for Smart Growth Achievement for using creative approaches to build strong, sustainable communities while protecting human health. In February 2013, MTC approved an additional \$10 million to support TOAH through the regional PDA Planning Grant program as part of the One-BayArea Grant program, which combined with matching funds will grow this fund to at least \$90 million. Additional funding is anticipated from a number of sources.
3. **Bay Area Regional Prosperity Plan.** In recognition of ongoing concern about current and future displacement pressures in the region, in 2011 MTC and ABAG sought and received \$5 million in funding from the U.S. Department of Housing and Urban Development Sustainable Communities Program to develop a Regional Prosperity Plan. The main goal of this Plan is to refine and implement the elements of the overall regional growth strategy (including Plan Bay Area) to help create middle-income jobs and develop and preserve affordable housing in transit-served communities. Among a variety of other activities (described further in Chapter 6, Next Steps), the Plan will build on past equitable-development work conducted by ABAG as part of the FOCUS program specifically to address risks of displacement for low-income communities and small business by: (1) providing community-response grants to grass-roots organizations; (2) developing a regional displacement "early warning system"; and (3) identifying strategies that can prevent displacement in at-risk communities. MTC and ABAG will consider implementing and funding best practices with regard to neighborhood stabilization and anti-displacement efforts emerging from HUD Regional Prosperity Grant. (Equity Report, pp. 4-20 to 4-21.)

In addition to the three initiatives discussed in the Equity Report, regional PDA planning efforts also include anti-displacement elements. MTC and ABAG are committed to the continued use of Regional PDA Planning funds to facilitate the entitlement of affordable housing in transit corridors. OBAG dedicates \$30 million to MTC and ABAG congestion management agencies to continue funding support for the PDA Planning Grant program. This program encourages inclusive and comprehensive community planning for new, transit-served development. A key component of this program is the need to plan for more affordable and market rate housing, while also conducting an inventory of current residents. This planning can allow for the addition of new development alongside policies to protect existing residents from the risk of possible displacement.

A fifth potential source of additional funding for the Plan's initiatives to alleviate displacement risk is ARB's Cap and Trade program. Although not available in the next fiscal year, going forward reve-

nues from the Cap and Trade program may be available to support implementation of Sustainable Communities Strategies. While there will be many competing uses for cap and trade, it is estimated that there will be approximately \$3.1 billion over the life of the Plan in cap and trade revenues in the region. The inclusion of affordable housing as an eligible cap and trade-related funding category further strengthens the link between the Plan's housing distribution and investment strategy. Cap and Trade funds are currently included in the proposed Plan as a reserve.

Plan Bay Area's anti-displacement design and the additional initiatives discussed above are key components of the Plan itself, and not simply mitigation measures for this EIR. These components of the Plan address the potential for displacement and support the Draft EIR's conclusion that the regional displacement impact is less than significant. While these programs will reduce displacement pressure, their effects are difficult to quantify in the Equity Report's measurement of Potential for Displacement. (Equity Report, p. 4-20.) Regardless, while not a CEQA requirement, the Draft Plan Bay Area and associated Equity Analysis assesses and addresses the risk of neighborhood level displacement based on feedback from dozens of stakeholder groups and hundreds of comments on the issue.

In addition to the Plan's anti-displacement components, the primary responsibility for reducing displacement risk rests with local jurisdictions. Notably, regarding potential displacement from certain cities within the region to other cities within the region, the cities with low-income populations and future displacement potential tend to be high density cities in Alameda, San Francisco, and Santa Clara counties. (Equity Report, p. 4-19.) The major cities in those counties "already have some of the strongest anti-displacement policies and regulations in the region (including eviction protections and/or rent control)." (Ibid.)

The Equity Report's study of displacement risk was conducted in close cooperation with the Regional Equity Working group which met 20 times over the course of the plan development to discuss the methods of analysis as well as the implications of the analysis. The Working Group included participation by members of MTC's Policy Advisory Council and the MTC and ABAG Regional Advisory Working Group which convened in February 2011 and met throughout development and analysis of Plan Bay Area. Drawing from these two MTC and ABAG advisory bodies the Working Group brought together stakeholders from around the region representing low-income and minority communities; seniors and persons with disabilities; staff representing local jurisdictions, local public health departments, county congestion management agencies, and transit agencies; and community-based organizations and advocacy groups. Some of the non-profit organizations that actively participated in the Regional Equity Working Group included Public Advocates, Breakthrough Communities, Urban Habitat, and the Bay Area Health Inequities Initiative. All Regional Equity Working Group meetings were open to the public and members of the public were encouraged to participate in the group's discussions. In addition to these meetings, MTC and ABAG worked with Community Based Organizations to host focus groups and community meetings throughout the region to discuss key issues of Plan Bay Area, including the issues of decreasing affordability and the risk of displacement. The policies outlined above reflect feedback from these meetings as well as dozens of comments on the scenarios and the Draft Plan.

In part, the risk of neighborhood level displacement is a function of the Plan's emphasis on reinvesting in historically low income communities around the region as well as other demographic trends noted above. Specifically, the plan invests 39% of all funding in low-income communities which ac-

count for 31% of the region's population. The financial analysis from the Draft Equity Analysis notes:

In most cases, low-income and minority populations and travelers are receiving a similar or greater share of Plan investments relative to their overall share of the region's population and trips.

While some displacement may occur on a localized basis, many benefits accrue to neighborhoods where significant investments are made. Not only is the housing stock often significantly improved, but investment in infrastructure, parks, schools, community centers, markets, and grocery stores often improve the quality of life in lower income neighborhoods. These benefits outweigh the potential burdens of the displacement that might occur under the Plan.

Finally, in addition to planning for a distribution of housing that meets the needs of all income segments of the population and investing in anti-displacement initiatives, the Plan's advocacy platform identifies the provision of affordable housing as a top priority. The advocacy platform recognizes that to make steady progress toward Plan Bay Area's performance targets State and Federal reforms are needed, including the restoration of some type of redevelopment authority and financing mechanism; CEQA modernization for infill housing in part to reduce the burden on affordable housing providers, and increasing federal funding for HUD affordable housing.

Plan Bay Area's approach to distributing housing to support the development of housing for low and moderate income households linked to transit and jobs is arguably the most progressive SCS-related housing distribution that California has seen to date. The link between the housing distribution and investments, such as OBAG and TOAH, is seen as a national model. TOAH received the U.S. Environmental Protection Agency's 2012 National Award for Smart Growth Achievement for using creative approaches to build strong, sustainable communities while protecting human health. In reference to the award for TOAH, EPA Administrator Lisa P. Jackson stated: "[t]he 2012 winners of the National Award for Smart Growth Achievement are taking innovative steps to realize a vision of American communities that are clean, healthy, environmentally responsible, and economically resilient."

The Draft EIR takes the environmental impacts of shifting demographics over the life of the Plan into account by incorporating those shifts into MTC's travel model. The EIR properly concludes that regional displacement will be less than significant, while acknowledging potentially significant localized displacement impacts. The EIR's conclusions are supported by the Plan's housing distribution, investment strategy, and advocacy platform. The socio-economic impacts of potential displacement are appropriately addressed in greater detail in the Equity Report. The Plan's innovative approach to linking jobs, housing, and transit is a significant step forward for the environment, the economy, and social equity in the Bay Area.

MASTER RESPONSE G: WATER SUPPLY

Plan Bay Area is a programmatic document and the EIR includes a program-level assessment of impacts related to water supply. The Draft EIR demonstrates the region faces questions regarding water supply deficiencies particularly during drought years in some but not all water service areas. (See, e.g., Draft EIR, pp. 2.12-2 to 2.12-19, 2.12-46 to 2.12-50.) For the purposes of CEQA, however, “[t]he mere existence of significant cumulative impacts caused by other projects alone shall not constitute substantial evidence that the proposed project’s incremental effects are cumulatively considerable.” (CEQA Guidelines, § 15064, subd. (h)(4).) In fact, this EIR notes that water shortages over the planning horizon studied are not expected in the areas served by Marin Municipal Water District, San Francisco Public Utilities Commission, Santa Clara Valley Water District, Solano Water District and Zone 7 Water Agency. (See Table 2.12-4.) Moreover, some water purveyors, such as the San Francisco Public Utilities Commission which will serve over 3 million people in 2035, are planning for a drought of up to eight years. Multiple drought years could affect water supplies, however. The EIR also notes that because future growth will not occur evenly through the region, the proposed Plan may result in population or job growth beyond what is assumed in some local urban water management plans, leading to insufficient water supplies. For this reason, this impact is considered significant and unavoidable.

The analysis in this Draft EIR and the conclusions presented should be interpreted in a larger context, based on case law in California.

“CEQA should not be understood to require assurances of certainty regarding long-term future water supplies at an early phase of planning for large land development projects.” (*Vineyard Area Citizens for Responsible Growth, Inc. v. City of Rancho Cordova* (2007) 40 Cal.4th 412, 432.) This is because other statutes addressing the coordination of land use and water planning demand that water supplies be identified with more specificity at each step as land use planning and water supply planning move forward from general phases to more specific phases. (*Id.* at pp. 432-434, citing Gov. Code, § 66473.7 and Wat. Code, §§ 10910-10912.) Plans that must be updated on a periodic basis provide ample opportunity for agencies to address and respond to maturing risks to long-term water supply projections. (*Sonoma County Water Coalition v. Sonoma County Water Agency* (2010) 189 Cal.App.4th 33, 56.)

In *In re Bay-Delta* (2008) 43 Cal.4th 1143 (*Bay-Delta*), the California Supreme Court explained both the practical limitations to, and CEQA requirements for, addressing water supply impacts in a first-tier programmatic Draft EIR. “[W]ater supply plans must remain flexible as they are subject to changing conditions, such as changes in population projections, demographics, new or revised environmental restrictions, pollution of sources, or water supply effects from prolonged droughts. As a result, one cannot be certain that a particular future water source identified at the first-tier stage will ever materialize, or that the source will even be suitable 10 or 20 years later as changed conditions may make another source more advantageous.” (*Bay-Delta, supra*, 43 Cal.4th at pp. 1172-1173.) The Court concluded that “identification of specific [water supply] sources is required only at the second-tier stage when specific projects are considered. Similarly, at the first-tier program stage, the environmental effects of obtaining water from potential sources may be analyzed in general terms, without the level of detail appropriate for second-tier, site-specific review.” (*Id.* at p. 1169.)

Bay-Delta concerned the adequacy of a Program EIR for a 30 year plan adopted to restore the Bay-Delta's ecological health and to improve management of the Bay-Delta water for the various beneficial uses. Like the plan in *Bay-Delta*, the proposed Plan is a first-tier plan with a planning horizon set several decades into the future (2040). The Draft EIR includes an analysis of the proposed Plan's potential impacts on water supply that is commensurate with the Plan's first-tier nature. Specifically, the Draft EIR includes a discussion of existing and potential future ground water use (see, e.g., Draft EIR, pp. 2.8-26 to 2.8-27), the watersheds located in the region (see, e.g., *id.* at pp. 2.12-2 to 2.12-3), the major water supply agencies located within the region and the sources of water relied on by those agencies (see, e.g., *id.* at pp. 2.12-4 to 2.12-9), the water supply infrastructure relied on to transport surface waters to the region (see, e.g., *id.* at pp. 2.12-14 to 2.12-17), and future water supply projections made by the major water supply agencies located within the region (see, e.g., *id.* at pp. 2.12-20 to 2.12-23). At this first-tier stage, CEQA requires nothing more.

Moreover, based on the region's existing and projected future population, significant water supply issues exist within the region. The EIR discloses and discusses the region's existing water supply issues. The proposed Plan will not resolve the region's pre-existing water supply issues. The proposed Plan, however, has the potential to lessen significant water supply issues within the region. Specifically, the proposed Plan focuses future growth within already developed areas. This development pattern has two distinct benefits. First, the proposed Plan should help protect the region's water supply by reducing development pressure in rural areas; areas where per capita water use is typically higher. Second, approximately two-thirds of the water used by Bay Area water agencies comes from non-local sources, primarily the Sierra Nevada and the Sacramento-San Joaquin Delta (Delta). As a result, the region relies on a diverse network of water infrastructure including aqueducts and storage facilities to convey supplies to its residents. By concentrating future growth within already developed areas, the proposed Plan benefits from existing water supply infrastructure and reduces the need for new water infrastructure to be developed to service new areas.

Finally, while the region's population grew by approximately 23 percent between 1986 and 2003, total water use increased by less than one percent. (See Draft EIR, Figure 2.12-5.) In other words, per capita water use has substantially declined in the region over the last quarter century. The continued urban densification promoted by the proposed Plan – in addition to the continued implementation of water conservation, reuse and recycling programs by local water agencies and municipalities – will help to continue the downward trajectory of per capita water consumption within the region resulting from the California Water Conservation Act of 2009, which calls for a 20 percent reduction in per capita water use by 2020, the California Urban Water Management Planning Act, water efficiencies in landscaping and local water conservation measures, including tiered pricing.

Notwithstanding the proposed Plan's water supply benefits, the Draft EIR concludes the proposed Plan's water supply impact is potentially significant and unavoidable without implementation of project-level mitigation because population growth forecasted in the region has the potential to result in a significant water supply impact. As the proposed Plan does not promote new growth and merely accommodates future population growth already projected to occur within the region in a manner that is anticipated to reduce additional water supply demands created by that growth, the analysis and conclusion reached in the Draft EIR are conservative. The water supply analysis included in the EIR complies with the requirements of CEQA.

MASTER RESPONSE H: URBANSIM MODELING AND SUBSIDIES

Some commenters questioned the modeling methodology used to compare and contrast the impacts and land use patterns of the Draft EIR alternatives. As described in detail below and in the draft “Summary of Predicted Land Use Responses” included in Appendix 1 to the proposed Plan, MTC and ABAG used industry standard modeling methodologies that are consistent with California Transportation Commission guidelines. MTC and ABAG calibrated the models through the use of subsidies and policy levers to ensure the modeling accurately reflects the EIR alternatives and provides a meaningful and consistent comparison of the alternatives.

UrbanSim predicts future patterns of development by modeling the interaction between the supply of buildings and the demand of households and firms to occupy those buildings. Models simulate the selection of structures in particular locations made by households and firms using information on both the decision-maker (i.e., households and firms) and the potential options (i.e., buildings). In the model’s simulation (as in reality), some locations are more popular than others. In the short term, supply is static (i.e., it takes time to construct new buildings), which cause prices in popular areas to increase. When demand exceeds supply, the opportunity may exist for additional space to be developed at a profit. UrbanSim simulates the construction of profitable projects within the planning constraints (e.g., allowable uses and densities) for each area and the aggregations of profitable projects describe the region’s potential future development.

In each of the Draft EIR Alternatives, UrbanSim considers a number of explicit policy levers that directly influence the profitability of new structures in various locations and change the spatial distribution of the future Bay Area. Policy levers are described in detail on pages 22-27 of the draft Summary of Land Use Responses. The alternatives and policy levers are also listed on pages 3.1-4 through 3.1-10 of the Draft EIR.

Subsidies are added to the UrbanSim model to act as policy instrument that then encourage development in particular areas. In the proposed Plan, the subsidies were primarily applied to encourage development in the Priority Development Areas (PDAs); in Alternative 4, Enhanced Network of Communities, the subsidies were primarily applied to encourage growth consistent with the Current Regional Plans land use the alternative was based on; and in Alternative 5, Environment, Equity and Jobs, the subsidies were primarily used to encourage growth in the “communities of opportunity” identified by the crafters of the alternative. Unlike Alternatives 2, 4, and 5, Alternative 3, Transit Priority Focus, did not require net subsidies, as regional development fees for high-VMT areas were simply transferred to encourage urban core development (i.e. the alternative’s revenue-generating policies directly funded all subsidies provided).

The scale of the resulting subsidy can be viewed as (a) a rough estimate of the funding needed to realize the Alternative or (b) a proxy for additional non-monetary interventions that may encourage development in specific locations. The amounts arrived at for each alternative should be view as rough estimates; however, taken as a range they provide insight into the relative feasibility of achieving each of these alternatives within the Bay Area’s real estate market. For the proposed Project, the estimated annual “subsidy” was roughly \$800 million per year; for Alternative 4 the estimated annual “subsidy” was roughly \$400 million; and for Alternative 5, the estimated annual “subsidy” was \$2.4 billion.

These results are consistent with the PDA Feasibility and Readiness Report, which noted that additional interventions (policy or investments) would be needed to achieve the forecast growth in the PDAs, and that growth in areas outside of PDAs was also likely to require additional support. (See Master Response B.2 for more information on the PDA Feasibility and Readiness Report.) The PDA Feasibility and Readiness Report is a more detailed analysis of specific applications of the general principles identified by the regional modeling done with UrbanSim. Below is a discussion of the types of programs and policies that can act as “subsidies” and support the growth pattern assumed in the proposed Plan. The revenues estimated to be generated by the programs and policies noted below would be sufficient to cover the potential subsidy identified by UrbanSim. MTC and ABAG therefore believe the growth pattern and level of growth in the proposed Plan is feasible. Similar programs and policies would be expected to benefit the other alternatives to varying degrees.

1. **Redevelopment Funds:** If viewed as a monetary subsidy, UrbanSim suggests that for the proposed Plan, an amount similar to funds historically available from Redevelopment Agencies in the Bay Area would be sufficient to implement the Plan. Redevelopment historically generated approximately \$1 billion in the Bay Area. While the full reinstatement of redevelopment funds is unlikely, MTC and ABAG expect some level of redevelopment-like support for local jurisdictions will be available over the life of the Plan. The California legislature is considering various bills, discussed in greater detail below, that replace redevelopment dollars for high-frequency transit locations, which include a subset of the PDAs in the proposed Plan. As noted above, the differences in additional subsidies under the Alternatives are listed in Table 3.1-1 of this EIR.
 - SB 1 (Steinberg) - This bill would permit a city, a county or a city and a county to establish a Sustainable Communities Investment Authority (SCIA) in order to be able to use tax-increment financing (TIF) to fund improvements in a Sustainable Communities Investment Area. Unlike California’s now defunct redevelopment program, however, SB 1 does not allow diversion of property taxes from schools, resulting in approximately 50 percent less available funding.
 - SB 391 (DeSaulnier) – SB 391 would impose a \$75 fee on the recording of every real estate document (excluding those related to the sale of a property) to provide ongoing funding to support the development, acquisition, rehabilitation and preservation of affordable homes of all kinds. The fee is projected to raise approximately \$525 million per year. For the Bay Area, based on the region’s population share, this would typically result in about \$100 million per year.
 - SB 628 (Beall) — SB 628 would make it easier for a local government to create infrastructure financing districts (IFDs) to help pay for a transit priority project by eliminating the voter approval requirement to establish a district and issue bonds. Similar to redevelopment law, it would require that at least 20 percent of the funds generated in the IFD be dedicated to increasing, improving and preserving the supply of lower and moderate income housing in the district and occupied by low-income households. MTC estimates this may generate approximately \$125 million per year based on previous redevelopment estimates, although jurisdictions would not necessarily take advantage of the new program simply because it used redevelopment prior to its elimination.
 - AB 431 (Mullin) – Although too early in the process to estimate potential revenues from AB 431, this bill, which is now a two-year bill, would authorize metropolitan planning organization to impose a sales tax within all or a part of its jurisdiction upon approval of an ordinance and subject to voter approval. It required that no less than 25% of net rev-

enue be spent on three categories, including 1) affordable housing 2) transportation and 3) parks and open space. The bill sponsor is considering alternative fund sources that could substitute for the sales tax when the bill is reconsidered next year. While the exact revenue amounts are unknown at this time, the region would typically not pursue a voter initiative that would result in less than \$200 million per year revenue stream.

2. **CEQA Reform for infill development:** In terms of non-monetary interventions, efforts currently being discussed in the California legislature to reform CEQA for infill projects have the potential to reduce transactional costs for projects within PDAs and thus increase the probability of profitability. A wide range of additional local policies currently in place to varying degrees or being considered in the region could also serve to fill the profitability gap without monetary subsidy. Any efforts that decrease uncertainty in regards to project timing, composition, and eventual completion can drive down costs significantly. These efforts range from a streamlined planning process to more proactive efforts to build community support for particular types of development. In addition, to the extent that such development requires less parking or uses less public service, lower development impact fees can be charged.
3. **Existing Programs in Plan Bay Area:** The One Bay Area Grant (OBAG) and Transit Oriented Affordable Housing (TOAH) Fund currently included in the proposed Plan will help support development in PDAs and affordable housing production. Should either of these programs grow to levels higher than funded in the current proposed Plan, the additional investment will act as a “subsidy” in support of achieving the proposed Plan’s land use pattern. OBAG includes \$320 million over the next 4 years and \$14.6 billion over life of the Plan to support jurisdictions that focus housing growth in PDAs through their planning and zoning policies and the production of housing units. The TOAH fund was launched in 2010 with a \$10 million commitment to establish a revolving loan fund to finance land acquisition for affordable housing development in select locations near rail and bus lines throughout the Bay Area, creating a \$50 million fund total. Other investors include major banking institutions, national and regional foundations, and six community development financial institutions. In February 2013, MTC approved an additional \$10 million to support TOAH and additional funding is anticipated from a number of sources over the life of the Plan.
4. **Cap and Trade:** Revenues from ARB’s Cap and Trade program may be available to support implementation of Sustainable Communities Strategies. While there will be many competing uses for cap and trade, it is estimated that there will be approximately \$3.1 billion over the life of the Plan in cap and trade revenues in the region. Those funds are currently included in the proposed Plan as a reserve.
5. **Local Programs:** Local jurisdictions have a number of tools at their disposal to encourage and support growth, both market rate and affordable. One example of local programs that support affordable housing is housing impact fees, which are typically charged on residential development, on a per-unit or per-square foot basis, with the revenues dedicated to affordable housing. Based on an average 2000-square foot new home, the per unit fees of Mountain View (\$20,000), Fremont (\$40,000), San Carlos (\$47,000), Marin County (\$10,000 and Napa (\$3,800), MTC and ABAG estimate that an average \$24,000 per unit fee on market rate housing would generate \$4.4 billion if charged on the roughly 28 percent of new housing assumed in the proposed Plan to be above moderate housing unit (Draft Plan page 36). Additional examples of local programs include tax increment financing, commercial linkage fees, and public benefit zoning.

Local jurisdictions can also support growth in non-monetary ways. Examples include reforming and coordinating permitting processes, allowing for shared parking to reduce development costs, and completing programmatic EIRs for PDAs local projects can utilize to streamline environmental review. While there is not a monetary estimate of the benefits such local policies would have, they can be part of the overall package supporting development.

MASTER RESPONSE I: PRIORITY DEVELOPMENT AREA DESIGNATION PROCESS

A number of comments focused on the Priority Development Area (PDA). This response seeks to provide clarity regarding how PDAs were developed, requirements for PDAs, and changes to PDAs. PDAs are identified by jurisdictions as places where there is a local commitment to developing more housing along with amenities and services to meet the day-to-day needs of residents in a pedestrian-friendly environment served by transit. PDAs are nominated by local jurisdictions on a voluntary basis. More than half of the Bay Area's local jurisdictions have at least one Priority Development Area.

The process for nominating and adopting a PDA includes the following steps:

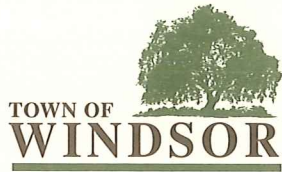
1. **Local identification.** A jurisdiction identifies an area with for new homes and jobs in close proximity to transit. In some cases, a Specific Plan or other plan facilitating new development has been adopted for this area; in others, the jurisdiction may be contemplating a planning process for the area.
2. **Local review of criteria.** To be eligible for designation as a Priority Development Area, a place must meet several criteria adopted by the ABAG Executive Board. These include:
 - Within the region's existing urbanized area;
 - Within ½ mile of a rail station or ferry terminal or has frequent bus service with peak minimum headways of 20 minutes; and
 - An average existing or planned housing density of at least 20 dwelling units/net acre.

If an area meets these criteria, the jurisdiction also selects a Place Type. Place Types are categories for different kinds of neighborhoods, main streets, corridors, and downtowns. The *2007 MTC Station Area Planning Manual* provides general density, land use, and design guidelines for each Place Type. Jurisdictions are not mandated to change local plans to meet these guidelines. In addition to designating a Place Type, jurisdictions identify whether a PDA is planned or potential. Planned PDAs have an adopted plan supporting growth at transit-supportive densities, while potential PDAs do not have an adopted neighborhood-level plan, but, are anticipating future planning efforts.

3. **Local Nomination.** After reviewing eligibility and finalizing the geographic boundaries of the PDA, the city council or board of supervisors for the jurisdiction in which a proposed PDA is located adopts a resolution supporting the PDA nomination. The jurisdiction then submits an application to ABAG that includes the geographic boundaries, current and planned land uses, and implementation actions for the proposed area.
4. **ABAG Review and Adoption.** Local PDA applications are reviewed by ABAG staff, who then make a recommendation to the ABAG Regional Planning Committee and the ABAG Executive Board.

Local jurisdictions can remove or modify a PDA within its boundaries by a request to ABAG staff. Requests to remove a PDA should be supported by resolution from the local governing body (e.g. city council or board of supervisors). Removal of PDAs is at the discretion of local jurisdictions, and does not require action by the ABAG Executive Board.

3.2 Agency Comments



May 6, 2013

MTC-ABAG Public Comment
Draft EIR-Plan Bay Area
101 8th Street
Oakland, CA 94607

Subject: Town of Windsor Comments on the Draft Plan Bay Area and the Draft Environment Impact Report Plan Bay Area

The following are the Town of Windsor's comments on the Draft Plan Bay Area and the DEIR Plan Bay Area. The comments concern the allocation of funding and emphasis placed on Priority Development Areas, the population/jobs/housing growth numbers, the funding for existing transportation systems, and greenhouse gas production.

Town of Windsor
9291 Old Redwood Highway
P.O. Box 100
Windsor, CA 95492-0100
Phone: (707) 838-1000
Fax: (707) 838-7349

www.townofwindsor.com

Mayor
Robin Goble

Vice Mayor
Bruce Okrepkie

Councilmembers
Steve Allen
Debora Fudge
Sam Salmon

Town Manager
Linda Kelly

- A1-1 • We are concerned that the Plan Bay Area designates 63% our future residential growth to Windsor's PDA. This is inconsistent with the land-use projections contained in the Housing Element of our General Plan. We believe there is an opportunity to provide sustainable housing throughout Windsor and not just within the PDA.
- A1-2 • The emphasis placed on Planned Development Areas tends to unbalance the planning goals that have been established for our community. Windsor has a Station Area Plan that includes most of the PDA, and was developed to complement the Town's overall development goals. The Plan Bay Area requires greater emphasis in the PDA than the Town feels is appropriate and does so at the expense of the remaining community. The Plan Bay Area interferes with local planning and local control.
- A1-3 • Windsor designated a PDA as required by the MTC and ABAG initiative process. At that time, it was not foreseen that by designating an area of town as a PDA, that regional goals and funding allocations would be focused on these discrete areas. Windsor is a small community in Sonoma County and our Town as a whole is more PDA-like, than not. The Draft Plan Bay Area and the Draft EIR should consider communities with community separators and urban growth boundaries as PDA-like communities and allow the requirements specified for PDA's to apply to the entire community.
- The Plan Bay Area states that it meets the target for Green House Gas reduction. This target is met or exceeded based upon a per capita basis. However, Green House Gas production will rise overall in the region with the addition of 2.1 million people.

A1-4

- Windsor supports investing into existing infrastructure. The Plan Bay Area targets maintaining the transportation system in a state of good repair. Our major transportation system is roadways. The Plan Bay Area designates 65% of committed revenues to transit and the balance to maintaining the road and bridge systems. It also directs 50% of the discretionary revenues to transit and 43% to roads and bridges. Overall investments in transit are 55% compare to 32% for roads in the region. To be more comparable to other regions, street and bridge maintenance funding should be closer to 43%.

A1-5

- We are concerned that Plan Bay Area designates 72% of job growth in Windsor within our PDA. We view our Light Industrial zoned areas as the main location for future job growth. These areas currently have infrastructure in place capable of supporting sustained job growth well into the future. None of these are within Windsor's PDA. We believe there is an overestimation of the number of jobs that can be created within the PDA.

A1-6

- The Plan Bay Area does not appear to consider the loss of Redevelopment Agencies in the region. Redevelopment areas had targeted areas where housing needs could be met and jobs could be created. Windsor's former redevelopment areas, that would address the goals of Plan Bay Area, are outside of the PDA. The Plan Bay Area should be amended for small communities to allow greater flexibility to meet local and regional goals for housing and jobs.
- MTC advocates and requires that the region use the Street Saver program for each community's pavement management program. Plan Bay Area ignores the program's recommendations when mandating that 50% of the transportation funding be directed to the PDA. This is done at the expense and needs of the rest of the community and the recommendations of the MTC program.

A1-7

- PDA's within the region vary significantly in size. Many in the South Bay area are as large as the Town of Windsor. Such a disparity can be corrected by more closely examining communities that are PDA like in character. We believe that Windsor is one such community and that the requirements of the Plan Bay Area should apply town-wide and not be focused only on the PDA that was submitted.

A1-8

- There is concern that regional authorities will dictate local land use decisions. We would prefer guidance and assistance instead of mandate and financial incentives and disincentives.

We appreciate the work that has been done to develop the Plan Bay Area and the opportunity to review and comment. However, we do have certain reservations about the Plan as it affects our ability to plan and direct the future of our community. Those concerns have been stated above.

Should you have any questions, please contact Richard Burt, Public Works Director/Town Engineer at 707-838-5343 or at rburt@townofwindsor.com.

Sincerely,



Linda Kelly
Town Manager

Cc: Mayor and Town Council
Public Works Director/Town Engineer
Community Development Director

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ALAMEDA COUNTY COMMUNITY DEVELOPMENT AGENCY
PLANNING DEPARTMENT

Chris Bazar
Agency Director

Albert Lopez
Planning Director

224
West Winton Ave.
Room 111

Hayward
California
94544

phone
510.670.5400
fax
510.785.8793

www.acgov.org/cda

May 14, 2013

Carolyn Clevenger, EIR Project Manager ccleve@mtc.ca.gov
Metropolitan Transportation Commission
101 8th St.
Oakland CA 94607

Dear Ms. Clevenger,

Thank you for the opportunity to provide comments on the Plan Bay Area/Sustainable Communities Strategy project and its accompanying environmental document. The County of Alameda has been involved in the creation of the SCS at the regional level since work began on the project in 2010, and we have attended a multitude of meetings at ABAG/MTC, including the Regional Advisory Working Group (RAWG) and the Housing Methodology Committee. Given the mandate of SB375 to reduce vehicles miles traveled for cars and light trucks, the County's Planning Department has eagerly provided input and experience to develop a workable land use plan that achieves Green House Gas Reduction goals of the law, and we look forward to its implementation going forward.

At its core, the SCS is likely to achieve success and move away from "business as usual" in regards to land use development and transportation investments, and the foundation of the plan from developing a variety of place-types and the creation of self-identified Priority Development Areas (PDAs) is a huge step forward in targeting development to areas already ripe for enhanced transit and land use development. In our case, developing PDAs that are consistent with recently adopted General Plans in the unincorporated areas was extremely beneficial considering the resources usually required to get the necessary community participation and buy-in. We also believe incentivizing projects by streamlining the CEQA process to the extent possible will have positive results in attracting infill development. Given the above, our critique of the plan is relatively minor and is mostly concerned with implementation, detailed below.

A2-1

While the theory of the SCS and the creation of the Plan Bay Area has enjoyed quite a bit of local input and attention, we do believe there are considerable constraints to how quickly it can be realized and how effective it can be to reduce GHG in the Bay Area. Most notably is the limited funding and the extent to which catalyzing projects can receive the funds needed to implement PDAs. As you may imagine, many jurisdictions (including ours) have combined the smart growth concepts contained in their general and specific plans with the PDA model to revitalize sagging downtowns or struggling commercial corridors, complete with appropriate densities and mixed use policies aligned strongly with the Plan Bay Area

Carolyn Clevenger
Metropolitan Transportation Commission
May 14, 2013
Page Two

concepts. While this is generally a good thing, it also requires providing support beyond technical support to put these PDAs “on the map”, and to attract development towards these areas, especially in those areas that are in the inner bay area ring, or in a “chain of PDAs” such as you have in Alameda County (e.g. San Pablo Avenue, International Blvd/E.14th).

A2-1.5

With regards to the PBA EIR, our comments are also limited given the vetting the initiative has received over the past several years. The alternatives are not starkly different from each other in that most achieve a similar amount of growth and GHG reduction. Novel, if not unproven, features of alternatives such as the upzoning of areas with high frequency transit as described in the Transit Priority Focus (Alternative #3) and the Vehicles Miles Traveled (VMT) Tax introduced in the Environment, Equity and Jobs (Alternative #5) are interesting in that they provide a glimpse into possible ways to mitigate GHG from future growth. Although these ideas are good for discussion purposes, they seem unrealistic and unlikely to be politically achievable.

A2-2

In all, the Jobs-Housing Connection (alternative #2) is the project the County has already invested a considerable amount of resources into, and can result in positive benefits with relatively minor impacts. Although the temptation to support the Environmentally Superior Project is strong (alternative #5), its main implementation tools are progressive and, some would say, punitive. As the EIR determines the Enhanced Network of Communities (Alternative 4) would not achieve GHG reduction goals, it would be challenging to support this alternative given the SB375 mandate.

We appreciate the opportunity to comment, thank you for your consideration and we look forward to reviewing your response in the final EIR.

Regards,



Albert Lopez
Planning Director

cc: Chris Bazar, Agency Director
Marisa Raya, ABAG
File

**Commission Chair**

Scott Haggerty, Supervisor - District 1

May 15, 2013

Commission Vice ChairRebecca Kaplan,
City of Oakland CouncilmemberSteve Heminger, Executive Director
Metropolitan Transportation Commission**AC Transit**

Elsa Ortiz, Director

Ezra Rapport, Executive Director
Association of Bay Area Governments**Alameda County**

Supervisors

Richard Valle - District 2

Wilma Chan - District 3

Nate Miley - District 4

Keith Carson - District 5

101 8th Street

Oakland, CA 94607

BART

Thomas Blalock, Director

Dear Mr. Heminger and Mr. Rapport,

City of Alameda

Marilyn Ezzy Ashcraft, Vice Mayor

The Alameda CTC appreciates the opportunity to participate in the development of Plan Bay Area over the past two years and the opportunity to offer comments at this time. This letter only represents Alameda CTC staff's comments on Plan Bay Area and the Draft Environmental Impact Report. As such, this letter does not represent the comments of Alameda CTC's member jurisdictions and agencies, many of whom will submit their comments independently.

City of Albany

Peggy Thomsen, Mayor

We first want to thank MTC and ABAG for their work with numerous stakeholders, the public, local jurisdictions and the county congestion management agencies in developing the Draft Plan. The process has involved consultation with both standing and ad-hoc committees and frequent participation from the CMAs and other stakeholders. Because the CMAs are governed by elected officials, on-going, direct consultation between the regional agencies and CMAs has been and remains a critical component to developing and implementing the Regional Transportation Plan (RTP) and Sustainable Communities Strategy (SCS) in a way that best represents the Bay Area electorate.

City of Berkeley

Laurie Capitelli, Councilmember

Because the Draft Plan was developed in close coordination with elected officials, agency and jurisdiction staff, as well as other community stakeholders, Alameda CTC staff's comments on the Draft Plan focus only on the need to further define certain investment and implementation strategies. Staff supports the adoption of the Project (e.g., the Jobs-Housing Connection alternative that forms the basis of Draft Plan Bay Area), which has been developed with significant public and stakeholder input and incorporates the programs and projects from the Alameda CTC's Countywide Transportation Plan and Transportation Expenditure Plan. The Project Alternative is also consistent with Alameda CTC's current transportation policies, goals and objectives.

City of Dublin

Tim Sbranti, Mayor

We want to reiterate the important role that the Express Lane Network plays in enabling the region to provide a complete high occupancy vehicle lane network that will facilitate and enable the expansion of express bus service, which may be funded with net revenues from the Express Lane Program. It will also be important to ensure that the planning and implementation of the Express Lane

City of Emeryville

Ruth Atkin, Councilmember

City of Fremont

Suzanne Chan, Councilmember

City of Hayward

Marvin Peixoto, Councilmember

City of Livermore

John Marchand, Mayor

City of Newark

Luis Freitas, Councilmember

City of Oakland

Larry Reid, Vice Mayor

City of Piedmont

John Chiang, Mayor

City of Pleasanton

Jerry Thorne, Mayor

City of San Leandro

Michael Gregory, Vice Mayor

City of Union City

Carol Dutra-Vernaci, Mayor

Executive Director

Arthur L. Dao

Program is done in coordination with other transportation plans and programs, and that a comprehensive approach be undertaken in the corridors for which Express Lanes are planned. Lastly, we have forwarded some minor corrections to the description of the Regional Express Lane Network (Chapter 4 on pages 80 and 81) to MTC staff and recommend that they be reviewed by the MTC Express Lane team and updated accordingly.

We note that the Draft Plan does not include an investment strategy specifically focused on goods movement, a major function of the region's transportation network and a critical component of the Bay Area's economy. In light of on-going planning activities and potential funding opportunities at the federal and state levels, we recommend that critical infrastructure improvements and programs that support goods movement be called out in Plan Bay Area and that as part of the next RTP a more comprehensive goods movement strategy be developed, including land use considerations related to goods storage and movement. Alameda CTC is about to initiate development of a Countywide Goods Movement Plan that will identify priority projects and programs and inform the next CWTP and RTP.

While the Plan has made significant progress in meeting new state mandates to link land use and transportation investment, reduce greenhouse gases and house the region's population, there are a number of issues we look forward to working with MTC and ABAG on improving in the next RTP as noted below:

- It is noted that the regional population, housing and jobs growth numbers and distribution used in Draft Plan Bay Area are consistent with those adopted in the Final Jobs-Housing Connections Strategy adopted in May 2012. However, for the next update of the Plan, careful comparison of actual development patterns to the projections over the next four years should be done. Alameda CTC looks forward to working with Alameda County jurisdictions and the regional agencies in updating and refining these projections as additional data is collected and evaluated over the next several years.
- We look forward to working with MTC and ABAG on further developing and implementing the policy initiatives outlined in Investment Strategy 6 beginning on page 84. It will be important to work together to define roles and responsibilities for implementation and to engage the public as programs and policies are further defined.
- We look forward to working with MTC to further define priorities and funding within the Freeway Performance Initiative (FPI), especially as it relates to the development of the Express Lane system and arterial management. We also note that the DEIR states (on page 2.1-33) that the FPI will be expanded to focus heavily on signal coordination along congested arterials; however, the discussion of the FPI within the Draft Plan did not specifically identify this. We are pleased to see that the FPI continues to include the Program for Arterial Signal Synchronization (PASS) under Arterial Management. PASS, through signal re-timing and signal prioritization, benefits all modes and reduces greenhouse gas emissions, and therefore supports both regional and local objectives addressing climate change and complete streets. However, the scope of the current PASS program is limited and covers only 500 signals across the region annually. Considering the significant number of traffic signals in the region (on the order of approximately 10,000) and the cost effectiveness of the PASS program, we recommend increased funding for this program in this RTP cycle, which will result in improved coordination in arterial management and increased benefits to all roadway users.
- There are a number of implementation issues that the local jurisdictions, CMAs and regional agencies will need to work together to further address, including:

A3-1

A3-2

- The provision of detailed technical guidance on best management practices for mitigating air quality impacts, climate adaptation and sea level rise, and earthquake mitigation and recovery.
- Guidance on implementation of permit/entitlement streamlining, including use of CEQA streamlining and exemptions that can facilitate infill development and the provision of infrastructure in Priority Development Areas (PDAs).
- Securing adequate funding for public services and infrastructure necessary to support housing and job growth and create complete communities in Priority Development Areas.

Regarding the alternatives analyzed in the DEIR:

- A3-3 • The differences between the Project and the other alternatives analyzed in the DEIR are relatively minimal. However, Alternatives 4 and 5 contain provisions that are unachievable or would be extremely difficult if not impossible to implement within the timeframe given for achieving the initial greenhouse gas reduction target (2020).
- A3-4 • The No Project Alternative is not a viable option due to the fact that the region is required to adopt an SCS that achieves the greenhouse gas reduction targets identified by the California Air Resources Board.
- A3-5 • The Project represents the one alternative that is the most vetted and understood by Bay Area residents, the most consistent with local and countywide plans, and the most comprehensive in addressing the needs of all modes and users while remaining environmentally sound and beneficial.

We appreciate the tremendous effort that MTC and ABAG have made to develop the region's first SCS, and we look forward to continuing to work closely with the regional agencies as we move forward with implementation of the SCS and RTP.

Sincerely,



ARTHUR L. DAO
Executive Director

cc: Alameda CTC Commissioners
Alameda County Technical Advisory Committee
Beth Walukas, Deputy Director of Planning, Alameda CTC
Tess Lengyel, Deputy Director of Policy, Public Affairs and Legislation
Ken Kirkey, Director of Planning, MTC
Miriam Chion, Planning and Research Director, ABAG
Carolyn Clevenger, MTC EIR Project Manager



May 15, 2013

Miriam Chion, Planning and Research Director
 Association of Bay Area Governments
 P.O. Box 2050
 Oakland, CA 94604-2050

RE: Comments on Draft Plan Bay Area

Dear Miriam,

Thank you for providing the opportunity for the Town of Los Altos Hills to comment on the draft Plan Bay Area. The Town has reviewed the document and found a significant error in Appendix A: Growth Forecast by Jurisdiction. Specifically, the estimated job numbers for Los Altos Hills are incorrect because it was calculated using erroneous data from the National Establishment Times-Series (NETS) database.

Employment Growth by Jurisdiction

A4-1

City	2010	2040	2010-2040	% Growth
Los Altos Hills	3,580	4,440	860	24%

The Town's Planning Department conducted a survey of all the non-residential uses in the Town and estimates that the total number of jobs in LAH is approximately 650. (See attached). Staff has discussed this issue with ABAG Senior Researcher Jason Munkres and a suspicious entry in the NETS database was discovered. The entry in question is a travel company located in a single family home on Byrd Lane. The NETS database showed the number of employees for the company jumped from 2 in 2005 to 1,100 in 2009. Staff conducted an extensive review of the property including a phone interview with the property owner this week and confirmed that the home-based business being operated out of the single family home has 2 employees.

Per Census 2010, Los Altos Hills has a population of 7,922 in 2,829 households. The Town is primarily residential with no commercial, retail, or industrial zoned lands. The Town is concerned that just one or two other erroneous entry in the NETS database would significantly skew the Town's employment numbers. Using accurate employment numbers for unique communities like Los Altos Hills is very important because the job growth forecast determines the population and number of households, which in turn affects the housing unit allocation for the Town.

Draft Plan Bay Area
May 15, 2013
Page Two

We request that ABAG correct the 2010 and 2040 employment numbers for Los Altos Hills and provide the NETS data for Los Altos Hills so that Town staff can review it for accuracy before the final Plan Bay Area is adopted. Finally, I would like to thank ABAG staff, particularly Senior Regional Planner Hing Wong and Senior Researcher Jason Munkres for their assistance on this matter.

Thank you.

Sincerely,

A handwritten signature in black ink that reads "Carl Cahill". The signature is written in a cursive, flowing style.

Carl Cahill, City Manager
Town of Los Altos Hills

Attachments: Los Altos Hills employment survey dated May 15, 2013
Email from Jason Munkres dated May 10, 2013
Appendix A: Employment Growth by PDA and Jurisdiction (excerpt)

CENTRAL VALLEY FLOOD PROTECTION BOARD

3310 El Camino Ave., Rm. 151
SACRAMENTO, CA 95821
(916) 574-0609 FAX: (916) 574-0682
PERMITS: (916) 574-2380 FAX: (916) 574-0682

MAY 8 12:00 PM



May 6, 2013

Ms. Carolyn Clevenger
Metropolitan Transportation Commission
101 Eighth Street
Oakland, California 94607

Subject: Plan Bay Area Regional Transportation Plan / Sustainable Communities Strategy
SCH Number: 2012062029
Document Type: Draft EIR

Dear Ms. Clevenger:

Staff of the Central Valley Flood Protection Board (Board) has reviewed the subject document and provides the following comments:

The proposed project is located adjacent to or within waterways of Solano County - Haas Slough; Hastings Cut; Laurel Creek; Ledgewood Creek; Lindsey Slough; McCoy Creek; Miner Slough; Moody Slough; Putah Creek; Putah Creek South Fork; Sacramento Deep Water Channel; Sutter Slough; Ulati Creek; Wright Cut; and the Yolo Bypass which are under the jurisdiction of the Central Valley Flood Protection Board. The Board is required to enforce standards for the construction, maintenance, and protection of adopted flood control plans that will protect public lands from floods. The jurisdiction of the Board includes the Central Valley, including all tributaries and distributaries of the Sacramento River, the San Joaquin River, and designated floodways (Title 23 California Code of Regulations (CCR), Section 2).

A Board permit is required prior to starting the work within the Board's jurisdiction for the following:

- The placement, construction, reconstruction, removal, or abandonment of any landscaping, culvert, bridge, conduit, fence, projection, fill, embankment, building, structure, obstruction, encroachment, excavation, the planting or removal of vegetation, and any repair or maintenance that involves cutting into the levee (CCR Section 6);
- Existing structures that predate permitting or where it is necessary to establish the conditions normally imposed by permitting. The circumstances include those where responsibility for the encroachment has not been clearly established or ownership and use have been revised (CCR Section 6);
- Vegetation plantings will require the submission of detailed design drawings; identification of vegetation type; plant and tree names (i.e. common name and scientific name); total number of each type of plant and tree; planting spacing and irrigation method that will be utilized within the project area; a complete vegetative management plan for maintenance to prevent the interference with flood control, levee maintenance, inspection, and flood fight procedures (CCR Section 131).

Ms. Carolyn Clevenger

May 6, 2013

Page 2 of 2

Vegetation requirements in accordance with Title 23, Section 131 (c) states "Vegetation must not interfere with the integrity of the adopted plan of flood control, or interfere with maintenance, inspection, and flood fight procedures."

A5-1

The accumulation and establishment of woody vegetation that is not managed has a negative impact on channel capacity and increases the potential for levee over-topping. When a channel develops vegetation that then becomes habitat for wildlife, maintenance to initial baseline conditions becomes more difficult as the removal of vegetative growth is subject to federal and State agency requirements for on-site mitigation within the floodway. The project should include mitigation measures to avoid decreasing floodway channel capacity.

A5-2

Hydraulic Impacts - Hydraulic impacts due to encroachments could impede flood flows, reroute flood flows, and/or increase sediment accumulation. The project should include mitigation measures for channel and levee improvements and maintenance to prevent and/or reduce hydraulic impacts. Off-site mitigation outside of the State Plan of Flood Control should be used when mitigating for vegetation removed within the project location.

The permit application and Title 23 CCR can be found on the Central Valley Flood Protection Board's website at <http://www.cvfpb.ca.gov/>. Contact your local, federal and State agencies, as other permits may apply.

The Board's jurisdiction, including all tributaries and distributaries of the Sacramento River and the San Joaquin River, and designated floodways can be viewed on the Central Valley Flood Protection Board's website at <http://gis.bam.water.ca.gov/bam/>.

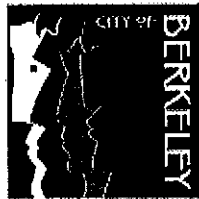
If you have any questions, please contact me by phone at (916) 574-0651, or via email at jherota@water.ca.gov.

Sincerely,



James Herota
Staff Environmental Scientist
Projects and Environmental Branch

cc: Governor's Office of Planning and Research
State Clearinghouse
1400 Tenth Street, Room 121
Sacramento, California 95814



Planning and Development
Office of the Director

Date: May 15, 2013

To: Association of Bay Area Governments and Metropolitan Transportation Commission

From: Eric Angstadt, Director, Planning and Development

Re: City of Berkeley: Plan Bay Area DEIR comments 2013

Introduction

The City of Berkeley appreciates the opportunity to comment on the Plan Bay Area Draft Environmental Impact Report (DEIR). The City recognizes the breadth of this undertaking and its relationship to a regional audience with diverse interests and positions. In the following review the City focuses on the DEIR assumptions and follow-through actions based on those assumptions. The City of Berkeley has long had a strong interest and focus on sustainability, evidenced by our Climate Action Plan adopted by the City Council in 2009, and is pleased to see this effort to improve regional sustainability moving forward.

The City of Berkeley provides the following comments on the Draft Environmental Impact Report (2013) to both the Association of Bay Area Governments (ABAG) and the Metropolitan Transportation Commission (MTC).

Understanding of the Project and EIR

The Draft Plan Bay Area compiles existing conditions and projects growth for the Bay Area Region through 2035/40. The seven goals of Plan Bay Area are:

- ☐ Climate Protection
- ☐ Adequate Housing
- ☐ Healthy and Safe Communities
- ☐ Open Space and Agricultural Preservation
- ☐ Equitable Access
- ☐ Economic Vitality
- ☐ Transportation System Effectiveness

The impetus for the Plan is SB375, which outlines regional goals to reduce greenhouse gas (GHG) by a certain percentage regionally over a period of time. The One Bay Area Fact Sheet states:

“SB375 requires metropolitan planning organizations (MPOs) to develop a Sustainable Communities Strategy (SCS) – a new element of the regional transportation plan (RTP) – to strive to reach the greenhouse gas (GHG) reduction target established for each region by the California Air Resources Board. The target for the Bay Area is a 7 percent per capita reduction by 2020 and a 15 percent per capita reduction by 2035. The 2013 RTP will be the Bay Area’s first plan that is subject to SB 375.”

The SCS planning process and outcomes for the Bay Area Region assume that a redistribution of transportation dollars will affect land use development patterns. The focus of this Region's growth appears to be in the urbanized centers and immediately adjacent lower density cities, including Berkeley. This regional growth pattern is expected to primarily occur in a relatively small land area, approximately 5% of the Region, and mostly focused in Planned Development Areas (PDAs), which were originally identified by local governments.

Comments on the Draft EIR

A6-1

The Plan is intended to be an iterative process and will be revisited by both agencies regularly to consider progress towards the goal and necessary revisions to reach it. It is not clear whether environmental review will be undertaken at each revision of the Plan, or if this is intended to be the only review. City staff understands that PDAs may be modified beginning this summer (2013). If this is the case and enough PDAs are modified, would this then require additional, or modified environmental review?

A6-2

The Draft Environmental Impact Report analyzes the five Alternatives proposed by various agencies or interested parties; the alternatives are expected to reflect the overall goals and distribution patterns of growth within the Region. There are mitigation measures identified in the DEIR, but these mitigation measures are not Alternative specific. The environmentally superior alternative is not the alternative selected by the ABAG Board.

The DEIR assesses environmental impacts on two levels:

- The regional level assumptions of growth distribution based on transportation planning and policy input assumptions about job and housing choice, resulting in environmental impacts to be mitigated at a regional scale.
- The local level where project development is anticipated to occur within certain relatively confined geographic areas based on the above note transportation, land use and population choice assumptions, resulting in environmental impacts to be mitigated at a local level.

A6-3

The regional level impacts that are identified mostly relate to the major transportation and other infrastructure projects, though several of the transportation measures could have local import. It is not clear when a regional/sub-regional level activity (interchange modification for instance) is implemented, whether local governments will hold some shared level of responsibility for mitigating local effects.

Mitigation Measures and potential local effects –

A6-4

It appears that many of the local level specific mitigation measures track with, if not mirror those typically adopted by the City of Berkeley for a majority of projects. These mitigation measures have become part of the City's "standard" conditions of approval, so no longer come in the form of mitigation measure as a part of CEQA evaluation. The City is concerned that it may be required to re-adopt these measures as part of CEQA mitigation measures, rather than continuing to include them as standard conditions of approval. Currently, the language in mitigations expected to be provided at the local level only allows a measure to be excluded if they are deemed not feasible. The City of Berkeley would request that language be added to allow a measure to be excluded if the local jurisdiction has a functionally equivalent measure that is substantially similar in effect to be substituted.

The DEIR identifies mitigation measures that local governments must adopt in order to use the new SB375 "CEQA Streamlining" provisions. The DEIR, however, is unclear about how those measures are then incorporated by local jurisdictions into their planning approvals.

- A6-5 • Must the measures be adopted in their specific text as set forth in the DEIR, or if locally developed language leads to the same outcome, will that gain the same level of streamlining validity? If the specific DEIR language is not used, does that open a local government to a CEQA challenge? Or, if a local government uses a different approach, but achieves the same result, will the streamlining provided by SB375 still attach?
- A6-6 • The DEIR lacks clarity as to which measures are "feasible" to adopt. Is each local government now required to assess which measures are "feasible"? And if so, is each local government empowered to determine what "feasible" means within their local context?

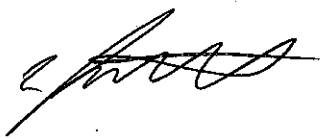
All of these questions could be clarified by adding language allowing local substitution of equivalent measures as suggested earlier.

Further, certain mitigation measures raise specific concerns and require clarity:

- A6-7 • Air Quality and sensitive receptors: These mitigations appear to suggest that new sensitive receptors must be addressed/protected. However, recent court decisions suggest that only "current/existing" sensitive receptors require CEQA focus. This must be clarified.
- A6-8 • Several mitigation measures are linked to/require "complete streets" implementation, as well as contributing to "vibrant communities". These terms are not fully defined in the document as to their meaning at the regional level. If they are required to be applied to local projects, this could leave local government decisions open to challenge over local differences in definition.
- A6-9 • The reference to mitigating for "community separation" is also vague and can be interpreted in various ways, thus also leaving that mitigation measure open to challenge.

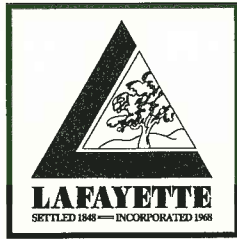
- A6-10 The City of Berkeley would appreciate additional clarity regarding the mitigation measures in the DEIR. The breadth and specificity of the mitigation measures, as currently devised; the lack of clarity about the adoption process and the ability of the local government to modify the measures within the legal framework of the Plan and SB375 streamlining; all while still following the intent of the Plan and related laws, may leave too much open to possible challenge.

Sincerely,



Eric Angstadt

Director of Planning and Development



City Council

Mike Anderson, Mayor
Don Tatzin, Vice Mayor
Brandt Andersson, Council Member
Mark Mitchell, Council Member
Traci Reilly, Council Member

May 16, 2013

Ms. Amy Worth, Chair
Metropolitan Transportation Commission
Joseph P. Bort Metrocenter
101 Eighth Street
Oakland, CA 94607-4770

Mr. Mark Luce, President
Association of Bay Area Governments
P.O. Box 2050
Oakland, CA 94607-4756

Subject: Response to Draft *Plan Bay Area*

Dear Chair Worth and President Luce:

Thank you for the opportunity to submit the City of Lafayette's comments on the draft *Plan Bay Area* ("Plan") and its jobs and housing estimates for Year 2040. We appreciate ABAG's and MTC's efforts to comply with SB 375 and develop a plan that meets the aspirations of local jurisdictions and current and future residents. However, we are very concerned that the Plan places an undue and unrealistic burden of growth on local jurisdictions. Furthermore, despite statements to the contrary, we are concerned about the erosive effect that its policies may have on local land use control.

A7-1

1. **Given your deadline of May 16, we offer the following comments on the Plan and request that you extend the comment period for at least an additional sixty days.**

The public has had limited time to review the thousands of pages contained in the Plan, its environmental document and appendices. Since the Plan's policies will impact residents of all jurisdictions in the nine county Bay Area for almost three decades, we believe that it is imperative that you grant this extension.

A7-2

2. **We request a reclassification of Lafayette's Priority Development Area ("PDA") from Transit Town Center to Transit Neighborhood.**

In 2007, Lafayette applied for and received its designation as a PDA "Transit Town Center" for its downtown which, at the time, was also the Redevelopment Project Area. Lafayette had just begun working on a specific plan for the downtown. The Downtown Specific Plan was subsequently adopted in late 2012. The specific plan's EIR concludes that additional growth in Lafayette's downtown - even that envisioned in the existing General Plan - will result in substantial traffic impacts. Existing traffic levels of service ("LOS") in the downtown are already at LOS D at some intersections that are close to BART and there are two major intersections at

LOS F. The specific plan's EIR shows that under the General Plan build out scenario, more intersections could reach LOS D, E, and F by 2030 and mitigation may not be feasible. These impacts are even more significant because of projected growth in Moraga. The result would be increased congestion on Lafayette streets and degradation in the quality of life of downtown residents and patrons.

Furthermore, the residential densities and allowable office building FAR suggested for a Transit Town Center far exceed anything Lafayette has considered in its 45 years as an incorporated city. Adopting such guidelines is completely inconsistent with the residents' vision and plans for their community.

Given this finding of the specific plan's EIR and the goals of the General and Specific Plans, we cannot achieve the densities envisioned in a Transit Town Center and believe that the designation of Transit Neighborhood is the appropriate designation for Lafayette's downtown. Furthermore, we can achieve the housing goals while retaining the characteristics of a Transit Neighborhood.

A7-3

3. We request a shift in our housing growth numbers between the downtown and the rest of the City and reductions in Lafayette's 2040 job numbers.

Households

The projection of 1,420 new housing units throughout Lafayette by 2040 is acceptable for the entire community. However, for the downtown/PDA, an increase of 990 households or 52% is too high. In addition to the traffic constraints previously mentioned, the downtown is also limited by the following:

- A lack of parcels available or suitable for redevelopment. The specific plan's EIR estimated that at most, 30 percent of the downtown would redevelop by 2030. Furthermore, a network of creek corridors with significant riparian habitat crisscrosses the downtown limiting potential development sites.
- A severe lack of parks in the downtown – only 0.7 acres. This does not come close to meeting our General Plan's standard of 5 acres/1,000 residents. The specific plan proposes three additional parks in the downtown to meet this shortfall, and these park sites would not be available for additional development. Retaining riparian habitat and adding small downtown parks are important portions of our community vision.

The City had previously supported an increase of 815 households between 2010 and 2040 because although high, it was reasonably consistent with the General Plan and Downtown Specific Plan projections. We request a reduction to 815 households as shown below. We note that this still equals approximately 60 percent of the growth forecast citywide whereas downtown housing constitutes approximately 20 percent of the existing housing stock.

Citywide and Downtown Household Totals for 2010, 2040, and Growth Including *Plan Bay Area* Recommendations and Proposed Revisions (non strike-out)

	2010	2040	2010-2040	% Growth
Lafayette	9,220	10,640	1,420	15
Downtown	1,890	2,705 2,880	815 990	43

Jobs

The 2010 baseline numbers in *Plan Bay Area's* tables are not consistent with the 2010 US Census numbers which ABAG used in 2012 when it developed the five scenarios. We ask that ABAG correct the 2010 baseline data for Lafayette.

Comparison of 2010 Job Estimates from *Plan Bay Area* and the 2010 Census

	2010 (<i>Plan Bay Area</i>)	2010 (Census)	Change from US Census
Lafayette	10,640	10,235	+405
Downtown	5,960	6,182	-222

Plan Bay Area's projected growth in jobs for Lafayette as a whole and for the downtown are too high. These numbers are inconsistent with the City's plans and the City's previous comments to ABAG and MTC have not been addressed. We request that the job distribution numbers for total employment and for the PDA employment be reduced to be consistent with the City's numbers.

The following points demonstrate why the job projections for Lafayette as a whole and within the downtown are unreasonable and unrealistic:

Citywide

- While it is likely there will be increased telecommuting and home-based occupations throughout the city in the future, the only centers of employment outside the downtown are in the local schools and religious institutions. None of these is a large employer and neither is likely to experience the significant growth in employees envisioned in the Plan. And it is equally unlikely that the additional financial and professional jobs will be added outside the downtown.
- There will be other environmental issues as well. It is the goal of both the General Plan and Downtown Specific Plan to maintain the downtown's small town character and preserve existing neighborhoods and views of the hillsides. Meeting this goal guides the allowable density for future development. Because of our topography and the soil conditions of our hillsides, more intense levels of development are limited to the downtown. The opportunities for employment growth outside the downtown are therefore extremely limited.
- The existing hilly topography, seismic constraints and roadway layout of the City are also a public safety challenge. Lafayette, Moraga and Orinda all sit in areas at high risk for wildland fires. Except for a limited area just south of Highway 24, approximately 50,000 people are only served by four two-lane evacuation routes. Right-of-way to expand them does not exist. Adding additional daytime population could pose a safety risk to the residents and commuters.
- The City recently amended the Circulation Element of its General Plan to include a Complete Streets component. We are committed to improving bicycle and pedestrian circulation for people who live and work in Lafayette. However, accommodating these alternative modes of travel within our limited-capacity roads will prevent us from accommodating additional growth in traffic that the forecasted growth for Lafayette and Moraga will bring.

Downtown

- The downtown or PDA cannot accommodate 1,560 additional jobs. As previously mentioned, the EIR for the Downtown Specific Plan concludes that additional growth in the downtown - even that envisioned in the existing General Plan - will result in substantial traffic impacts and failing levels of service. Downtown Lafayette also has to accommodate traffic from existing and planned growth in Moraga. This is growth that is

beyond our control, and yet, it significantly affects the quality of life in Lafayette every day.

- Both the General Plan and the Downtown Specific Plan project an additional 138,000 square feet in office uses and an additional 138,000 square feet in retail uses by 2030. Based on the *Downtown Lafayette Specific Plan Economic and Fiscal Analysis* prepared for the City in 2010 by Seifel Consulting, this amount of commercial development could result in 736-1,150 jobs. However, the report also notes that this amount of commercial development might not be supportable even with the projected additional residential development.

We therefore ask that the job growth for the City and PDA be reduced to be consistent with the City's numbers as shown below.

Citywide and Downtown Jobs Totals for 2010, 2040, and Growth Including *Plan Bay Area* Recommendations and Proposed Revisions (non strike-out)

	2010	2040	2010-2040	% Growth
Lafayette	10,235 10,640	11,465 13,230	1,230 2,590	12 24
Downtown	6,182 5,960	7,412 7,520	1,230 1,560	20

A7-4

4. We request confirmation of the following so that we can be assured that our General Plan rather than imposed mandates will guide our planning:

The growth projected for our PDA will be confined within the boundaries of our PDA/downtown. When speaking of a place type, the Plan refers to an increase in housing and jobs "within a ½ mile radius" of a transit station. Lafayette's downtown/PDA is located entirely on the south side of Highway 24 and the BART station. Given the hilly terrain, land north of the freeway is zoned for low-density single family residential uses only. Please confirm that the ½ mile radius rule does not apply to Lafayette.

Jurisdictions retain the right to require environmental analysis for future projects within the PDAs.

Lafayette's Downtown Specific Plan states that the environmental impacts of future development will be required and analyzed when making decisions. Please confirm that the Plan and EIR do not take away a local jurisdiction's right to assess the environmental impacts of future growth. This right is needed because a project placed on a specific location may have different impacts on views and traffic, for example, than if the same project were placed a few blocks away.

A7-5

5. We endorse the comments submitted by our neighboring jurisdictions Orinda and Moraga. As Orinda states in its letter, both SB 375 and the State law defer to local jurisdictions on matters pertaining to land use policies and regulations. This must be the cornerstone of *Plan Bay Area* and we ask that ABAG and MTC commit to upholding this fundamental guiding principle.

A7-6

As a concluding statement and to reiterate, **Lafayette is clearly not alone in having grave concerns about the highly speculative and ultimately unrealistic direction that the Plan is taking and in questioning the possible excessive reliance on creating land development patterns that differ from existing general plans to achieve the requirements of SB375.**

Before making the critical and irreversible decision to adopt *Plan Bay Area*, we strongly request that you put a hold on this process and determine other ways to realistically address climate change in

California without burdening already-impacted cities and counties with “top-down” planning concepts and requirements.

Thank you again for the opportunity to comment.

Sincerely,

A handwritten signature in black ink, consisting of a stylized 'M' followed by a horizontal line.

Mike Anderson
Mayor

cc: Lafayette City Council



City of Larkspur

400 Magnolia Avenue, Larkspur, California 94939

Telephone: (415) 927-5110 Fax: (415) 927-5022

Website: www.cityoflarkspur.org

May 16, 2013

Mr. Steve Heminger
Executive Director
Metropolitan Transportation Commission
Plan Bay Area Public Comment
101 Eight Street
Oakland, CA 94607

RE: City of Larkspur Comments on Draft Plan Bay Area and Plan Bay Area Draft Environmental Impact Report

Dear Executive Director Heminger,

The City of Larkspur has remained active in the Bay Area Sustainable Communities Strategy (SCS) process for the last three years, which culminated in the release of the Draft Plan Bay Area in March 2013, the City provided responses to MTC and ABAG regarding the Initial Vision Scenario and its various iterations on several occasions in 2011, and in April 2012 provided comments on the Draft Jobs-Housing Connection Scenario. In all our various correspondences, the City has consistently identified several reasons why any significant increase in housing and/or employment cannot be realized in Larkspur due to both topographic and environmental constraints, as well as the limited amount of available undeveloped land.

The City Council wishes to express their support for the various agencies' efforts to integrate long-range land use and transportation planning for the region. At the same time, the City Council remains concerned that the Draft Plan presents a "one-size fits all" approach and promotes policies and strategies that may erode local planning efforts to maintain community character and the quality of life for the residents of Larkspur.

On May 15, 2013, the City Council conducted a discussion and heard public comment from Larkspur residents on local concerns regarding the Draft Plan Bay Area. Following lengthy discussion on the matter, the City Council directed preparation of this letter with the following comments and questions concerning the Draft Plan Bay Area (PBA) and the Draft Environmental Impact Report (EIR):

Comments on the Draft Plan Bay Area

The City Council is supportive of comments and concerns identified by the Transportation Authority of Marin (TAM) and wishes to re-iterate the following points:

A8-1

1. Jobs and housing assumptions are overly ambitious given the existing built environment and restricted transportation network. Consistent public opposition has been voiced throughout the region and Marin County regarding the level of job and housing projections identified in the Plan

Bay Area process. In particular, the forecast for an increase in employment of 17% in Marin County by 2040 far exceed the last twenty-year trend, wherein job levels remained about the same since 1990. In terms of housing projections, the 2013 Department of Finance (DOF) numbers show 3% population growth for Marin County to 2040, whereas the Draft Plan Bay Area projects a 17% increase in population. These differences relate primarily to ABAG's employment growth assumptions for the area. Marin's growing population of retirees will likely deflate the job participation rate in forecast years.

The City of Larkspur has reiterated its own concern regarding ABAG's employment and population growth assumptions, as stated in the April 20, 2012 comment letter regarding the Draft Jobs-Housing Connection Scenario. *The City of Larkspur encourages MTC/ABAG to work with the DOF to reconcile these projections and identify more realistic population and job growth for future cycles.*

The City of Larkspur also wants to reiterate that household and employment projections for Larkspur should not be based upon assumptions regarding the outcome for our Station Area Plan. The City of Larkspur has not applied for a PDA in this location at this time, and the Station Area Plan is still in draft form and undergoing environmental analysis. Local review of the plan and environmental review has not been completed. For numerous reasons discussed above, it may be that the cost of infrastructure, lack of developable land, market forces, vulnerability to sea level rise, and other topographical and environmental constraints to those areas may preclude the type of development anticipated under the Plan.

2. The Plan needs to distinguish between planned Priority Development Areas, and potential Priority Development Areas. The first has transit and development potential in place; the second are opportunity areas for further study. Both types of PDA's will emerge over time, as determined by local decisions.
3. State Housing Element law should be amended so that minimum density thresholds for affordable housing in Marin County reflect the development capacities of our communities. Marin is identified as part of the 'San Francisco area' with a minimum affordable housing density threshold of 30 units/acre. Larkspur requests that Plan Bay Area identify that State Housing Element law should be amended so the threshold for Marin is consistent with the other North Bay counties of Sonoma, Napa and Contra Costa counties, which have a threshold of 20 units/acre. Applying an urban density threshold to Marin has resulted in numerous challenges in identifying feasible housing sites, an effort that would not be as difficult were the threshold to be consistent with the other North Bay suburban counties.
4. Larkspur continues to have questions concerning the expectation to amend their General Plans to conform to Plan Bay Area. SB 375 specifically states that local General Plans *do not* have to be amended to comply with regional SCS (Plan Bay Area) or the Regional Transportation Plan. The Draft Plan Bay Area and Plan Bay Area DEIR do not *compel* local jurisdictions to build high-density, transit-oriented development.

A8-1.5

Certain implementing measures of the Draft Plan, however, either establish direct mandates or otherwise promote incentives for jurisdictions to comply with the Draft Plan's transportation and land use policies. In terms of mandates, the Draft Plan's projections and policies inform the Regional Housing Needs Allocation (RHNA) issued by the State Department of Housing and Community Development. In regard to incentives, transportation funding through the One Bay Area Grant program (OBAG) is now and will continue to be allocated only to those communities that have a certified Housing Element and have adopted "Complete Streets" policies, as

outlined in the Draft Plan. 50%-75% of OBAG funding will be apportioned to Transportation Priority Areas (PDAs). By default, the Draft Plan will penalize those jurisdictions that do not fully adopt these Plan policies and/or PDAs.

Larkspur requests that future implementation policies be thoroughly analyzed in respect to impacts upon local land use authority. We request the following points to be addressed in the Draft Plan:

- That all local jurisdictions will be informed of future requirements and/or policies regarding distribution of existing or new funding, and that such requirements or policies will be thoroughly vetted for impacts upon local land use authority.
- There will not be performance standards imposed upon local jurisdiction for use of CEQA streamlining.
- Jurisdictions will implement *Plan Bay Area* based on individual local decisions about how to grow and change, using locally-determined policies and regulations.
- There are no requirements that jurisdictions meet the jobs and housing forecasts in *Plan Bay Area*.

5. *There needs to be recognition at the State level of different kinds of housing to qualify as a 'unit', in order to accommodate the demographic trend and need for senior housing in Marin.*

Demographic trends in Marin demonstrate a dramatic need to increase options for the growing senior population (dubbed the 'silver tsunami'). Many senior living options (i.e. congregate care, assisted living, group homes) are not considered housing units for the purposes of meeting RHNA requirements. As such, opportunities for developing such facilities are chilled by the need to develop 'qualifying' housing units. Continued re-evaluation of the housing projections in concert with demographic trends should provide ABAG and the State the opportunity to align the housing goals with this growing demographic need. The City of Larkspur encourages ABAG and MTC to advocate for the expansion the definition of "housing unit" to address this growth trend in future RHNA cycles.

6. *Efforts to address sea level rise is a concern.* The DEIR offers more expanded discussion on the strategies and partnerships than the Draft Plan. Although the DEIR provides a list of potential adaptive measures to combat sea level rise, which is informative, there remains no regionally prescribed strategy or consistent approach to address this at the local level. Much of the growth proposed in the Draft Plan is near transit centers, many of which are located in areas potentially vulnerable to sea level rise. This is of particular concern to Larkspur, as portions of the City along Corte Madera Creek and the Redwood Highway and Larkspur Landing areas are vulnerable to projected sea level rise.

Larkspur supports the efforts to prepare a comprehensive regional strategy to protect homes, businesses and critical infrastructure from projected sea level rise, and to fund protection and/or enhancement of natural buffers (such as wetlands) along the bayfront. The City of Larkspur endorses the effort of the Joint Policy Committee to pursue funding to prepare a comprehensive regional plan that identifies specific appropriate local adaptation strategies essential to protect homes, businesses and infrastructure from harm.

7. *The final plan should recognize other efforts to reduce greenhouse gas emissions.* The City of Larkspur partners with the Transportation Authority of Marin on various transportation policies, projects, and programs currently enacted or underway to curb vehicle miles traveled (VMT) and/or otherwise reduce GHG output in Marin. The City of Larkspur supports the Climate Policy

Initiatives in Transportation Strategy 6 to provide opportunities for TAM programming. The City will continue to support and help implement local transportation programs in Marin to maximize opportunities to reduce GHG emissions (e.g., electric vehicle promotion, transportation demand management strategies, and the Safe Routes to School program).

Comments on the Draft EIR

- A8-3** 8. The DEIR is of limited value for local jurisdictions. The primary use for the DEIR as a 'tiering' document may be realized in cumulative impact assessments regarding transportation, air quality, and climate change/GHG emissions for future General Plan EIRs and/or project assessments. The mitigations for various impacts are numerous. The DEIR should clarify that these mitigations are specifically for projects of ABAG and MTC, and are *optional* for use by local jurisdictions. Ultimately, mitigations for projects in local jurisdictions will be determined on a project-specific level by the local elected officials.
- A8-4** 9. The DEIR does not adequately prescribe a regional strategy to address sea level rise. Although the DEIR provides a list of adaptive measures to combat sea level rise, there remains no regionally prescribed strategy or consistent approach to address this at the local levels. Much of the growth anticipated in the Draft Plan is proposed near existing transit facilities and transit centers, many of which are located in areas vulnerable to projected sea level rise. The City of Larkspur supports the efforts to prepare a comprehensive regional strategy to protect homes, businesses and critical infrastructure, and to fund protection and enhancement of natural buffers. This is of particular concern to Larkspur, as portions of the City along Corte Madera Creek and the Redwood Highway and Larkspur Landing areas are vulnerable to projected sea level rise.
- A8-5** 9. The DEIR section addressing biological resources presents insufficient information for the North Bay. The maps presenting critical habitat information are detailed and species-specific for all Bay Area counties except the North Bay counties. Marin County contains habitat for many significant special-status, rare, and endangered species that are not listed in the Draft Plan and DEIR. While this issue is not critical for the City's local planning efforts, it is helpful if the level of information provided in the DEIR for all areas of the region should be consistent.
- A8-6** 10. The provisions for 'CEQA Streamlining' offered by the Draft Plan may be limited and remain optional. Page 59 of the Draft Plan states that the Sir Francis Drake Boulevard corridor west of Highway 101 meets the criteria for CEQA streamlining for residential projects only. Larkspur wishes to re-iterate that local jurisdictions are not bound or required to use this streamlining option. Further, it is important to note that current exemptions from environmental review offered under CEQA are discretionary. For any discretionary action, a lead agency (e.g. local jurisdiction) performing environmental review may choose not to exercise an exemption if there are unique characteristics to a site, area, surrounding community, or project that warrant full environmental analysis.
- A8-7** The City of Larkspur appreciates the opportunity to review and comment on the Draft Plan Bay Area and Plan Bay Area Draft EIR. However, we note that the Draft Plan was published in late March 2013 and the Draft EIR was released in early April, with comments for each due by May 16. Given the complexity of the Draft Plan and the length of the Draft EIR, the 55-day public review is simply inadequate time for local jurisdictions to conduct review of such extensive and far-reaching documents. The City of Larkspur requests that additional time be allowed so that a full review of the Plan and its implications can be discussed by individual jurisdictions. The City Council also requests that the

process 'slow down' to allow the public adequate time to fully understand the various benefits, drawbacks and implications of the Draft Plan.

The City of Larkspur would again like to thank ABAG and MTC for this opportunity to comment on the regional effort to lead the Bay Area into compliance with SB 375 and achieve a regional reduction in greenhouse gas emissions. The City will continue to work with this regional planning effort, while seeking to maintain Larkspur's unique community character and quality of life. The City respectfully requests that ABAG and MTC fully consider these comments and suggestions.

Sincerely,

A handwritten signature in black ink, appearing to read 'Neal Toft', with a stylized, flowing script.

Neal Toft
Director of Planning & Building

cc: Ezra Rapport, Association of Bay Area Governments
Transportation Authority of Marin
Larkspur City Council
City Manager
Public Works Director



Community Development Department

One North San Antonio Road
Los Altos, California 94022

May 16, 2013

Ashley Nguyen
EIR Project Manager
Metropolitan Transportation Commission
101 Eighth Street
Oakland, CA 94607-4700

Miriam Chion
Planning and Research Director
Association of Bay Area Governments
101 Eighth Street
Oakland, CA 94607-4700

SUBJECT: PLAN BAY AREA DRAFT ENVIRONMENTAL IMPACT REPORT

Dear Official:

I am writing this letter to comment on the Plan Bay Area and its Draft Environmental Impact Report. The City of Los Altos supports the goals of the Sustainable Communities and Climate Protection Act of 2008 (SB375) and the Plan Bay Area's compact land use pattern and development strategy to guide growth into areas with jobs and transportation. Unfortunately, as an outlying suburban city we do not agree with the housing distribution approach in the Draft Forecast of Jobs, Population and Housing.

A9-1

As you know, the Draft Forecast of Jobs, Population and Housing is based on an overarching goal to support equitable and sustainable development by maximizing the regional transit network and reducing Greenhouse Gas emissions by providing convenient access to employment for people of all income levels; and, in doing so, to distribute housing growth to job-rich cities, to priority development areas, to areas connected to the existing transit infrastructure and to areas that lack sufficient affordable housing to accommodate low-income commuters. The result of this forecast and modeling onto Los Altos, and geographically similar cities, which are net providers of housing in areas not well served by transit, is to generate more vehicle miles traveled (VMT) per resident and thus more greenhouse gasses. This is counter to the goals of the Climate Protection Act and the intent of the Plan Bay Area to focus housing growth in areas served by jobs and effective transit. The model also uses a minimum housing household formation rate floor of 40 percent, but not more than 1.5 times a prior jurisdiction's housing needs assessment, which anticipates more housing growth than has historically occurred in the built-out, suburban cities such as Los Altos and other geographically similar cities, and again, creates preventable vehicle trips and greenhouse gasses.

A9-2

Additionally, the Plan Bay Area encourages localities to adopt land use policies and programs to promote focused growth, yet as it is applied, it encourages more than our fair share of growth in an unsustainable way since it will contribute to transportation congestion during the peak periods

Metropolitan Transportation Commission

Association of Bay Area Governments

May 16, 2013

Page 2

and create additional vehicle miles traveled and additional greenhouse gas emissions since the job centers are not nearby and there is a lack of effective transit.

A9-3

Finally, the Plan Bay Area and the Draft Environmental Impact Report assumes the feasibility of future land use development patterns; however, since MTC and ABAG do not regulate land uses at the regional or local level, there is a significant question as to the effectiveness of the mitigation measures that are out of the lead agency's jurisdiction. Moreover, the Plan Bay Area document and the EIR should clarify how mitigations can be effectively implemented at the regional and/or local level and provide a clear manner to streamline the environmental review of future, qualifying projects as is intended by the Sustainable Communities and Climate Protection Act.

Thank you for the opportunity to comment. If you desire more information or have any questions, please feel free to call me at (650) 947-2635.

Sincerely,



James Walgren, AICP

Assistant City Manager

Community Development Director

Cc: City Manager

City Attorney

City Council



May 15, 2013

Mr. Steve Heminger
Executive Director
Metropolitan Transportation Commission
Plan Bay Area DEIR Public Comment
101 Eighth Street
Oakland, CA 94607

RE: City of Mill Valley Comments on the Draft EIR for Plan Bay Area

Dear Executive Director Heminger:

By this letter, the City of Mill Valley would like to provide its comments on the Draft Environmental Impact Report (DEIR) for Plan Bay Area, the region's Sustainable Communities Strategy, as well as express its endorsement of the comments on the DEIR by the Transportation Authority of Marin.

A10-1 The DEIR is over 1,300 pages, with five alternatives, dozens of significant unavoidable impacts, and hundreds of mitigation measures. Although a 45-day comment period meets the minimum statutory requirement, it does not allow for thorough and timely understanding of local implications, and adequate review by local jurisdictions. For a document of this size and importance, a 45-day comment period is simply inadequate. Notwithstanding the limits of time for review, the City of Mill Valley submits the following comments on the DEIR:

A10-2 1. Figures 2.9-6-8, "Critical Habitat" maps are included for the Peninsula, and East and South Bays. A North Bay Critical Habitat Map and attention to the North Bay biological diversity and need for protection is missing and should be included in the final document.

A10-3 2. The differences in the ABAG population forecast and the DOF population projections should be explained, and what if any planning implications result should be identified. The unlikely level of ABAG's forecast growth for Marin, patterned after the growth of the 1980s, would have significant local impacts on traffic, public facilities such as parks and schools, and public utilities such as water and wastewater.

A10-4

3. The EIR identifies 39 significant unavoidable impacts. Some of these impacts may be alleviated through the mitigations implemented through development approvals at the local level. This is a very technical area of CEQA procedure that has caused a great deal of concern and comment at the local level. The FEIR should provide a more expansive explanation about the purpose of a “program” EIR and how that mechanism influences that content, identification of impacts and mitigation measures described in the document. Many in the public are alarmed by this portion of the EIR and what it may mean to their local communities. A more accessible description of the purpose of a Program EIR and, particularly, the assessment of “Significant and Unavoidable” impacts would be beneficial in reducing local anxiety about Plan Bay Area and the EIR. The link between the identification of significant and unavoidable impacts and that those impacts can and should be mitigated by the application of identified mitigation measures when project-specific environmental review is done needs to be made clearer for the benefit of the public.

A10-5

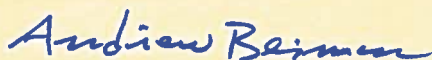
4. The mitigations for various impacts are numerous, helpful and in many cases similar to mitigations currently required for development projects in Marin. We believe that the mitigations serve as a useful list of potential mitigations for local jurisdictions and are not mandated. Please verify our understanding that the mitigations are specifically for projects of ABAG and MTC, and that mitigations for projects in local jurisdictions will be determined on a project-specific level by the local elected officials.

A10-6

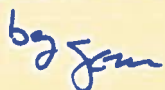
5. Sea level rise and rising tides are critical issues for Mill Valley. We endorse regional efforts to conduct vulnerability and risk assessments and to develop a regional sea level rise adaptation strategy and funding program. Mill Valley looks forward to participating in these programs as they are implemented. However, we also want to insure that the land use initiatives on which much of Plan Bay Area is based – the Priority Development Area (PDA) – are not creating additional future problems relative to sea level rise. In particular, further planning for a “potential” PDA in the Tam Junction area in Mill Valley’s sphere of influence needs to be mindful of locating significant development in areas that will be subject to sea level rise. We look forward to working with the County of Marin to insure that this area is planned in a way that is mutually beneficial and safe for our respective communities.

Thank you for this opportunity to comment.

Sincerely,



Andrew Berman
Mayor



c: Ezra Rapport, Executive Director, Association of Bay Area Governments

City Council
City Manager
Planning and Building Director



CITY HALL • 1 FRANK H. OGAWA PLAZA • OAKLAND, CALIFORNIA 94612

Office of the City Administrator

(510) 238-3301
FAX (510) 238-2223
TDD (510) 238-2007

May 16, 2013

Steve Heminger, Executive Director
Metropolitan Transportation Commission
Joseph P. Bort MetroCenter
101 Eighth Street
Oakland, CA 94607-4700

Ezra Rapport, Executive Director
Association of Bay Area Governments
Joseph P. Bort MetroCenter
101 Eighth Street
Oakland, CA 94607-4707

Re: City of Oakland Comments on the Draft Plan Bay Area and the Draft Environmental Impact Report for Plan Bay Area

Dear Messrs. Heminger and Rapport:

The City of Oakland welcomes the opportunity to comment on the Draft Plan Bay Area (Plan), dated March 2013, and the Draft Environmental Impact Report (EIR), dated April 2013. The City respectfully submits the following comments:

A11-1 I. Transportation

A major concern for Oakland is that of \$30 billion (B) in investments, there are no Oakland projects in the “Top Ten Plan Bay Area Investments, by Project” (Draft Plan, page 13). Later in the Draft Plan, up-and-coming transportation-funding priorities are assigned based on a combination of highest cost-benefit projects (according to Plan performance measures) and an assessment of projects already in the pipeline. While Oakland’s position as the transportation hub of the East Bay region should result in a high number of these projects, this is also not borne out in the Draft Plan.

On Table 3 “Highest Performing Transportation Projects, Ranked by Benefit/Cost (B/C) Ratio and Target Score” (Draft Plan, page 113), Oakland has only portions of two of the 13 projects listed. One is the BART Metro Plan, which is multi-county supportive and specifically described as a San Francisco to Bay Fair initiative (\$650 million [M]). A second is Oakland-specific: the AC Transit Grand / MacArthur Boulevard Bus Rapid Transit project (\$23 M). Assuming that 1/3 of the Metro project and the AC Transit project are directly Oakland-supportive, this totals \$246 M investment for 220,000 housing units in the year 2040 - an investment of \$1,180 per housing unit.

However, of the 13 projects listed, five projects totaling approximately \$658 M are assigned to San Francisco. Given that 470,000 total housing units are expected for 2040, this is an investment of \$1,400 per housing unit. Clearly, a major adjustment in spending and spending priorities must be made to accommodate the East Bay housing and job growth contained in the Draft Plan and allocated to Oakland.

A. Increase Transportation Support to Oakland Beyond Draft Plan Levels

1. Reward Oakland with a much greater share of transportation funding commensurate with the significant housing allocation in the Draft Plan. Ensure that existing and future transportation-funding allocations are proportionate to the level of housing and housing growth allocated to any jurisdiction.
2. Restrict transportation funding from those cities that do not have a Priority Development Area (PDA), do not comply with the Draft Plan affordable housing or housing allocations, and/or do not have an adopted Housing Element.
3. Recognize that Oakland is the transportation hub of the East Bay, and as such needs considerable assistance to develop and manage freight delivery (e.g., train, truck, ship, and plane) facilities and connections.
 - Fund creation and local implementation of a freight management plan for Oakland.
4. Shift additional transportation funding to Oakland to keep the streets and transit systems in a state of good repair. Oakland is ranked 98th out of 109 Bay Area cities for pavement quality, which directly diminishes the efficiency of transportation and transit operations. The AC Transit system travels more miles on worse streets than comparable bus systems in San Francisco and San Jose.
 - The \$500 M for the Transit Priority Initiative is a good start, since 15% of AC Transit has been cut since 2006. TPI money allocation should continue to be based on nighttime population along with the reach of service as key criteria.
 - Support a regional fee or tax, such as on Vehicle Miles Traveled, that will support State of Good Repair for streets and transit (not highway expansion).
 - High Occupancy Toll (HOT) lanes should provide revenue for expanding transit capacity and service operations along parallel corridors, as the HOT lanes will increase the burden of VMT and GHG and increase air pollution along low-income housing areas along freeways. Exempt low-income households from tolls.
5. Alter funding formulas to better meet Oakland needs as stated above and shift funding away from jurisdictions that do not meet the Plan performance standards. Concentrate funding for transit and non-polluting travel initiatives for Oakland, which has a disproportionate number of low-income families and communities of concern.

B. Add Specific Transportation Projects into Plan Bay Area for Oakland

The following projects should be amended into Plan Bay Area for Oakland as soon as practically possible. Inclusion in the Plan ensures that these projects will be able to move forward as funding is identified.

1. Coliseum City Infrastructure – Provide investment to create a robust multi-modal station area that includes BART track expansion, AC Transit, taxi, and Amtrak services, as well as circulation improvements within the Coliseum site proper and connections to external sites along the waterfront (\$1.3 B);
2. An East Bay Facility/Intermodal Terminal to serve bus, taxi, ferry, rail, and other modes in Downtown Oakland/Jack London Square (cost unknown);
3. Streetcar (rubber or rail) connecting destinations such as Jack London Square, Brooklyn Basin, Lake Merritt BART, 12th and 19th Street BART, the Hospital center, MacArthur BART, and West Oakland BART (approximately \$200 M);
4. The I-80 Broadway Jackson project elements that provide access and spur economic development in downtown Oakland, and major improvements to three existing ramps on I-80 north to downtown (5th Street, Oak Street, and Broadway) (approximately \$200 M);
5. Army Base Phase II transportation infrastructure development (approximately \$500 M);
6. Bicycle and Pedestrian Bridge from West Oakland to the new Gateway Park (\$50 M);
7. An East Bay Regional Bike Sharing Program (approximately \$15 M start-up plus \$2 M per year operating);
8. Completion of the Bay Trail and all connecting segments and bridges (unknown cost); and
9. Free AC Transit passes for East Bay youth and students (unknown cost).

II. Housing

A11-2

A. Distribute Housing Fairly to All Cities, Not Just Oakland

The City of Oakland supports a more equitable distribution of housing growth, which helps to provide more housing access to “housing opportunity” areas in existing more affluent neighborhoods with robust public services and good jobs, and also puts less development/displacement pressure on lower-income communities. The City supports a housing growth allocation that is consistent with the allocation of the Environment, Equity, and Jobs (EEJ) Alternative studied in the Draft EIR (Alternative #5). In addition to providing a more equitable housing distribution, the EEJ Alternative is identified in the Draft EIR as the ‘environmentally superior alternative’ for better performance on most environmental metrics, including reduction of greenhouse gas emissions, which is the goal of SB 375. Compared to the Draft Plan and the other alternatives studies in the Draft EIR, the EEJ Alternative would create less traffic congestion, better resident health, more affordable neighborhoods, and allow the most vulnerable populations to stay in their homes.

A11-3

B. Incorporate Housing Policies

The City requests that the Plan incorporate a stronger link between transportation funding and housing policies in order to promote environmental protection, public health, economic prosperity, and social equity in the region.

1. Contemplate sufficient housing affordable for low-wage workers in all infill locations with access to jobs or transit;
2. Distribute a substantial proportion of the region's overall housing growth to "housing opportunity" communities based on the presence of jobs, high-performing schools, transit service levels, and other indicators of opportunity;
3. Allocate to cities with disproportionately low numbers of lower-income residents a proportionately higher percentage of extremely low, very low, and low income housing units;
4. Strengthen the One Bay Area Grant (OBAG) program and all transportation funding programs to better incentivize local anti-displacement and affordable housing policies to stabilize communities vulnerable to gentrification and the displacement of low income residents of color;
5. Set aside a portion of funds to reward local jurisdictions that accommodate and provide local funding to build a significant portion of the region's lower-income housing need and/or enact strong policies to protect existing extremely low, very low, and low income residents from displacement;
6. Include only the most cost effective transit expansion projects, including those prioritized in Community Based Transportation Plans in communities that protect existing low income residents from displacement;
7. Substantially increase funding for transit operations and institute a regional youth/student transit pass;
8. Fund more active transportation and complete streets programs to maximize health co-benefits of physical activity and transit use;
9. Strengthen policies to conserve and invest in parks, open space, habitat, and working lands;
10. Incorporate conservation data into plans and project development and approvals; and
11. Quantify construction jobs and ripple economic impacts from infrastructure investments. Work to ensure that the Plan creates local jobs with decent wages, benefits, and career ladders.

A11-4

III. Jobs

Distribute Additional Jobs to the Inner Ring Cities

1. Allocate at least 70% of the jobs to match 70% of the housing allocation that has been assigned in the core PDAs. To do otherwise promotes sprawl, increases greenhouse gas and particulate emissions, and drives funding toward highway allocations rather than inner-city transit.
2. Continue steering job growth along the regional core transit network and transit centers in Oakland and the East Bay to maximize transit use.

A11-5

IV. Regional Legislation

Advocate for Regional Legislation Necessary to Achieve Plan Bay Area Goals

The promise of Plan Bay Area will not be achieved without significant legislative changes. As it stands, the Draft Plan is based on many assumptions that may not be achievable. The following points emphasize several of the changes that must occur in order for the Plan to produce the results envisioned, especially in Oakland.

1. CEQA Reform to Support Infill Growth in PDAs – Achieving the goals of the Plan in the core cities will be extremely difficult to meet without reforms to the California Environmental Quality Act (CEQA) to streamline CEQA review for projects consistent with the goals of the Plan. SB 375 provides very limited CEQA streamlining as further discussed below.
2. Create and Fund an Infrastructure Financing District – Transportation and other supportive infrastructure are in severe need of repair. Work with Sacramento to recast the provisions governing infrastructure financing districts and provide for the creation of jobs and infrastructure financing districts (JIDs) without voter approval. Work to find grant opportunities rather than loans.
3. Replace Redevelopment Revenue with Targeted New Local Funds – The dissolution of the state's redevelopment agencies means that there are few options for financing affordable housing. MTC and ABAG should work with the state to develop a new tax increment authority that specifically supports housing and infrastructure but only near existing and planned public transit services. Affordable high-rise housing is not produced without significant assistance from market-based development and "top-down" affordable housing policy requirements. A development assistance funding stream should be created for Oakland and other high production cities, as we have demonstrated our ability to accommodate the highest affordable housing assignments.
4. Support Local Self Help – Lower the voting threshold for transportation and infrastructure measures to 55% both at the state and local levels.
5. Align All Future Funding with the SCS/RTP Performance Goals – The MTC Sustainable Communities Strategy and Regional Transportation Plan should be used as a model for overall

regional investment policy. OBAG represents about \$200 M of the total \$68 B in discretionary transportation funding to be considered. To carry this strategy to its logical conclusion, this discretionary funding must be tied to the sustainable land use and transportation linkages established by OBAG. Advocate that state and federal funding become performance based to match sustainability criteria in the metropolitan regions. Reliable levels of funding should be targeted to urban areas that are job and housing producers with transit systems.

V. CEQA

A. SB 375 CEQA Streamlining is Insufficient to Support Plan Bay Area

A11-6

As stated above, SB 375 provides very limited CEQA streamlining for future projects. There is only a narrow range of projects that will qualify for streamlining. Many projects consistent with the goals of the Plan will not qualify for streamlining, including non-residential land use projects (e.g., day care centers, schools, and grocery stores) and transportation projects (e.g., "road diets," bicycle lanes, and pedestrian safety projects). For those projects that do qualify for streamlining, the benefits of streamlining will be limited.

B. Clarify Use of Plan Bay Area EIR for Future CEQA Review

A11-7

The Draft EIR contains a discussion of CEQA streamlining contained in SB 375 beginning on page 1.1-12. However, it is unclear how local lead agencies may tier off the EIR to streamline future CEQA review under existing CEQA tiering provisions in addition to the streamlining provisions contained in SB 375. Please clarify this in the Final EIR. For example, would a residential project that is consistent with the Plan, but does not meet the requirements of a Mixed-Use Residential Project or a Transit Priority Project under SB 375, be required to consider potential cumulative impacts already studied in the Plan EIR (e.g., air quality, greenhouse gas emissions, transportation, and noise) if the circumstances requiring further environmental review under CEQA are not present?

The City of Oakland appreciates the opportunity to comment on the Draft Plan and the Draft EIR and looks forward to responses to the above comments. Please contact Iris Starr at (510) 238-6229 or istarr@oaklandnet.com if you have any questions.

Sincerely,



Fred Blackwell
Assistant City Administrator

Cc: Mayor Jean Quan
Councilmember Libby Schaaf
Rachel Flynn
Iris Starr
Norma Thompson
Kelley Kahn
Marisa Raya, ABAG (via email: marisar@abag.ca.gov)
Carolyn Clevenger, MTC (via email: cleve@mtc.ca.gov)



May 16, 2013

Ezra Rapport
Executive Director
Association of Bay Area Governments
P.O. Box 2050
Oakland, CA 94604-2050

Steve Heminger
Executive Director
Metropolitan Transportation Commission
Joseph P. Bort MetroCenter
101 Eighth Street
Oakland, CA 94607-4770

SUBJECT: City of Orinda Comments on Draft Plan Bay Area and Associated Environmental Impact Report

Dear Mr. Rapport and Mr. Heminger,

A12-1 Thank you for the opportunity to review and comment on the draft Sustainable Communities Strategy (SCS), Plan Bay Area, and the associated environmental impact report (EIR). Given the large volume of information contained in the 1,366-page EIR and the complex and profound nature of the plan, on behalf of the residents of Orinda, we respectfully request that ABAG and MTC extend the public comment period 60 days to allow members of the public adequate time to review the materials and to provide thoughtful and pertinent comments.

With regard to the draft SCS, we appreciate the revisions made to the plan to reflect comments we provided in 2011 and 2012 on the various scenarios then under consideration. Our comments detailed local knowledge of the limitations and parameters within which land use plans in Orinda must be crafted. We would like to reiterate some of the key points we previously provided and bring to your attention an error in the number of existing and projected households contained in the plan.

A12-2 In response to our February 7, 2012 letter, the number of existing housing units in downtown Orinda was corrected; however, the corresponding correction was not made in the number of existing households. As a result Plan Bay Area shows more households than housing units in the downtown. There are currently 227 housing units in downtown Orinda (rounded up to 230 in PBA). The number of existing households in 2010, assuming a 2.8% vacancy rate, is 221 (round to 220) and the projected growth is 210 units resulting in a total of 430 households in 2040. Please correct the error in the final plan.

A12-3 As you know, SB 375 [as codified at Government Code § 65080(b)(2)(K)] specifically states that "Nothing in a sustainable communities strategy shall be interpreted as superseding the exercise of the land use authority of cities..." and that "Nothing in this section shall require a city's or county's land use policies and regulations, including its general plan, to be consistent with the regional transportation plan..." Furthermore, state law recognizes the diversity of communities and their residents and requires local agencies to prepare and implement general plans in a manner that accommodates local conditions and circumstances (Government Code §

65300.7). To that end, while the SCS identifies downtown Orinda as a *potential* Priority Development Area (PDA) with a “Transit Town Center”¹ place type, the decision whether or not the City chooses to adopt land use policies that are consistent with those of the PDA place type are solely within the discretion of the City of Orinda and any changes in local land use policies in Orinda will take into account, among other factors, the following:

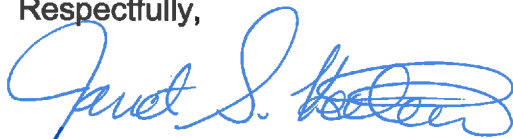
- Infrastructure limitations on growth as a result of aging and narrow roads, storm drains, and water supply pipes;
- Impacts on the quality of the local schools and the ability for the schools to accommodate additional students;
- Constraints due to regional open space and watershed lands;
- The presence of the East Bay Municipal Utility District’s Orinda Water Treatment plant which serves large portions of the East Bay;
- Constraints imposed by the lack of undergrounded utilities, especially in the downtown;
- Constraints imposed by the flood zone in portions of downtown;
- Unstable soils prone to landslides; and
- Orinda’s unique community character.

Approximately 40% of the land area within ½ mile of the Orinda BART station is regional open space (primarily EBMUD watershed), and therefore the amount of land area available for development is restricted.

In addition to the adjacent open space areas, the amount of land area suitable for development in downtown is further constrained by the narrow and long valley location of downtown that has a limited number of access points and thereby restricted circulation in and out of downtown, the presence of San Pablo Creek which feeds into EBMUD’s San Pablo Reservoir, and steep topography in portions of the *potential* PDA and in many areas within ½ mile of the BART station. Some of these constraints to development are also assets to the community and to the region that the City is responsible for protecting.

Thank you.

Respectfully,



Janet S. Keeter
City Manager

CC: Orinda City Council and Planning Commission

¹ In our June 10, 2011 letter to ABAG and MTC, we noted that the Transit Town Center designation as it pertains to the number of households, housing density and commercial FAR are too aggressive and therefore the place type designation is inappropriate. It should be noted that the Transit Town Center place type designation for Orinda is also inappropriate and inconsistent with the Household Growth by PDA shown in Plan Bay Area.



MAYOR GARY O. PHILLIPS
VICE MAYOR BARBARA HELLER
COUNCILMEMBER DAMON CONNOLLY
COUNCILMEMBER KATE COLIN
COUNCILMEMBER ANDREW CUYUGAN McCULLOUGH

COMMUNITY DEVELOPMENT DEPARTMENT

PHONE: 415-485-3085

FAX: 415-485-3184

May 13, 2013

Plan Bay Area Public Comment
Metropolitan Transportation Commission
101 Eighth Street
Oakland, CA 94607

**SUBJECT: Plan Bay Area and Draft Environmental Impact Report
(City File No. P09-019)**

To whom it may concern:

For the past three years, the City of San Rafael has been tracking the Plan Bay Area process. During this process, our staff has reviewed the many Plan documents and studies that have been published and have submitted written comments to ABAG/MTC on behalf of our City.

The Draft Plan Bay Area (Draft Plan) and Draft EIR (DEIR) were published in late March 2013 and we have been diligently reviewing these documents to determine the Plan implications on our City. Given the complexity of the Draft Plan and length of the DEIR, it has been a challenge for us to thoroughly review, comprehend and comment on these documents during the 55-day public review period that has been provided. On May 6, 2013, the San Rafael City Council reviewed a report on the Draft Plan and DEIR from our Community Development Department. At this meeting, there was common agreement among our City Council members (and through public comment received at this meeting) that the 55-day public review period is clearly inadequate. We respectfully request that you extend the public review period on the Draft Plan and DEIR for an additional 45 days, which would afford a 90-day public review period allowed under the CEQA Guidelines. While the City of San Rafael has provided written comments to you via this letter, the extension will provide the public with additional time to complete its review and to comment on these documents.

A13-1

Much of our review effort has been in coordination with the Transportation Authority of Marin, our congestion management agency and the Marin SCS Ad-Hoc Committee, which is comprised of elected officials from Marin cities/towns. As noted above, on May 6, 2013, the San Rafael City Council reviewed a report on the Draft Plan. Following a lengthy discussion on the Draft Plan and DEIR, the City Council directed the preparation of this letter with comments and questions, which are presented as follows:

A13-2

Comments on the Draft Plan

1. Some of our community members have expressed continual concern that the Plan Bay Area will result in loss of local land use control. Our staff has reported that while we (as a local jurisdiction) are required by State law to comply with and plan for our Regional

Housing Needs Allocation (RHNA), local jurisdictions are not bound or obligated to meet or plan for the jobs and housing projections presented in the Plan. Further, we understand that the provisions of SB 375 encourage but do not require that local jurisdictions adopt the Plan. We respectfully request that your office provide confirmation that this understanding is correct.

2. The 2014-2022 RHNA for San Rafael is reasonable and acceptable. The 2014-2022 RHNA for San Rafael is 1,004 units, which is supportable for our next Housing Element update.

A13-3

3. The projections for population growth presented in the Draft Plan substantially differ from the population projections recently published by the State Department of Finance (DOF). As discussed above, the DOF forecasts a 3% population growth for Marin for 2040, which is 10% lower than the ABAG forecast of 13% growth. While we know that DOF used a different methodology for its forecast, the difference in the projections is significant. We understand that DOF and ABAG have agreed to work together on developing a 'joint' projection for the next projections cycle (4 years). The City of San Rafael reinforces this effort and will continue to track this progress over the next four years. This issue is of particular concern in that it may coincide with the timing of the North Bay SMART rail service, which is scheduled to commence operations in 2015-2016. Our San Rafael General Plan 2020 does not analyze the local transportation conditions and impacts with the SMART service in operation. Therefore, an updated traffic modeling, which is critical to our land use planning will be conducted after SMART is in operation.

A13-4

4. The 2040 jobs projection growth for San Rafael is overly ambitious given built environment conditions and constrained transportation network. The 2040 jobs projection (growth of 7,340 jobs citywide) in this scenario has been reduced by 50% from the previous alternatives that have been studied. We also acknowledge that the jobs projection has been adjusted to account for recession recovery and some increase in home-based jobs. However, we believe that this lower jobs growth projection is still inflated for San Rafael and would equate to several million square feet in new commercial building area (even considering recession recovery). This building area equivalent is more than the amount of commercial development planned in our San Rafael General Plan 2020 (approx. 400,000 sf). This development equivalent would require major transportation and utility service infrastructure that exceeds current and planned capacity.

5. The 2040 housing projection growth exceeds the residential capacity analysis in the San Rafael General Plan 2020. The 2040 housing growth projection of 3,390 residential units have been compared with the growth projections covered in the currently-adopted San Rafael General Plan 2020 Housing Element. Our Housing Element includes the results of a citywide residential capacity analysis, which analyzed potential sites and areas as opportunities for housing. The analysis demonstrates opportunities for a potential capacity of approximately 2,500-3,000 units.

A13-5

6. While we continue to be concerned about the 2040 jobs/housing projections for Marin County, we acknowledge that the Draft Plan has considered the unique conditions and characteristics of this County. The projected growth for Marin County represents a

small share of the projected growth for the region (approximately 1%). This small share of growth is attributed to the fact that the countywide population is substantially lower than neighboring counties. In addition, unlike the East Bay and South Bay counties, Marin County does not provide a mass transit service that is regionally-linked (e.g., BART). Nonetheless, we wish to reinforce that Marin County is unique in that it contributes a number of factors that are critical to the region. These factors include: a) the substantial amount of active and productive agriculture that facilitates regional sustainability; and b) the substantial amount of secured, public open space, which supports the region's recreation needs.

A13-6

7. If the City of San Rafael continues to accept funding (e.g. via OBAG) for transportation and planning projects in our Priority Development Areas (PDA), what obligations or conditions are imposed or must be met? The City of San Rafael has designated two, Priority Development Areas (PDA), which are focused around our two Sonoma-Marin Area Rail Transit (SMART) stations. To receive continued funding for these PDAs (e.g., OBAG funding), is the City obligated or required to: a) adopt the Plan Bay Area; and/or b) comply with or meet the 2040 jobs/housing projections in the Plan? Further, are there any other obligations, requirements or commitments that are expected or conditioned to receive funding for a PDA?

A13-7

8. The designation of the "Canalways" property as a Marin County Priority Conversation Area (PCA) is reasonable and logical but the City does not have the funds to match the grant for site purchase and it does not have the support of the property owner. Although the property owner was not contacted during your 2007 FOCUS nomination process, recent contact was made by City staff. The property owner has indicated that there is no interest in selling the Canalways site at this time. Further, San Rafael has no funds to provide a financial match to the grant. For these reasons, the property owner has requested that the Canalways site be removed from the list of PCA-designated sites in Marin County.

A13-8

9. Given the projected changes in demographics for the region (aging and more diverse population), there needs to be recognition at the State level of the different types of housing that should qualify and be counted as a "unit." The demographic trends in the Bay Area show a dramatic increase in the demand for senior housing and housing for our population with special needs. At present, the State law does not count many forms of senior or special needs housing, such as assisted living, congregate care and group homes. The definition of housing "unit" should be expanded to include these changing demographics, so that they can be considered and counted toward compliance with RHNA.

Comments on the DEIR

A13-9

1. The DEIR provides a broad, regional level assessment of impacts associated with Plan adoption and implementation. We see that the primary value of this document for our local jurisdiction use (e.g., for our General Plan EIR and individual project assessments) is in the cumulative impact assessment covering the key topic areas of transportation, air quality, and climate change/greenhouse gases. Because most of the topic areas are broadly assessed, the DEIR offers limited 'tiering' value for San Rafael or for our consideration of CEQA Streamlining. Further, we acknowledge that the CEQA Streamlining that is offered by this DEIR is not mandatory for local jurisdiction use.

Although San Rafael contains areas that may be eligible for CEQA Streamlining, we may determine it is not appropriate for application because of our local environmental conditions.

A13-10

2. The DEIR section addressing biological resources presents insufficient information for the North Bay. The maps that present critical habitat information are very detailed and species-specific for all of the Bay Area counties except the North Bay counties. Marin County contains habitat for many well-known special-status, rare/endangered species, which are not listed in the documents. While this issue is not critical for our local planning (as our General Plan is far more detailed and localized on this topic), the level of information that is provided in this DEIR for all areas of the region should be consistent.

A13-11

3. Regarding the assessment of climate change/sea level rise, the DEIR offers more expanded discussion of the strategies and partnerships presented in the Draft Plan. Further, the DEIR includes a list of suggested adaptive measures to combat sea level rise, which will be valuable to consider when a vulnerability assessment is prepared for San Rafael. Nonetheless, the analysis of this topic area, albeit an evolving science, seems inadequate and the recommended mitigation measures are not sufficient at this time for local planning. This issue is of particular concern since much of the central and Southeast San Rafael areas are vulnerable to projected sea level rise.

We appreciate the opportunity to review and comment on the Draft Plan and DEIR. We look forward to a response to our comments and questions. Should you have any questions regarding the information in this letter, please feel free to contact Paul Jensen, our Community Development Director at 415.485.5064 or e-mail at paul.jensen@cityofsanrafael.org.

Sincerely,



Gary O. Phillips, Mayor
CITY OF SAN RAFAEL

cc: City Council
Ezra Rapport, ABAG
City Manager
Public Works Director
Transportation Authority of Marin
Assemblyman Marc Levine

Planning Commission
Steve Heminger, MTC
City Attorney
Economic Development Director
Community Development Director



May 10, 2013

Amy Worth, Chair MTC
Mark Luce, President ABAG Executive Board
MTC Commissioners
ABAG Executive Board Members
101 Eighth Street
Oakland, California 94607

Sent via email: info@OneBayArea.org and EIRcomments@mtc.ca.gov

RE: Draft Plan Bay Area and DEIR

Dear Chair Worth, President Luce, Commissioners, and Members,

Thank you for the opportunity to comment on the Draft Plan Bay Area and DEIR. Although the City of Santa Clara is concerned with certain aspects of the Plan and DEIR at this time, we appreciate the significant amount of work your agencies have put into the Plan to date. Santa Clara offers the following comments on the Draft Plan and EIR.

A14-1

According to the Plan, the City of Santa Clara is expected to increase its total housing unit count by 30% (13,770 units) by 2040. While Santa Clara has long been a proponent of housing growth, particularly affordable housing projects, based on the City's past growth trends, a 30% increase is too aggressive a projection for the next 30 years. During boom years, the City can see upwards of 500 new housing units citywide; however, under depressed economic cycles the City will experience zero net housing construction. This trend may protract for a period of years as it did during the early 1990's, 2000's, and post 2008. The cyclical nature of the South Bay Area economy does not appear to have been accounted for in this projection, which should be revised to reflect real world trends in Santa Clara. If growth trends have been factored in, then the data, trend lines, and other assumptions should be shared with the City so the data can be easily understood, explained to the general public, and independently confirmed.

The DEIR assigns housing distribution using a rate of 77% growth concentrated in PDAs. The City of Santa Clara has only three PDAs. One is El Camino Real, which will be served by Bus Rapid Transit in the future. The second is the Downtown area, which is served by CalTrain currently and will be served by BART in the future. A third PDA, Stevens Creek Boulevard, is only partially in the City and only half of the street is within Santa Clara. All three PDAs are fully built-out and any proposed project would be a redevelopment project, which are some of the most difficult and time-consuming projects in our City. Only under the most favorable growth years would the City see a concentration of 350 (77%) new housing units in these PDAs. This is particularly true of our Downtown and Stevens Creek PDAs, which have experienced some of the slowest redevelopment rates in the entire City. The Stevens Creek PDA has, in fact, experienced no housing growth in the past five years.

1500 Warburton Avenue
Santa Clara, CA 95050
(408)-615-2450
FAX (408) 247-9857
www.santaclaraca.gov

Draft Plan Bay Area and DEIR
May 10, 2013
Page 2

The PDA housing projections for Santa Clara should be reduced to reflect a realistic growth pattern.

The Draft Plan projects job growth to increase by 29% (33,100) by 2040. Job creation in Santa Clara during the best economic growth years can total upwards of 1,000 jobs, however under depressed economic cycles (i.e. 2008-2011) the City will experience a net negative job growth. The Plan also states that two-thirds (63%) of the overall job growth is projected to be in PDA areas. As stated above, the City has only three PDAs which are fully developed at this time. While the City's section of El Camino Real is currently experiencing redevelopment and intensification of jobs, it is not projected to create more than 100 net new jobs per year. This is a significant difference from the 695 annual jobs projected by the DEIR and Plan. The City's Downtown and Stevens Creek Boulevard PDAs have experienced very little job growth over the past decade and we expect that trend to remain flat. By way of contrast, the City of Sunnyvale, one of our adjacent cities, has five PDAs and is projected to have a lower growth rate of 28% (20,710) jobs.

A14-2 The Draft Plan and DEIR both need to utilize a more moderate job growth rate scenario that will accurately forecast Santa Clara's future employment data. This moderate growth rate should be forecasted by the local jurisdictions based on past growth in their PDA areas.

A14-3 The Draft Plan and DEIR do not incorporate any analysis or policies regarding Employment Investment Areas (EIA). EIAs are the appropriate areas where most cities in the South Bay Area have planed for higher density jobs and are presently experiencing job growth. These areas should contain a higher percentage of job growth than the PDAs, which at times cannot support any appreciable job growth.

A14-4 The DEIR's impacts and mitigation do not properly mitigate for the Draft Plan. There are approximately 39 impacts that the DEIR found in the Plan that are Significant and Unavoidable Impacts. This is far too many for a Plan which is intended to be the growth framework and strategy for the next 30 years. While the Plan does provide suggested mitigation measures, it calls for 80% of the measures to be the responsibility of the local jurisdictions. The burden for mitigation should be shared equally amongst stakeholders and not applied in such an unbalanced manner. MTC and ABAG must attempt to mitigate the regional impacts at the regional level.

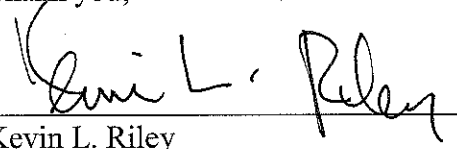
Santa Clara recognizes the City's obligation to help solve regional problems at the local level, and have actively undertaken programs to proactively address them through the 2010-2035 General Plan. The City is committed to growing responsibly within our urban footprint and will continue to work with our regional governances to ensure Santa Clara accommodates our fair share portion of housing and employment growth over the next 30

Draft Plan Bay Area and DEIR
May 10, 2013
Page 3

years. We appreciate the opportunity to comment on the Draft Plan Bay Area and respectfully ask that these comments be seriously considered.

Should you have any questions, please contact Steve Lynch, City Planner, directly at (408) 615-2452 or slynch@santaclaraca.gov.

Thank you,


Kevin L. Riley
Director of Planning and Inspection

cc: Mayor and Council
Julio J. Fuentes, City Manager



Incorporated October 22, 1956

CITY OF SARATOGA

13777 FRUITVALE AVENUE • SARATOGA, CALIFORNIA 95070 • (408) 868-1200

COUNCIL MEMBERS:

Manny Cappello
Jill Hunter
Emily Lo
Howard Miller
Chuck Page

May 15, 2013

Ezra Rapport
ABAG Executive Director
101 Eight Street
Oakland, CA 94607

RE: Comments on Plan Bay Area & Accompanying Draft EIR

Dear Mr. Rapport:

The City of Saratoga recognizes the enormous effort by the Association of Bay Area Governments (ABAG) and Metropolitan Transportation Commission (MTC) to create the Bay Area's first sustainable community strategy (SCS). The City raised the issue of ABAG's employment model overestimating both existing and future job growth in the City during the regional housing needs assessment comment period.

A15-1

There appears to be no change to the model as 11,874 jobs are still being shown for 2010 and employment is projected to grow 14,500 jobs by 2040. However, the United States Census Bureau ZIP Code Business Statistics report for 2010 shows only 4,194 jobs in Saratoga. The job numbers reported by the Census Bureau are supported by both job information from our largest employers and the City's general plan. Our largest employer, West Valley Community College, employs less than 800 people. The Saratoga Retirement Community, the City's largest private employer, employs less than 300 people. Furthermore, only 1% (110 acres) of the City is designated for private employment opportunities, 5% for public facilities, and the remaining 94% for housing, parks, and open spaces. The land area the City has designated for commercial and office uses in the general plan is continually shrinking to accommodate the increased RHNA allocations since we are a predominately build out residential community.

Overestimating the existing and future employment opportunities in small residential communities, such as Saratoga, results in overestimating the reduction in vehicle miles traveled assumed from the land use pattern in the SCS. The percentage of greenhouse gas emission reductions could therefore be overstated in the EIR and in Plan Bay Area. Please adjust the distribution in both existing and future employment so that it more accurately reflects local general plans.

Sincerely,

Jill Hunter
Mayor



CITY OF SAUSALITO

420 Litho Street • Sausalito, CA 94965

Telephone: (415) 289-4100

www.ci.sausalito.ca.us

May 13, 2013

Steve Heminger
Executive Director
Metropolitan Transportation Commission
101 Eighth Street
Oakland, CA 94607

RE: Comments on Draft EIR for Plan Bay Area

Dear Mr. Heminger:

The Sausalito City Council is pleased to see the regional agencies completing the work of understanding and illustrating the environmental impacts of the draft Plan Bay Area.

A16-1 The Draft Environmental Impact Report for Plan Bay Area (Draft EIR) is over 1,300 pages, with five alternatives, dozens of significant unavoidable impacts, and hundreds of mitigation measures. Although a 45-day comment period meets the minimum statutory requirement, it does not allow for thorough and timely understanding of local implications, and adequate review by local jurisdictions and the public. For a document of this size and importance, a 45-day comment period is simply inadequate. As a result, we request the comment period be extended the maximum length legally possible, and at least an additional 45 days.

Notwithstanding the limited review time, the City of Sausalito submits the following comments on the Draft EIR.

A16-2 1. Population Projections. The differences in the Association of Bay Area Governments' (ABAG) population forecast and the State Department of Finance's population projections should be explained, and what if any planning implications result. The unlikely level of ABAG's forecast growth, patterned after the growth of the 1980s, would have impacts on traffic, public facilities such as parks and schools, and public utilities such as water and wastewater.

A16-3 2. Sea Level Rise. The Draft EIR includes a list of suggested adaptive measures to combat sea level rise, which will be valuable to consider when a vulnerability assessment is prepared for Sausalito. Nonetheless, the analysis of this topic area, albeit an evolving science, seems inadequate and the recommended mitigation measures are not sufficient at this time for local planning. This issue is of particular concern since much of the Sausalito waterfront and Marinship areas are vulnerable to projected sea level rise.

A16-4 3. Utilities / Services. The assessment in the Draft EIR for utilities / services (e.g., water supply, wastewater treatment, fire protection) needs to take into account the limited capacities of the regional and local utility service providers. Have these limited capacities been taken into account in creating growth projections and allocating growth? The Draft EIR includes a minimal discussion of potential school impacts. Specifically, the document cites AB 2926, which, by State law requires the payment of school impact fees to cover mitigation for increased school enrollment. The fees are used by the local school districts to build new or expand existing schools to accommodate new enrollment.

FAX NUMBERS:

Administration: (415) 289-4167

Recreation: (415) 289-4189

Community Development: (415) 339-2256

Library: (415) 331-7943
Public Works: (415) 289-4138

A16-5

4. Biological Resources. The Draft EIR section addressing biological resources presents insufficient information for the North Bay. The maps that present critical habitat information are very detailed and species-specific for all of the Bay Area counties except the North Bay counties. Marin County contains habitat for many well-known special-status, rare/endangered species, which are not listed in the documents. The level of information that is provided in the Draft EIR should be consistent for all areas of the region. Furthermore, the significant impacts on habitat for Federally-listed endangered species should be mitigated to the maximum extent possible.

A16-6

5. Greenhouse Gas Emissions. The data, methodology, projections, timeframes, and conclusions for the analysis of greenhouse gas emissions need to be clearly identified.

In addition to the above comments, we have reviewed and endorse the comments forwarded to you by the Transportation Authority of Marin (TAM). We urge the Metropolitan Transportation Commission to consider our comments and those of TAM seriously and to revise the Draft EIR accordingly.

We appreciate the opportunity to comment on the Plan Bay Area Draft EIR. Please contact Community Development Director Jeremy Graves at 415-289-4133 if you need clarification of our comments.

Respectfully,



Herb Weiner
Mayor

cc: Ezra Rapport, Association of Bay Area Governments
Transportation Authority of Marin
City Council Members
City Manager Adam Politzer



SAN FRANCISCO BAY AREA RAPID TRANSIT DISTRICT

300 Lakeside Drive, P.O. Box 12688
Oakland, CA 94604-2688
(510) 464-6000

2013

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8TH DISTRICT

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9TH DISTRICT

May 16, 2013

Steve Heminger, Executive Director
Metropolitan Transportation Commission
101 Eighth Street
Oakland, CA 94607

Re: BART District Comments on the Draft Plan Bay Area and the Draft
Environmental Impact Report for Plan Bay Area (State Clearinghouse No.
2012062029)

Dear Mr. Heminger:

On behalf of the San Francisco Bay Area Rapid Transit District (BART), we wanted to extend our congratulations to MTC and ABAG for advancing the Draft Plan Bay Area, the region's first Regional Transportation Plan (RTP) and Sustainable Communities Strategy (SCS) crafted under SB375. The Plan seeks not only to house all of the region's population, but also to meet our challenge to reduce greenhouse gas emissions while sustaining the region's economic prosperity.

We have reviewed the Draft Plan Bay Area and the Draft Environmental Impact Report for Plan Bay Area (State Clearinghouse No. 2012062029) and offer the following comments for your consideration. We support the general direction of the Plan, and believe BART will be instrumental in helping the region achieve its goals.

A17-1

1. **Ridership** - BART is concerned that the ridership modeling done for Plan Bay Area (PBA) underestimates BART ridership, and the impacts crowding would have on customers. We appreciate the fact that MTC staff has worked with BART to include an evaluation of peak period transit ridership in this RTP, which is the first time the peak has been looked at separately. MTC staff shared with BART staff the projections for future ridership by operating agency, and MTC projects BART ridership at approximately 537,000 daily riders in 2040, which includes the Silicon Valley Rapid Transit (SVRT) extensions to Berryessa (Phase 1) and Santa Clara (Phase 2). BART's in-house modeling for 2040 estimates approximately 684,000 daily riders, which is significantly higher. During the past two years, BART's ridership has risen at the rate of 6% annually, and is expected to average over 400,000 daily riders for FY2013. Attachment A shows BART's ridership growth using several different growth scenarios. Historically, BART average weekday ridership has grown at approximately 2.9% annually since system opening, and total ridership has grown at approximately 3.1% annually over the last 10 years. Therefore, even with the lower growth rate assumed in the SRTP (1.8%), BART would expect to be between 650,000 and 700,000 daily riders by 2040, in line with BART's modeling work. With the



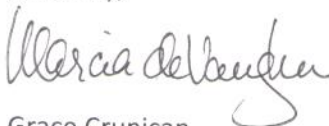
higher rate actually experienced over the last 10 years, BART would expect ridership to reach approximately 850,000 daily riders by 2040. MTC's growth rate is much lower, at approximately 1.5% annually.

A17-2

2. **BART Metro** - BART is pleased that BART Metro scored very well in the evaluation of projects, and BART expects that implementation of BART Metro will significantly support MTC's goals and objectives as expressed in Plan Bay Area. Since this project was submitted to MTC in 2011, BART has continued to refine the project and to perform additional technical work to define the overall BART Metro program and the component projects. It is clear to us that the keys to making BART Metro work for the region are many of the additional crossovers, turnbacks, and other improvements submitted in the original package, however these improvements do not add significant capacity to the BART system, but rather allow a given level of capacity to be provided most efficiently. To meet the actual capacity needs of the 500,000 plus riders projected in the PBA, three large project investments are absolutely essential. These three projects are the railcar purchase of a fleet of 1000 vehicles, the train control system modernization project, and the expansion of Hayward Maintenance Complex (HMC). We look forward to the opportunity to brief you more fully on BART Metro, and how these three projects are critical to the success of BART Metro and the region.
3. **State-of-Good Repair funding** - We are concerned that PBA does not fully fund state-of-good-repair (SOGR) needs over the life of the plan. As you know, SOGR is a focus area for the federal government, and we recognize it as an absolute necessity as a basis for moving forward on system improvements such as BART Metro. Our concern with the low ridership projections for BART also lead us to be concerned that MTC's estimate of the state-of-good-repair needs may be too low, as more train miles and hours would be needed to serve the larger ridership that we anticipate, and this may not be reflected in your calculations. One way to make the SOGR funds go further and cover more of the regional need would be to establish level-of-use requirements for some assets in the regional Transit Capital Priorities Program. In the past, MTC has considered conditioning replacement rates for some assets to be based on numbers of hours or miles of service, or some other condition factor other than simply age. This would be one way to address the shortfall, although there are undoubtedly other ways to address the issue.
4. **Regional Edge** - This has been an ongoing issue in the Bay Area, as in many regions. It is unclear from PBA how the regional edge should be treated. PBA states that 100% of the region's growth in population is housed in the region, yet it is unclear how individual agencies should respond to this policy mandate. We seek regional policy leadership to work with adjacent regions.
5. **Regional Job Centers/Reverse Commute** - BART has existing capacity to serve the reverse commute markets to regional job centers, such as Oakland, Berkeley, Fremont and Walnut Creek. In Plan Bay Area, and future SCS's, the region should focus more on how to promote and encourage the use of our existing transportation infrastructure, to reduce per capita vehicle miles traveled.

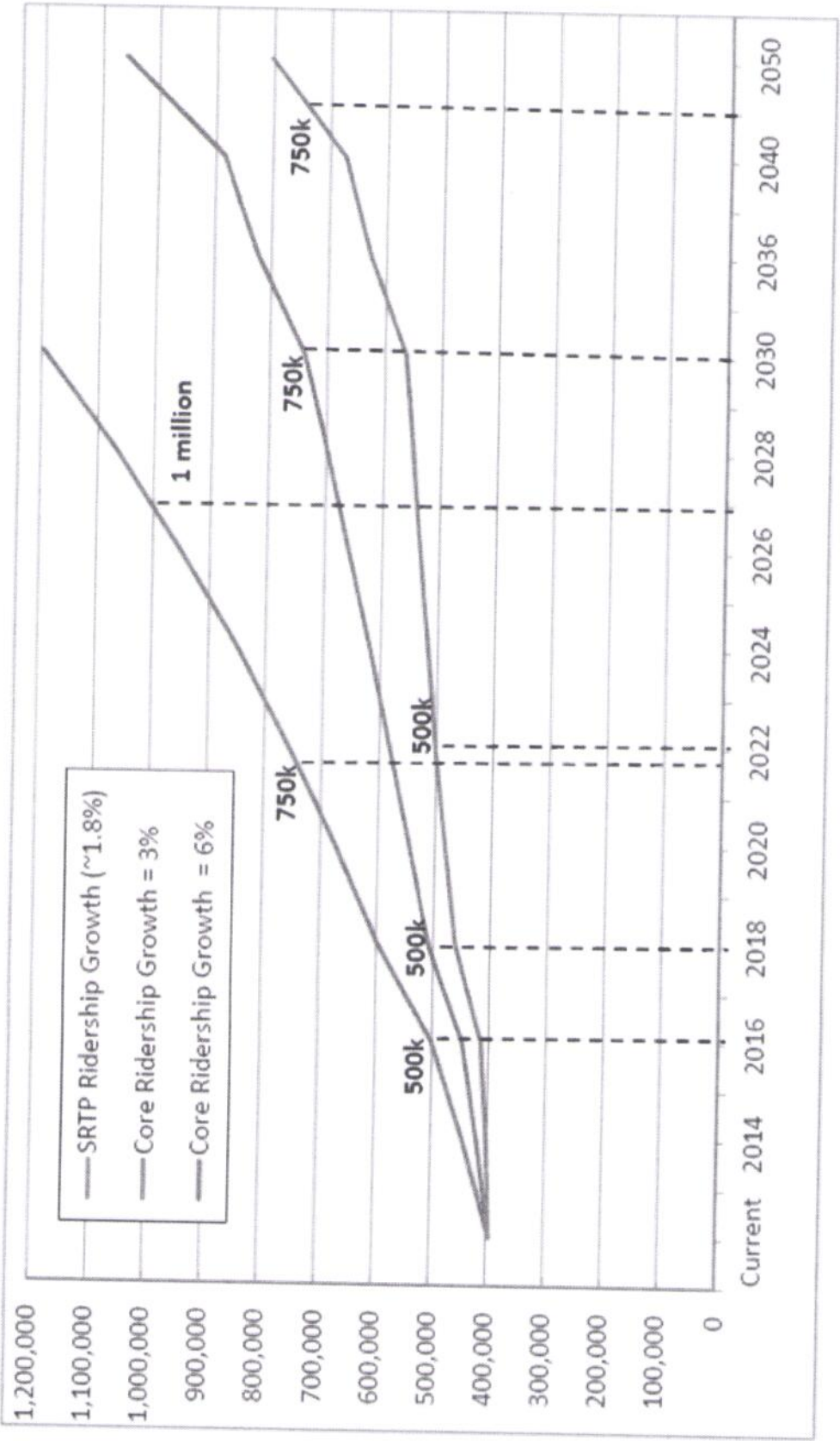
Thank you for the opportunity to comment on this document. Please call Val Menotti, Planning Department Manager (510.287.4794) if you have any questions.

Sincerely,



Grace Crunican
General Manager

Attachment A
Projected BART Ridership Growth



Note 1 – assumes WSX opens 2016, SVBX opens 2018.



May 14, 2013

Metropolitan Transportation Commission
Attn: Carolyn Clevenger
Plan Bay Area Public Comment
101 Eighth Street
Oakland, CA 94067

Re: Comments on Plan Bay Area and the associated Draft Environmental Impact Report

Dear Carolyn:

Thank you for the opportunity to review the Plan Bay Area (PBA) document and associated Draft Environmental Impact Report (DEIR). We commend both ABAG and MTC for reaching this milestone and believe the PBA represents a significant next step toward advancing the regional sustainability goals developed through the earlier FOCUS planning effort. While we understand the PBA represents an evolving process under SB 375 and that future plans will build on this effort, an immediate benefit is that it has promoted a more cohesive dialogue between ABAG, MTC, regional agencies, local jurisdictions and other stakeholders in the Bay Area.

Given the limited amount of time permitted to review both documents, this letter provides our primary comments on the PBA and associated DEIR.

Comments on the Bay Area Plan

- Employment Investment Areas (EIAs): Sunnyvale has received approval from ABAG for three EIAs: Moffett Park, Peery Park and Reamwood. While employment growth is also planned in our approved Planned Development Areas (PDAs), we expect that most of the City's new jobs will be created within our EIAs, which are conveniently served by light rail and buses. Although not technically PDAs, EIAs were approved by ABAG as a new land use category which received extensive discussion during the preparation of the sustainable communities strategy. We are surprised that there is no reference or acknowledgement of EIAs in either the PBA or DEIR. Sunnyvale's EIAs will allow for significant in-fill employment growth that will directly assist in meeting the statutory goal of reducing per capita greenhouse

A18-1

Letter to MTC
Plan Bay Area and Draft Environmental Impact Report
Page 2

gas emissions from job-related vehicle trips. By promoting more efficient infill employment growth near housing, it will also alleviate the potential environmental impacts and growth pressures on greenfields and Priority Conservation Areas (PCAs).

EIAs are an essential component for a strong regional economy, balanced jobs/housing growth, and an effective sustainable communities strategy. The PBA and DEIR should recognize and incorporate these areas into the regional strategy and environmental analysis. The PBA should also discuss that transportation investments to support EIAs are appropriate, particularly where such investments are also PDA-serving, such as “last mile” transportation projects. Further, it should be clarified that projects serving EIAs can be consistent with the PBA, and may be eligible for future transportation grants and other assistance.

A18-1.5

- Revised RHNA: As you know, ABAG granted Sunnyvale a reduction in its allocated RHNA numbers to correctly reflect our past production of affordable housing units during the 1999-2006 RHNA cycle. We assume the PBA will reflect the adjusted number in the final version.

Comments on the DEIR Document:

A18-2

- CEQA Streamlining: About 70 mitigation measures are identified in the DEIR in 16 sections and the local or implementing agency is responsible for over 80 percent of these measures. Many mitigation measures have associated direct and indirect costs and many are more stringent and comprehensive than commonly accepted practices. It will be challenging for local jurisdictions to implement the more expansive mitigation measures because of constrained staff and financial resources. We are concerned that even if a project conforms to the PBA and qualifies for the CEQA streamlining incentive per SB 375, it may be problematic to use the Program EIR for this purpose if certain mitigation measures are not practical for cities to implement.

Many of the mitigation measures are quite detailed, but are not project specific. It is not clear the discretion that local jurisdictions will have to comply with the mitigation measures or offer alternatives if the Program EIR is intended to be used for CEQA streamlining. Theoretically, the Program EIR should make it easier to approve a qualifying PDA projects. Given the extensive mitigation measures associated with the required overriding findings, however, the document may offer limited streamlining advantages for PDA projects versus non-PDA projects, which seem counter to the intended statutory objective.

A18-3

- Mitigation Measures: Many suggested mitigation measures in the DEIR extend beyond the typical level of review and project monitoring by the City of

Letter to MTC
Plan Bay Area and Draft Environmental Impact Report
Page 3

Sunnyvale. We recognize that some mitigation measures are not applicable to previously developed infill sites, such as those pertaining to biological impacts. However, the DEIR contains an extensive list of mitigation measures to address noise and air quality impacts that are applicable to all PDA projects, such as measures to control construction-related vehicle exhaust and dust.

Sunnyvale includes in its EIRs and Mitigated Negative Declarations the accepted best practices to avoid construction impacts. While expanding these best practices might provide greater assurance that noise and air quality impacts are properly mitigated, additional staff attention and resources would be necessary for enforcement, monitoring and reporting to ensure CEQA compliance. Thus, local jurisdictions may need to increase their regulatory oversight of projects in order to benefit from any CEQA streamlining incentive. This additional burden offsets the potential benefits of a programmatic EIR, and may actually hinder the construction of higher density PDA developments since these projects can generate significant air quality, noise and other environmental concerns.

A18-4

- Mandated Mitigation Measures: As stated in the DEIR and repeated by MTC and ABAG staffs, cities are highly encouraged to consider but are not required to adhere to the PBA and the DEIR mitigation measures. Because the PBA is advisory to local agencies, the DEIR concludes with 39 significant and unavoidable impacts related to land use. Many of the listed mitigation measures, such as 2.3(a), 2.6(a), 2.7(a), 2.7(b), 2.7(c), 2.8(a), 2.8(b), 2.13(a), 2.13(b), 2.13(c), 2.13(d) and 2.13(g), are already required by state law and regional regulations (e.g., Uniform Building Code, stormwater regulations, and air quality standards). If these mandated mitigation measures are deleted and simply acknowledged in the text of the DEIR, it may lead to less significant and unavoidable impacts overall.

A18-5

In summary, the DEIR may place additional expectations on local jurisdictions and project sponsors to evaluate PDA projects to a greater extent than currently practiced. We are not clear how the Program EIR with its extensive list of mitigation measures will achieve the statutory goal of streamlining environmental review for local general plans, specific plans and projects that are consistent with the PBA. An unintended consequence is that more extensive project review and monitoring may be necessary to verify compliance with mitigation measures, which could prolong rather than expedite the implementation of PBA consistent projects. It would be beneficial to further delineate or strategize how local jurisdictions can use the Program EIR to streamline environmental review without creating additional regulatory burdens and project delays.

Letter to MTC
Plan Bay Area and Draft Environmental Impact Report
Page 4

Thank you for your consideration of our comments. Please contact Amber El-Hajj, Senior Planner, at (408)730-2723, if you have any questions or concerns about items discussed in this letter.

Sincerely,

A handwritten signature in black ink, appearing to read 'Hanson Hom', with a stylized, cursive script.

Hanson Hom
Director, Community Development Department

CC: Mayor and City Council
Gary Luebbbers, City Manager

County of Santa Clara

Department of Planning and Development
Planning Office

County Government Center, East Wing, 7th Floor
70 West Hedding Street
San Jose, California 95110-1705
(408) 299-5770 FAX (408) 288-9198
www.sccplanning.org



May 13, 2013

Metropolitan Transportation Commission / Association of Bay Area Governments (MTC-ABAG)
Plan Bay Area Public Comment
101 8th Street
Oakland, CA 94607

RE: Comments regarding Draft Environmental Impact Report (DEIR) for Plan Bay Area

Dear MTC-ABAG Staff:

Please find enclosed comments from the County regarding the Draft Environmental Impact Report (DEIR) for the Plan Bay Area. These include comments from Roads and Airports, and Parks & Recreation Dept.

The attached comments include concerns the County has regarding traffic analysis & mitigation, and impacts & regional plan for recreational trails and open space.

If you have any questions regarding coordination of comments on the DEIR from the County, please contact Dawn Cameron at (408) 573-2465, in Roads & Airports Dept. and Kimberly Brosseau at (408) 355-2230 in Parks & Recreation Dept.

Sincerely,

Ignacio Gonzalez
Director of Planning and Development

cc:

Dawn Cameron –Roads & Airports Dept.
Kimberly Brosseau, Jane Mark – Parks & Recreation Dept.
Roland Velasco, Mike Wasserman - Board of Supervisors District 1
Mike Donohoe, Dave Cortese - Board of Supervisors District 3
Tony Filice, Ken Yeager - Board of Supervisors District 4
Kristina Loquist, S. Joseph Simitian - Board of Supervisors District 5
Sylvia Gallegos – Deputy County Executive, County Executive Office

County of Santa Clara

Roads and Airports Department

101 Skyport Drive
San Jose, California 95110-1302
1-408-573-2400



May 10, 2013

Plan Bay Area
101 Eighth St.
Oakland CA 94607

SUBJECT: Plan Bay Area Draft Environmental Impact Report

Dear Plan Bay Area Staff:

The County of Santa Clara Roads and Airports Department appreciates the opportunity to comment on Plan Bay Area Draft Environmental Impact Report (DEIR). Our comments concern the adequacy of identifying transportation impacts and mitigation measures.

A19-1

The Summary of Impacts in the Transportation Section discussed on pages 2.1-29 to 2.1-37 identifies five measures used to determine significant impacts. The impact analysis findings are provided for the entire Bay Area region, but not for individual counties. The DEIR notes that only one of the five measures results in a significant and unavoidable impact for the Bay Area region.

Limiting the impact analysis to the Bay Area as a whole is inadequate for the DEIR. Santa Clara County is projected to lead the Bay Area in housing and job growth, providing 27 percent and 32 percent of the region's new jobs and housing, respectively. It is important to analyze the transportation impacts on a county level, as all counties contribute differently to the region. Significant impacts for Santa Clara County, with its high jobs and housing growth projections, may be lost in a regional analysis. The County requests that MTC and ABAG provide the analysis results for the five impact measures at a county level to determine if there are any significant impacts for Santa Clara County, triggering the need for mitigation measures such as safety enhancements and capacity treatments.

If you have any questions about our comments, please contact me at (408) 573-2465 or dawn.cameron@rda.sccgov.org.

Sincerely,

Dawn S. Cameron
County Transportation Planner

c: County Roads Commission
MJM, DEC

County of Santa Clara
Parks and Recreation Department

298 Garden Hill Drive
Los Gatos, California 95032-7669
(408) 355-2200 FAX 355-2290
Reservations (408) 355-2201
www.parkhere.org

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2013 MAY 10 PM 2:08
COUNTY OF SANTA CLARA



May 9, 2013

Metropolitan Transportation Commission
Plan Bay Area Town Hall
101 Eight Street
Oakland, CA 94607

Subject: Notice of Availability of a Draft Program Environmental Impact Report for the Draft Plan Bay Area

To whom it may concern:

The County of Santa Clara Parks and Recreation Department ("County Parks Department") is in receipt of a Notice of Availability (NOA) for a Draft Program Environmental Impact Report (PEIR) for the Draft Plan Bay Area, an integrated long range transportation and land use/housing plan for the nine bay area counties.

The County Parks Department's comments are primarily focused on potential impacts related to land use policies, regional parks, natural resources, recreation resources and facilities, and trails including countywide trail routes relative to the Santa Clara County Countywide Trails Master Plan Update.

2.14 Public Services and Recreation

A19-2

The Santa Clara County Parks system consists of over 46,000 acres of regional parklands, trails, lakes, streams and creeks and open space in 29 parks.

The Draft PEIR does include a discussion regarding the parks, open space and trails within the nine bay area counties and that the jurisdictions in these counties have general plans and park master plans for fulfilling those open space and recreational needs. The Draft PEIR should include a discussion about developing a regional, integrated long range plan for open space and recreational needs and the Plan Bay Area's intent with coordinating all the plan goals, policies and actions of the various jurisdictions in the nine bay area counties.

Recreation and Parks Master Plans

The County Parks Department, in partnership with other public agencies, is charged with furthering the implementation of the *Santa Clara County Countywide Trails Master Plan Update* ("Countywide Trails Master Plan"), adopted by the County Board of Supervisors in November 1995, as part of the County's General Plan. Major national, state, and regional trail routes identified in the Countywide Trails Master Plan, which provide both recreation and non-vehicular transportation, are located throughout Santa Clara County.

In addition, the County of Santa Clara Board of Supervisors approved a Strategic Plan for the Santa Clara County Parks and Recreation System in August, 2003, which provides strategies, goals and action items for providing regional parks and recreation services for future generations. One of the Strategic Goals addresses the partnership roles that the County and other public agencies, non-profits, private entities and others have with implementing the Vision for the regional parks system. The Draft PEIR should also address the areas of partnerships with the Plan goals and priorities among and between the nine counties.

A19-3

Impacts of Land Use Projects

Draft PEIR should discuss and address how the implementation of the integrated long range transportation and land use/ housing plans would impact recreational, open space and public services, resulting in increased usage anticipated with the population of new residents and employees, specifically on the Santa Clara County Parks system and regional trail routes located within Santa Clara County.

A19-4

Thank you for the opportunity to comment on the NOA for a Draft PEIR for the Draft Plan Bay Area. If you have any questions regarding these comments, please feel free to contact me at (408) 355-2230 or via email at Kimberly.Brosseau@prk.sccgov.org.

Sincerely,



Kimberly Brosseau, AICP
Park Planner III

cc: Jane Mark, AICP, Senior Planner

May 15, 2013

Sent via info@onebayarea.org

Metropolitan Transportation Commission
Plan Bay Area Public Comment
101 Eighth Street
Oakland, CA 94607

Re: Plan Bay Area Draft Environmental Impact Report

MTC/ABAG Commissioners:

The East Bay Regional Park District (EBRPD) is pleased to be recognized in various One Bay Area and Plan Bay Area (PBA) publications as a legacy and visionary regional agency of the Bay Area. Since its formation by voters in 1934, the EBRPD has sustainably grown to encompass over 175 square miles of vital parks and open spaces throughout Alameda and Contra Costa Counties. For over 75 years, the EBRPD has been protecting and enhancing the quality of life and the natural environment in the East Bay.

The EBRPD has some serious concerns regarding the adequacy of the Draft Environmental Impact Report (DEIR) for Plan Bay Area. MTC and ABAG are taking an immensely important joint leadership role with the One Bay Area initiative and the Plan Bay Area blueprint in response to the mandates of Senate Bill 375 (SB 375). The Draft Plan for PBA, in its preferred plan and four other alternatives, proposes a long range transportation and land use plan for an additional 2+ million people, an additional 700,000 housing units, and an additional 1+ million jobs with an investment strategy of \$289 billion, including \$57 billion in discretionary funds, during the 27 year time frame from year 2013 through year 2040. To meet the mandates of SB 375, PBA needs to be a truly sustainable plan for accommodating anticipated housing and job growth while maintaining the high quality of living that we enjoy in the Bay Area.

A20-1

SB 375 requires that PBA gather and consider the best practically available scientific information regarding resource areas and farmland in the region. Resource areas include all publicly owned parks and open space. The Draft Plan and DEIR for Plan Bay Area do not adequately identify and consider the over 175 square miles of publicly owned parks and open space owned and operated by the EBRPD.

The protection and enhancement of our parks and open spaces is absolutely critical to maintaining the high quality of life in the Bay Area. The additional housing units and jobs and transportation improvements cannot maintain our high quality of life unless our parks and open spaces and other vital natural resources are protected and enhanced.

For the Alameda and Contra Costa County area that the EBRPD serves, the Draft Plan proposes an additional 760,000+ people, an additional 227,000+ housing units, and an additional 375,000+ jobs with major transportation facilities and significant financial investments through year 2040. For the EBRPD service area, this would be a 30% increase in population (to 3,322,995 people from 2,559,296). For comparison purposes, a comparable 30% increase in EBRPD parklands would

Board of Directors

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be an additional 53 square miles (to 146,900 acres from 113,000) and an additional \$51 million over the EBRPD 2013 operating budget (to \$222 million from \$171).

A20-2

As proposed, the Draft Plan would overwhelm the EBRPD parks and open spaces. The resulting overwhelmed EBRPD parks and open spaces would substantially diminish the quality of life for the East Bay region and would be counter to the overall goals of SB 375.

The DEIR for Plan Bay Area fails to provide meaningful analysis and substantial evidence regarding the potentially significant impact on EBRPD parkland resources, especially on those parkland resources in close proximity to the proposed Priority Development Areas (PDA's). The attached chart identifies the EBRPD parks and open spaces that are in close proximity to the housing units and jobs proposed in PBA. With a \$289 billion investment in transportation facilities and PDA's, it is inadequate to simply state that mitigation measures shall be considered by implementing agencies and/or project sponsors to ensure that adequate parks and recreational facilities will be available. Instead, the DEIR and PBA need to identify the potential impacts and include meaningful mitigation measures and meaningful financial incentives to reduce the impact on EBRPD parks and open spaces to a less than significant level.

A20-3

The DEIR briefly summarizes the need for U.S. Department of Transportation Section 4(f) evaluation in the Vision Resources chapter and the Public Services and Recreation chapter. The DEIR identifies the Section 4(f) requirement for a comprehensive evaluation of all environmental impacts from federal-aid transportation projects such as PBA that involve the use or interference with the use of public park lands, recreation areas, and wildlife and waterfowl refuges. The Section 4(f) evaluation must be of sufficient detail to determine that the proposed project includes all possible planning to minimize harm to public parks, recreation areas, and wildlife and waterfowl refuges.

The DEIR fails to meet the Section 4(f) requirements. The 175+ square miles of public park lands, recreation areas, and wildlife and waterfowl refuges owned and operated by the EBRPD are not identified in the DEIR. The DEIR fails to provide the comprehensive evaluation of all environmental impacts from PBA on EBRPD parklands and interference with the use of EBRPD parklands. The DEIR and the PBA Draft Plan fail to include all possible planning to minimize harm to EBRPD parklands.

A20-4

In April 2011, the EBRPD submitted the East Bay Green Transportation and Environmental Maintenance Project to meet the MTC Plan Bay Area Call for Project. As outlined in the EBRPD Green Transportation and Environmental Maintenance Project brochure, the environmental maintenance project includes a green transportation network, habitat restoration and enhancement, healthy parks/healthy people activities, environmental maintenance and operations, urban open space acquisition, wildfire fuels management, pavement maintenance, utility infrastructure maintenance, and greening the fleet and facilities in Alameda and Contra Costa Counties. The environmental maintenance project or similar program could be utilized as a mitigation measure to help reduce the potentially significant impacts on EBRPD parks and open spaces.

A20-5

In February 2012, open space agencies from throughout the Bay Area submitted the Natural Resources Set Aside letter to MTC and ABAG. In March 2012, EBRPD Director Lane, EBRPD General Manager Doyle, and representatives from other open space agencies, presented the 5% set aside request for natural resource protection to the MTC and ABAG joint committee meeting. The EBRPD, along with its sister open space agencies, continues to strongly recommend that the 5% set aside be included as a vital component of PBA in whichever alternative is ultimately adopted.

A20-6

Including the 5% set aside for natural resource protection within PBA would help avoid adverse impacts on EBRPD parks and open spaces and would be a significant self-mitigating project component under CEQA. The 5% set aside would help meet the Section 4(f) evaluation of possible planning to minimize harm to public parks, recreation areas, and wildlife and waterfowl refuges. The 5% set aside would help implement the environmental component of the 3 E's (environment, economy, and social equity) of sustainability. The 5% set aside would provide a more environmentally sustainable response to the mandates of SB 375. The 5% set aside for natural resource protection or similar program could be utilized as a mitigation measure to help reduce the potentially significant impacts on parks and open spaces throughout the Bay Area.

Respectfully,



Robert Nisbet
Assistant General Manager – Land Division

Attachments:

1. Natural Resources Set Aside letter;
2. East Bay Green Transportation and Environmental Maintenance Project brochure;
3. Chart of EBRPD parks and PBA proposal;
4. Map of EBRPD parks and PBA proposal.

**UNITED STATES ENVIRONMENTAL PROTECTION AGENCY****REGION IX****75 Hawthorne Street****San Francisco, CA 94105-3901****MAY 17 2013**

Ms. Carolyn Clevenger
EIR Project Manager
Metropolitan Transportation Commission
101 Eighth Street
Oakland, CA 94607

MAY17 12:52PM

Subject: EPA Comments on the Draft Environmental Impact Report for the Plan Bay Area

Dear Ms. Clevenger:

The United States Environmental Protection Agency (EPA) has reviewed the Draft Environmental Impact Report (DEIR) for the Metropolitan Transportation Commission (MTC) and Association of Bay Area Governments' (ABAG's) Plan Bay Area (Plan). EPA is committed to incorporating environmental considerations early in the planning process with the ultimate goal of avoiding sensitive resources and minimizing impacts associated with future transportation and development projects.

EPA has appreciated the opportunity to consult with metropolitan planning organizations while they are developing long-range transportation plans and we appreciate the opportunity that MTC/ABAG provided for EPA and other resource agencies to review proposed mitigation measures during preparation of the Plan. We also appreciate the coordination we have had with MTC, ABAG, and other regional partners on work under the HUD-funded Regional Prosperity Plan and the Bay Area Working Group, formed under the auspices of the HUD/DOT/EPA Partnership for Sustainable Communities. We look forward to continuing our work together to leverage federal, state, and local resources and encourage sustainable growth that minimizes environmental impacts.

A21-1

Overall, EPA finds the impact analyses and proposed mitigation measures in the DEIR to be commendable, and we highlight the measures below as best practices if implemented. We encourage MTC/ABAG to seek ways to incentivize commitments for adoption of mitigation measures and recommend applicable measures be applied to transportation projects in addition to development projects. We encourage implementing agencies and/or project sponsors of future development to avoid areas of highest pollutant concentrations when siting development or transportation projects that will affect sensitive receptors. This is particularly important in areas where communities are already disproportionately impacted.

EPA appreciates that the Plan includes an Equity component and that the EIR chapter on air quality also considers air toxic impacts in disproportionately impacted communities. This analysis compares the benefits of the various Plan scenarios between areas designated as "CARE" communities vs. the region as a whole, which provides context for how benefits of the plan will be distributed across the region.

A21-2***Air Quality***

EPA supports the overall goals of the Plan to reduce air pollution and meet greenhouse gas

reduction targets, as required by SB 375, by reducing per capita vehicle miles traveled through investment in public transportation and encouragement of growth in areas well served by transit services. We also recognize that while regional air quality improves, there may still be areas where localized impacts result in higher pollutant levels and resulting health risks for residents and other sensitive receptors.

Therefore, we commend MTC/ABAG for including the Local Pollutant Impact Analysis in the Air Quality chapter of the DEIR. We believe that this type of analysis is useful in determining where localized air quality impacts may exist, and providing recommendations and mitigation for any increases to impacts in these areas. We agree with the recommendation that any future land use proposals for impacted areas that include sensitive receptors should evaluate potential toxic air contaminant (TAC) and PM_{2.5} impacts during project level environmental review. We support the mitigation measures for localized impacts (included on page 2.2-81) for projects proposed to be located in areas identified as having higher pollutant levels and higher associated health risks. These mitigation measures are:

- Installation of air filtration to reduce cancer risks and PM exposure for residents, and other sensitive populations, in buildings that are in close proximity to freeways, major roadways, diesel generators, distribution centers, railyards, railroads or rail stations, and ferry terminals. Air filter devices shall be rated MERV-13 or higher. As part of implementing this measure, an ongoing maintenance plan for the building's HVAC air filtration system shall be required.
- Phasing of residential developments when proposed within 500 feet of freeways such that homes nearest the freeway are built last, if feasible.
- Sites shall be designed to locate sensitive receptors as far as possible from any freeways, roadways, diesel generators, distribution centers, and railyards. Operable windows, balconies, and building air intakes shall be located as far away from these sources as feasible. If near a distribution center, residents shall not be located immediately adjacent to a loading dock or where trucks concentrate to deliver goods.
- Limiting ground floor uses in residential or mixed-use buildings that are located within the set distance of 500 feet to a non-elevated highway or roadway. Sensitive land uses, such as residential units or day cares, shall be prohibited on the ground floor.
- Planting trees and/or vegetation between sensitive receptors and pollution source, if feasible. Trees that are best suited to trapping PM shall be planted, including one or more of the following: Pine (*Pinus nigra* var. *maritima*), Cypress (*X Cupressocyparis leylandii*), Hybrid poplar (*Populus deltoids X trichocarpa*), and Redwoods (*Sequoia sempervirens*).
- Within developments, sensitive receptors shall be separated as far away from truck activity areas, such as loading docks and delivery areas, as feasible. Loading dock shall be required electrification and all idling of heavy duty diesel trucks at these locations shall be prohibited.
- If within the project site, diesel generators that are not equipped to meet ARB's Tier 4 emission standards shall be replaced or retrofitted.
- If within the project site, emissions from diesel trucks shall be reduced through the following measures:
 - Installing electrical hook-ups for diesel trucks at loading docks.
 - Requiring trucks to use Transportation Refrigeration Units (TRU) that meet Tier 4 emission standards.
 - Requiring truck-intensive projects to use advanced exhaust technology (e.g. hybrid) or alternative fuels.

- Prohibiting trucks from idling for more than two minutes as feasible.
- Establishing truck routes to avoid residential neighborhoods or other land uses serving sensitive populations. A truck route program, along with truck calming, parking and delivery restrictions, shall be implemented to direct traffic activity at non permitted sources and large construction projects.

We also support the mitigation measures included on page 2.2-85 to mitigate impacts to existing residents and other sensitive receptors:

- MTC/ABAG shall partner with BAAQMD to develop a program to install air filtration devices in existing residential buildings, and other buildings with sensitive receptors, located near freeways or sources of TACs and PM_{2.5}.
- MTC/ABAG shall partner with BAAQMD to develop a program to provide incentives to replace older locomotives and trucks in the region to reduce TACs and PM_{2.5}.

A21-3

Strategies to Encourage Implementation of Mitigation Measures

While these mitigation measures, if implemented, would advance the goal of reducing potential health-related impacts associated with development, we note the need for processes to incentivize and recognize implementation of such measures. We encourage implementing agencies and/or project sponsors of future development to avoid areas of highest pollutant concentrations when siting development that will support sensitive receptors.

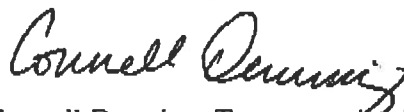
A21-4

Recommending Mitigation Measures for Transportation and Development

We also recommend that similar measures to those included above be identified as recommended mitigation not just for development projects, but also for select transportation projects within the MTC region. If, for example, a highway widening or intersection realignment would result in a higher pollutant load (increase in diesel trucks, increase in traffic, etc.) in close proximity to existing sensitive receptors, implementing many of the above measures would result in fewer impacts. For example, 1) adjusting project design to avoid sensitive receptors, 2) including vegetation and other barriers between sensitive receptors and the project, and 3) providing air filtration devices for residential and other sensitive receptor uses are three potential mitigation measures that MTC could recommend for transportation projects where such projects may result in increased emissions or emissions closer to sensitive receptors.

EPA values the opportunity for involvement in the regional transportation planning process. We hope that this involvement will lead to more efficient project planning and improved environmental outcomes. If you have any questions about our comments, feel free to contact Carolyn Mulvihill at 415-947-3554 or mulvihill.carolyn@epa.gov.

Sincerely,



Connell Dunning, Transportation Team Supervisor
Environmental Review Office
Communities and Ecosystems Division

**SAN FRANCISCO
PLANNING DEPARTMENT**

May 16, 2013

Plan Bay Area Public Comment
Metropolitan Transportation Commission
101 Eighth Street
Oakland, CA 94607

Subject: Draft Plan Bay Area Draft EIR, April, 2013; State Clearinghouse No. 2012062029

To Whom It May Concern:

For the last several years, the City and County of San Francisco has been participating with the Metropolitan Transportation Commission (MTC) and the Association of Bay Area Governments (ABAG) in Plan Bay Area and its associated Environmental Impact Report (EIR). The Draft Plan Bay Area and Draft EIR were published in April 2013 and staff from the undersigned agencies has reviewed both of these documents. We appreciate the opportunity to provide the following comments.

The San Francisco Planning Department is the Lead Agency responsible for implementing the California Environmental Quality Act (CEQA) within San Francisco. As the Lead Agency, we are hopeful about the possibility of future programs and projects “tiering off” the programmatic Plan Bay Area EIR, as stipulated in CEQA and associated legislation.

As the Draft EIR correctly notes, prior to Senate Bill 375 (SB 375), there were already several provisions in CEQA for the exemption and streamlining of environmental analysis for subsequent projects consistent with a certified programmatic EIR. Many of San Francisco’s Priority Development Areas (PDAs) have already undergone or are currently undergoing a substantial community planning process, resulting in changes to development policies, including allowable uses, development controls and density. Subsequent projects within these community plan areas may qualify for a Community Plan Exemption per Section 15183 of the *CEQA Guidelines* and/or Public Resources Code Section(s) 21159.21, 21159.23, 21159.24, 21081.2, and 21083.3. The Planning Department has successfully relied on the Community Plan Exemption process for projects in community plan areas with certified EIRs since 2009. Based on our experience in applying the Community Plan Exemption to subsequent projects for which a “tier one” environmental document was prepared, we offer the following comments that are intended to provide greater clarity to lead agencies seeking to tier from the Plan Bay Area EIR.

- A22-1** 1. *Compliance with Federal, State, and Local Regulations.* Throughout the Draft EIR, projects that generate significant impacts are identified and mitigation measures required even if federal, state, and/or local regulations reduce those impacts to less-than-significant levels. We note that this approach is different from how the San Francisco Planning Department makes a determination of significance. Specifically, if there are existing federal, state, and/or local regulations that reduce

environmental impacts, the Planning Department finds that a project results in less-than-significant impacts because the sponsor is obligated under the law to implement certain measures, which ensures a particular significance threshold is not reached. The Draft EIR, however, identifies compliance with federal, state and/or local regulations as mitigation measures. To the extent that existing federal, state, and/or local regulations ensure that a project does not result in a significant impact, we suggest that impacts be determined to be 'Less Than Significant' and the appropriate regulations identified/described in the body of the chapter. One way of achieving this would be to move the relevant language from the mitigation measure and place it in the impact statement. For example, Impact 2.13-3 could be revised as follows:

Combined Effects

The combined effects of development and transportation projects could increase the routine transport, use, storage, and disposal of hazardous wastes in the vicinity of new or proposed schools. Projects that comply with federal, state, and local regulations and laws related to hazardous materials near schools would have less-than-significant impacts.

If federal, state, and local regulations do not apply or exist in every Bay Area jurisdiction to reduce the particular impact, then the significant impact and mitigation measure should remain, with the specific regulation language removed. However, if federal, state, and local regulations do apply or exist in every Bay Area jurisdiction, then the impact should be less-than-significant and mitigation measures should not be required (this is the approach for Impact 2.13-7).

Furthermore, some jurisdictions have adopted, or could adopt policies in the future, that would reduce impacts to less-than-significant levels. Transit Priority Projects (TPP), Residential/Mixed Use Residential Projects, or Sustainable Communities Projects in these jurisdictions should not be penalized by having to identify significant impacts where there would be none as a result of complying with statutory requirements nor should they be required to fulfill MTC monitoring requirements as expressly laid out in the Plan Bay Area EIR. Therefore, we suggest the above additional language be added before every significant impact identified (e.g., Impact 2.2-2, Impact 2.6-1, Impact 2.8-1, Impact 2.8-3, Impact 2.8-4, Impact 2.8-5, Impact 2.8-6, Impact 2.8-7, Impact 2.9-4, and many others), and not just significant impacts with mitigation measures that currently state compliance with existing regulations.

A22-2

2. *Applicability of Mitigation Measures.* The EIR should clarify how a lead agency would determine whether or not a mitigation measure is applicable to a proposed project or expressly state whether such a determination is at the discretion of the lead agency. We recommend a thorough discussion of the applicability of mitigation measures in the Introduction and/or the beginning of Chapter 2. For example, if a proposed project is not located in the Alquist-Priolo Hazard Zone, then, presumably the proposed project would not be subject to Mitigation Measure 2.7(a) or if a proposed project is located in a jurisdiction where local regulation or uniformly applied development policies would reduce impacts to less-than-significant, then, presumably it would not be subject to identified mitigation measures.

The Draft EIR states that in order to take advantage of the environmental review process under SB 375, projects would have to implement all feasible mitigation measures presented in the document in order to reduce the impact to a less-than-significant level. We suggest that the EIR indicate

whether the lead agency has discretion as to which measures should be adopted by an individual project sponsor so long as the impact is reduced to a less-than-significant level.

Additionally, throughout the EIR, mitigation measures state “mitigation measures shall be considered by implementing agencies and/or project sponsors where feasible based on project-and site-specific considerations that include, but are not limited to” Please clarify if the intent of this language is to allow lead agencies to implement their own set of prescribed measures that reduce impacts to less-than-significant levels. The EIR should allow for flexibility by lead agencies in adopting other equally effective measures that reduce impacts to less than significant levels.

A22-3

Finally, the EIR often provides mitigation, even if impacts are identified as less than significant (e.g., Impact 2.3-1). In instances where impacts are determined to be less than significant, the EIR cannot require mitigation measures and none should be identified. Should MTC determine it beneficial to identify measures that would reduce a project’s less than significant impact even further, MTC has the ability under CEQA to identify improvement measures. We recommend that all impacts presented for informational purposes and impacts that are less than significant, for which the EIR identifies mitigation measures, be described as improvement measures and not CEQA-required mitigation measures.

A22-4

3. *Transportation.* On page 2.1-32, the EIR notes that implementation of Plan Bay Area could result in a substantial increase in per capita Vehicle Miles Traveled on facilities experiencing level of service F during the AM peak period, PM peak period, or during the day as a whole and mitigation measure 2.1(c) calls for MTC to “pursue a policy that requires the implementation of ramp metering throughout the region’s highway network as a condition of discretionary funding.” San Francisco notes that ramp metering may not warrant the same implementation approach in all local contexts, and therefore opposes any blanket requirements to implement ramp metering. This traffic management tool should be examined through feasibility studies on a case-by-case basis and implemented only where appropriate, including where it would be effective in improving traffic operations beyond existing local signaling and congestion management measures. Safety considerations for both motorized and non-motorized travelers also require appropriate length and design of entrance ramps. We request that the mitigation measure be adjusted to afford this flexibility.

A22-5

Further, on pages 2.1-35 and 2.1-36, the EIR discusses percent utilization of regional transit supply relative to demand, finding that implementation of Plan Bay Area would result in no adverse impact on system performance. We appreciate the inclusion of this indicator of capacity utilization as an impact measure at our request. However, the methodology to analyze this impact measure can be improved upon in future EIRs. Averaging percent utilization across all modes and across a four-hour peak period, masks the high, or potentially oversubscribed capacity utilization in certain high transit usage corridors, particularly during the peak hour of the four hour peak period (e.g. as is likely the case for the San Francisco-East Bay Transbay corridor). San Francisco agencies and the Bay Area Rapid Transit District (BART) collaborated with MTC to develop a more appropriate corridor-specific approach – similar to what is used in San Francisco – during the Plan Bay Area Alternatives Scenarios analysis process and hope we can work together to refine and incorporate this approach, at least for regional corridors, into subsequent Regional Transportation Plan EIRs.

Moreover, the document states that local transit capacity utilization impacts do not represent regional impacts to the overall system and as such, should be addressed by individual jurisdictions as part of the review and approval of future projects. While the EIR acknowledges that capacity constraints are an existing issue for transit lines in high-density locations like San Francisco and that such capacity limitations may continue into the future, we request additional discussion on this topic. All public transit systems with stops in San Francisco (Muni, AC Transit, Golden Gate Transit, SamTrans, BART, Caltrain, Ferry and eventually, High Speed Rail) are highly regional in nature, carrying sizable numbers of regional passenger trips, both today and in the future. As the transit hub of the region's core, San Francisco cannot, and should not be expected to accommodate the significant regional demand for transit as a purely local endeavor. Fortunately, in practice, the region has provided strong support for transit development in San Francisco and, although deep needs persist in terms of providing adequate state-of-good repair and operating resources, Plan Bay Area builds on that partnership going forward. This is especially important and appropriate given the high levels of job and housing growth anticipated by the Plan within San Francisco PDAs. We request that the EIR acknowledge the importance of the local San Francisco transit network in accommodating a substantial amount of existing as well as future regional transit demand, and the region's role in helping to address capacity and other core transit system needs. As such, the EIR could recognize Plan Bay Area's improvement measures to address local transit capacity issues in San Francisco and other parts of the region's core transit network. These measures include, but are not limited to, support for BART Metro and Muni Metro reliability and capacity improvement projects, addressing key vehicle, systems, facilities and other state-of-good-repair needs for all operators, and providing continued support for Central Subway, Bus Rapid Transit, Transbay Terminal/Downtown Extension of Caltrain, Caltrain Electrification and High Speed Rail development in San Francisco.

A22-6

4. *Local Pollutant Analysis for San Francisco.* As discussed in the EIR, San Francisco has been collaborating with the Bay Area Air Quality Management District (BAAQMD) in development of a Community Risk Reduction Plan (CRRP). Thank you for recognizing San Francisco's efforts in developing a CRRP. We recommend that the discussion in Impact 2.2-5(c) include consideration of not only a formally adopted CRRP, but also adoption of standard development regulations that in combination would similarly protect new sensitive land uses that locate in areas with poor air quality. We believe that San Francisco CRRP meets the requirements of CEQA Guidelines Section 21155.1(a)(6)(C) because identified air pollution hot spots are derived from health protective standards that underlie federal and state ambient air quality standards for fine particulates and are intended to protect the public health and welfare. Furthermore, San Francisco's Health Code Article 38 requires residential projects located in proximity to high volume roadways that experience increased levels of particulate matter to install high-efficiency mechanical ventilation systems that are designed to remove a minimum of 80 percent of ambient particulate concentrations. This regulation can serve as a model for other jurisdictions within and outside of the region.

A22-7

5. *Land Use and Physical Development.* The EIR states that implementation of the proposed Plan could result in residential or business disruption or displacement of substantial numbers of existing population and housing. The City would like to work with MTC and ABAG at the regional level

A22-8

to assist in mitigating the displacement impacts through future non-transportation funding streams that could help specifically address this challenging and important issue, such as through the Regional Prosperity Plan and follow-on efforts.

6. *Technical Corrections.* We have identified a few minor corrections that should be addressed in the Final EIR. These include:

- A22-9 • Page 2.1-22: The discussion of recent countywide transportation plans should note the most recent San Francisco plan as the 2030 Countywide Transportation Plan adopted in 2004, and that the 2040 San Francisco Transportation Plan is expected to be adopted in Fall 2013.
- A22-10 • Page 2.2-25: At least for San Francisco, the map of Communities of Concern is not consistent with what MTC has publicized as the official Community of Concern designation as shown in the map at the website: (<http://geocommons.com/maps/118675>)
- A22-11 • Page C-17: The table of projects included by EIR alternative incorrectly indicates project # 240730, the San Francisco Pricing Program mobility improvements as being in the No Project Alternative. This project could not be in the No Project Alternative because it requires project #240728, which is not in the No Project Alternative.

Thank you for the opportunity to provide comments on Plan Bay Area Draft EIR. Please do not hesitate to contact Viktoriya Wise of the Planning Department (viktoriya.wise@sfgov.org) if you have any questions.



John Rahaim, Director
San Francisco Planning Department



Edward D. Reiskin, Director of Transportation
San Francisco Municipal Transportation Agency



Maria Lombardo, Interim Executive Director
San Francisco County Transportation Authority

CAROLE GROOM, CHAIR
 JEFF GEE, VICE CHAIR
 JERRY DEAL
 ROSE GUILBAULT
 SHIRLEY HARRIS
 ZOE KERSTEEN-TUCKER
 ARTHUR L. LLOYD
 KARYL MATSUMOTO
 ADRIENNE TISSIER

MICHAEL J. SCANLON
 GENERAL MANAGER/CEO

May 16, 2013

Ms. Carolyn Clevenger
 EIR Project Manager
 Metropolitan Transportation Commission
 101 Eight Street
 Oakland, CA 94607-4700

Re: Comments Draft Environmental Impact Report (EIR) – Plan Bay Area

Dear Ms. Clevenger

The San Mateo County Transit District (SamTrans) has reviewed the Draft EIR for the Plan Bay Area and is pleased to present the following comments.

A23-1

- SamTrans is in support of the Proposed Plan also identified in the DEIR document as the Job-Housing Connection (JHC) alternative as it promotes growth by building off of locally-identified Priority Development Areas (PDA) as well as strategic investments in the region's public transportation network.

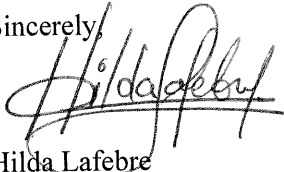
- SamTrans provides bus and para-transit services to San Francisco, San Mateo and Santa Clara counties where a significant number of PDAs have been identified. The services provided by SamTrans in these areas are in sync with the Plan's objective of promoting Transit Oriented Development and access to public transportation for commuting needs. To this regard, we support MTC's transportation investment strategy as outlined in the environmental document and the Plan Bay Area (Plan).

A23-2

- The California Global Warming Solutions Act of 2006 (AB 32) and the California State Bill (SB 375) form the basis for developing the Plan and meet the greenhouse gas reduction goals. SamTrans supports the goals of these state regulations and the Plan's strategies to meet them, as outlined in the DEIR document. To this end, SamTrans have committed efforts for the implementation of strategic initiatives such as El Camino Real Grand Boulevard Initiative (GBI), SamTrans Service Plan (SSP), Senior Mobility Program and TOD, for the purpose of:
 - supporting the reduction of Green House Gas (GHG) emissions
 - reducing vehicle miles traveled,
 - supporting livable and pedestrian friendly communities
 - providing more efficient transportation services
 - improving and increasing system frequency
 - providing friendly transportation to the increasing senior population
 - promoting partnerships with cities and private entities for transit oriented growth

We look forward to coordinating and working with the MTC for the successful implementation of the Plan and meeting its overall goals and objectives.

Sincerely,

A handwritten signature in black ink, appearing to read 'Hilda Lafebre', written over a horizontal line.

Hilda Lafebre

Manager

Capital Project & Environmental Planning

Cc: D. Kim, Director of Planning
A. Chan, Executive Officer Planning and Development

May 15, 2013

Steve Heminger
 Executive Director
 Metropolitan Transportation Commission
 101 Eight Street
 Oakland, CA 94607

Ezra Rapport
 Executive Director
 Association of Bay Area Governments
 101 Eight Street
 Oakland, CA 94607

Dear Mr. Heminger and Mr. Rapport:

Thank you for the opportunity to review and comment on the draft Plan Bay Area and for your presentation to the SCTA/RCPA Board on April 8, 2013. We recognize the requirement to update the long range transportation planning document for the Bay Area, and support the need to plan for a region that produces less greenhouse gas emissions from the transportation sector, through land uses as well as transportation projects.

The SCTA, as evidenced by our 2009 Comprehensive Transportation Plan (CTP) and the creation of the Regional Climate Protection Authority (RCPA), is in strong agreement with the regional goal of reducing CO₂ emissions from cars and light duty trucks by 15 percent as prescribed by the State. Sonoma County already has aggressive greenhouse gas (GHG) emissions reduction targets, and recognizes infill development and the preservation of agricultural land and open space as priorities. To that end we have used our local authority to plan specific areas of focused growth and have worked with you to designate them regionally as Priority Development Areas (PDAs).

In our review of the draft Plan Area we have found much to commend. Specifically the SCTA supports:

- The overall focus on blending land use, transportation, health, mobility, equity and reducing greenhouse gas emissions into long range planning in a collaborative fashion that acknowledges the diversity of the Bay Area region
- The approach to “Fix It First” for transportation investments while recognizing strategic expansion projects are still needed
- The efforts to target critical GHG reductions in transportation; we look forward to working with MTC to achieve even greater reductions in future planning efforts.

A24-1 The SCTA supports Alternative 2 in the DEIR, but offers the following comments aimed at future regional planning and programming efforts:

- There is significant trepidation about the authority of the region to determine local land use decisions. Plan Bay Area, in general, is consistent with local policies and in agreement with population forecasts for our communities, however, the jurisdictions are sensitive to the



increasing shift of land use planning away from locals to the region and the nexus to federal funds. There is no guarantee of agreement in future regional plans if this proves to be the first of incremental steps in the direction of regional control of land use.

- Transportation priorities in Plan Bay Area appear conflicting when compared to the first round of One Bay Area Grant (OBAG) funding. Maintenance of the existing system is named as an investment strategy with 87% of the total investment in the Plan designated to “keeping the current transportation network in working order.” The reality of a PDA based funding structure that includes stringent federal limitations on use of certain funds as was set forth in OBAG is not in keeping with a “fix it first” approach. This is particularly true when it comes to the many lane miles of unincorporated county roads and city streets that move people and goods but are outside PDA boundaries. In the first round of funding the unincorporated county, with its 1,387 of road miles, fared poorly given the double whammy of the PDA structure and CMAQ constraints. The County of Sonoma has recognized a significant downward trend in federal funding that can be used for fix it first – from \$6.14M in 2008 (or 54% of the cycle 2 funds) to \$3.38M in the OBAG process (or 24%). Many cities are in a similar position in terms of the need for pure maintenance of the roadway system within or outside a PDA. This impacts auto, bike and bus travel as poor road conditions lead to safety and reliability issues over time.
- Since PDAs are a regional tool with regional thresholds, there is little opportunity for communities to adjust the characteristics or expand the current definition. Sonoma County jurisdictions have demonstrated that focused growth can be achieved in small cities yet the PDA construct doesn’t accommodate that very well. To address this variety, ABAG created place types that identify focused growth areas. We support this approach and believe they should receive the same benefits as PDAs in the next funding cycle.
- The SCTA disagrees with the aggressive jobs and housing forecasts within the limited areas of PDAs. Most cities in the county expect growth consistent with their Regional Housing Needs Allocation (RHNA) estimates, within urban growth limits, not just within the PDAs. In some cities the percentage of growth forecasted to the entire city is assigned entirely to PDAs. This is unrealistic and is counter to local plans that have been vetted through intensive public processes.
- Additional technical comments are attached as Exhibit A.

Managing a process that seeks to discover and address difficult issues in a region of 7 million people, covering nine Counties and 101 cities is unwieldy and complex. We acknowledge that the sheer act of collecting data was enormous and the resulting analysis reflects significant skill and effort. We appreciate your staffs’ ongoing consultation with local governments to ensure that information on all steps of the process was communicated.

SCTA firmly supports reducing GHG by way of transportation and land use, but we must continue to do so in a collaborative manner that recognizes local land use authority and allows us to meet our fundamental transportation needs. We support Alternative 2 as the preferred alternative, as it is the most comprehensive alternative offered to achieve the goals of the region.

Thank you again for the opportunity to comment on the draft document. The Plan Bay Area process has been engaging, and we are confident that MTC and ABAG will continue to make this process inclusive and thorough in future updates.

Sincerely,

Mike McGuire
Chair, SCTA

Exhibit A

Comments on Plan Bay Area

- The project list is accessible only as an online searchable database. This format is difficult for many people to access and understand. A simpler version should be made available for easier viewing and better comprehension of the entire program of projects and should be in print in the final Plan Bay Area.
- The SCTA is committed to full passenger rail service to Cloverdale on the SMART rail line. While this phase was included for environmental only in the project list the SCTA seeks inclusion of the full project.
- The SCTA supports regional funding for the Clipper program to be expanded to the North Bay in a comprehensive manner that includes SMART and local bus operators in Sonoma County.
- Add WeGo Rideshare to Investment Strategy 6 and highlight it in your section on Evolving Transport (page 125). This is a proven test pilot in three counties funded through MTC's Climate Initiatives program.
- The forecast of job growth is not demonstrated in detail; however maps in Plan Bay Area show limited job growth in the unincorporated area of Sonoma County. The Sonoma County General Plan supports growth in the Airport Business Park and ABAG has designated it as a Rural Employment Area.
- A number of large future development projects have been "hard-coded" in UrbanSIM, the regional urban growth model being used by MTC and ABAG. These projects have been included due to limitations in the land use model, and include many projects that are the result of subsidies or public/private partnerships. The list of Scheduled Development Events is biased towards the Bay Area Core. A number of large development projects that will have major impacts on county and regional travel such as Indian Casinos, Sonoma Mountain Village, and the Sutter Hospital complex relocation could be included in this list of Scheduled Development Events. ABAG should compile a comprehensive regional list of these types of large projects and should reach out to local jurisdictions and CMAs to ensure that this list is complete and comprehensive.
- *Connection between transit funds and RHNA.* The City of Santa Rosa is concerned about how the Regional Housing Needs Allocation is linked to funding for inter-county transit and coordination of intra-county transit.

Comments on DEIR

- A24-2**

 - ALTERNATIVE 1: No Project - Indicates expansion of Urban Growth Boundaries. Every jurisdiction in Sonoma County currently has an adopted UGB, and the Sonoma County General Plan includes strong policies that limit growth outside of jurisdictional UGBs or Urban Service Areas in the unincorporated county. Please delete references to expanded UGBs in Sonoma County.
- A24-3**

 - ALTERNATIVE 4: Enhanced Network of Communities – Provides housing for those currently commuting into the region and relies on growth projections that are not achievable. This alternative should be rejected as it is infeasible without significant policy changes and has not been vetted by the public or elected officials.
- A24-4**

 - ALTERNATIVE 5: Environment, Equity, and Jobs (Housing/Equity Advocate Alternative) – This alternative proposes changes in policy including loss of local control, drastic programming changes for OBAG and other sources and a VMT tax. This alternative should be rejected as it is infeasible without significant policy changes and has not been vetted by the public or elected officials.
- A24-5**

 - The target analysis demonstrates a minimal difference between the Preferred Project and the Alternatives. When compared to the overall benefits, the draft Plan is most comprehensive in meeting the needs of all modes and users, while providing a strong environmental benefit.



May 14, 2013

Carolyn Clevenger, MTC EIR Project Manager
Metropolitan Transportation Commission
101 Eighth Street
Oakland, CA 94607

RE: EIR Comments – Plan Bay Area

Dear Ms. Clevenger:

Thank you for the opportunity to comment on the Plan Bay Area Draft Environmental Impact Report. We were pleased to see that impacts on water supply and wastewater treatment were addressed. We have the following comments to further the adequacy of the CEQA document:

1. On Page 2.12-6, in the description of the San Francisco Public Utilities Commission (SFPUC), there are a few factual inaccuracies:
 - A25-1 a. The SFPUC provides water to over 2.6 million customers, rather than almost 2.5 million.
 - A25-2 b. We serve approximately two thirds of our water to our Wholesale Customers, and one third to our Retail customers, rather than the 68% and 32% reported.
 - A25-3 c. The final paragraph in the description of the SFPUC is somewhat misleading, in that the water delivered on the Peninsula is also primarily drawn from Hetch Hetchy Reservoir, not the local Pilarcitos, Crystal Springs, and San Andreas reservoirs. Instead of listing only the Wholesale Customers on the Peninsula, it would be more accurate to say that SFPUC supplies serve all of our Wholesale Customers, which include the following agencies:
 - Alameda County Water District
 - California Water Service Company:
 - Bayshore (mid-Peninsula and South San Francisco)
 - Bear Gulch
 - Brisbane
 - Burlingame
 - Coastsides County Water District
 - Cordilleras Mutual Water Association
 - Daly City
 - East Palo Alto
 - Estero Municipal Improvement District
 - Guadalupe Valley Municipal Improvement District
 - Hayward
 - Hillsborough
 - Menlo Park
 - Mid-Peninsula Water District
 - Millbrae
 - Milpitas
 - Mountain View
 - North Coast County Water District
 - Palo Alto
 - Purissima Hills Water District

Edwin M. Lee
Mayor

Art Torres
President

Vince Courtney
Vice President

Ann Moller Caen
Commissioner

Francesca Vietor
Commissioner

Anson Moran
Commissioner

Harlan L. Kelly, Jr.
General Manager



- Redwood City
- San Bruno
- San Jose
- Santa Clara
- Sunnyvale
- Stanford University
- Westborough Water District

- A25-4** 2. In Table 2-12.2, demand numbers only include SFPUC Retail customers, not SFPUC Wholesale customers. Unrestricted Wholesale demand as reported in SFPUC's 2010 UWMP is projected to be 196.5 mgd in 2035, so total Retail and Wholesale demand in 2035 is projected to be 277.4 mgd, or 310,688 AF.
- A25-5** 3. The discussion of dry year supplies on page 2-12.22 is incomplete since it only explores the ability of water utilities to meet demand in a single dry year. A greater challenge is meeting demand over multiple dry years, which is particularly important considering California's history of long periods of drought. Given the significant development and subsequent population centers proposed in Plan Bay Area, planning only for single dry years is insufficient; the ability to provide supply over multiple dry years must be taken into account. Our water supply planning is based on an 8.5 year drought.
- A25-6** 4. SFPUC's ability to meet future demand, per the statements made on page 2-12.47 of the EIR, depends on the implementation of all of the supply projects and conservation proposed in our 2010 Urban Water Management Plan. Though we are working to meet those goals, that supply is not yet guaranteed. The ability of supply projects to move forward depends on multiple factors like environmental review, permitting requirements, public acceptance, and the availability of funding.
- A25-7** 5. The map of wastewater treatment facilities on page 2-12.31 does not clearly state that the Daly City and Oceanside treatment plants are represented by a single dot.
- A25-8** 6. The flow numbers on page 2-12.51 are correct based on our NPDES permits for Southeast and Oceanside, but to be fully representative of our service area should include demand from Treasure Island, which increases the projections by 2 mgd.

Please let us know if you have any questions on the above, and thank you again for the opportunity to comment.

Sincerely,



Steven R. Ritchie
Assistant General Manager, Water

cc. Art Jensen, BAWSCA



Judy Arnold, Chair
Marin County Board of
Supervisors

Barbara Pahre, Vice Chair
Golden Gate Bridge,
Highway/Transportation District

Jim Eddie
Golden Gate Bridge,
Highway/Transportation District

Debora Fudge
Sonoma County Mayors and
Councilmembers Association

Eric Lucan
Transportation Authority of
Marin

Jake Mackenzie
Sonoma Mayors and
Councilmembers Association

Stephanie Moulton-Peters
Marin Council of Mayors and
Councilmembers

Gary Phillips
Transportation Authority of
Marin

David Rabbitt
Sonoma County Board of
Supervisors

Carol Russell
Sonoma Mayors and
Councilmembers Association

Kathrin Sears
Marin County Board of
Supervisors

Shirlee Zane
Sonoma County Board of
Supervisors

Farhad Mansourian
General Manager

5401 Old Redwood Highway
Suite 200
Petaluma, CA 94954
Phone: 707-794-3330
Fax: 707-794-3037
www.sonomamarintrain.org

May 16, 2013

Steve Hemminger
Metropolitan Transportation Commission (MTC)
Plan Bay Area Public Comment
101 Eighth Street
Oakland, CA 94607

Dear Steve,

Thank you for all of your hard work over many months in putting together the Plan Bay Area and thank you for the opportunity to comment on the Draft Plan and EIR.

We have just two comments:

1. Page 2.6-35 of the Plan's EIR states that the "Extension of rail service to new areas of the Bay Area could result in exposure of existing sensitive land uses to vibration levels in excess of standards developed by the FTA." The SMART commuter rail project is then listed with about a dozen other projects that could have this impact.

A26-1

In the case of SMART, the comment does not apply. We'd like SMART removed from list.

There are significance criteria that are established by the FTA for exposure to excessive groundborne vibration. SMART's 2006 environmental impact report evaluated potential vibration impacts using these criteria. On page 3-132, the SMART EIR states that, given SMART's likely construction activities, "groundborne noise and vibration levels at distances greater than approximately 100 feet from the tracks would be lower than the level generally perceptible to humans. At distances between 20 feet and 100 feet from the tracks, vibration levels may be perceptible; however, they are expected to be less than the applicable FTA impact significance criteria of 0.01 inches per second RMS vibration velocity." There are no residences or sensitive receptors within 20 feet of the SMART tracks.

3. Page 2.6-32 of the Plan states that "...noise impacts of the Sonoma-Marin Area Rail Transit District (SMART) Commuter Rail transit project would be significant for train horn noise required at grade crossings."

A26-2

Additionally, the Plan states on page 3.192 that "Train horn noise impacts of the Sonoma-Marin Area Rail Transit District (SMART) Commuter Rail project, which would be significant under the proposed Plan, would still occur under this [#4] Alternative.

Finally, the Plan states that the “Extension of rail service to new areas of the Bay Area could result in exposure of existing sensitive land uses to noise levels in excess of standards developed by the FTA. Again, SMART is listed with a dozen other projects.

SMART’s 2005 DEIR noted that Quiet Zones were a proposed mitigation for train horn noise. In 2006, and following the FRA’s Final Rule on Horn Noise, this mitigation was further clarified in Master Response Q of SMART FEIR. SMART elaborated more on its approach to Quiet Zones in its 2008 Supplemental EIR. Lastly, in 2012 SMART developed a Quiet Zone policy that involved the District working with local jurisdictions on implementation.

Given this, the alarming comments about train horn noise impacts should be removed from the document.

Plan Bay Area 2040 Final Environmental Impact Report

From: "Michael Laughlin" <michael.laughlin@colma.ca.gov>
To: <eircomments@mtc.ca.gov>
CC: <GillianA@abag.ca.gov>
Date: 5/16/2013 3:44 PM
Subject: Plan Bay Area EIR Comments - Town of Colma
Attachments: 030713 Census correction letter.pdf; Colma PDA.pdf; April 9 2012 letter to ABAG.pdf

Greetings Carolyn - The Town of Colma would like to comment on the following key assumption stated on page ES-8 of the Draft EIR, which states:

A27-1 The total amount of growth projected for the Bay Area through 2040 is based on ABAG's Plan

Bay Area Forecast of Jobs, Population and Housing (the forecasts used to develop the Jobs-

Housing Connection) that is available for review on the project website

(<http://www.onebayarea.org>); this amount of growth is assumed in the proposed Plan, which

identifies a land use pattern to accommodate the projected growth.

As stated below and further articulated in the attachments to this email, the Town of Colma has consistently commented that the projected growth for the Town of Colma is incorrect, and based on an incorrect 2010 Census housing number. The forecast information for Colma should be corrected since this information supports the EIR analysis.

Please feel free to contact me if you have any comments or questions.

Michael P. Laughlin, AICP

City Planner

Town of Colma Planning Department

1190 El Camino Real

Colma, CA 94014-3212

Office Direct: 650.757.8896

Office Main: 650.757.8888

Fax: 650.757.8890

michael.laughlin@colma.ca.gov

From: Michael Laughlin [mailto:michael.laughlin@colma.ca.gov]
Sent: Thursday, May 16, 2013 2:52 PM
To: 'GillianA@abag.ca.gov'
Subject: Plan Bay Area forecast corrections for the Town of Colma

Greetings Gillian -

This email continues several conversations and three letters that we have sent during the Plan Bay Area process trying to have data corrected to reflect our unique town. We have recently received our updated Census numbers which need to be used in any forecasting you do, and must be changed in the final forecast document.

The forecast shows the existing number of units in Colma as 590. This number erroneously included a housing development in the unincorporated area, and drastically skews our demographic information. Our correct and official housing number is 446, which is consistent with Town records. Please see attached Census letter dated March 7, 2013.

In my conversations with Marissa more than a year ago, I tried to impress upon her that while much of Colma is in a PDA, most of the land within the PDA is in use for cemeteries, and all other properties are viable commercial uses, primarily car dealerships that we don't anticipate transitioning to other uses by 2040. Still another portion of our PDA is an established single family residential neighborhood. The use as cemeteries cannot be changed since the properties are deed restricted by the state and in active use. She indicated that weighting was applied to the numbers, but not sufficiently to be realistic from the Town's standpoint.

Please review our last letter dated April 9, 2012. Attached to it are two previous letters expressing concerns with the forecasts. In the letter, we indicate that the absolute upper limit of units the Town could expect to see would be 150 units, based on our assessment of available land and a liberal estimation of land that may transition to uses that may include housing. When added to the 446 existing units, the total would be no more than 596 units.

For an unknown reason, Colma was assigned the highest growth percentage for San Mateo County (41%), which is not in keeping with any growth trends we have seen, and not consistent with higher growth opportunities in other San Mateo County cities. The Town has only seen 2 housing units built since 2007, and the Town's population declined when a 57 bed senior assisted living facility closed in 2011. We anticipate only modest housing growth in the next few years (less than 5%).

I would appreciate your assistance in making these corrections to the final forecast. Please feel free to contact me regarding any comments or questions.

Michael P. Laughlin, AICP

City Planner

Town of Colma Planning Department

1190 El Camino Real
Colma, CA 94014-3212

Office Direct: 650.757.8896

Office Main: 650.757.8888

Fax: 650.757.8890

michael.laughlin@colma.ca.gov

May 16, 2013



THE TOWN OF
CORTE MADERA
MARIN COUNTY CALIFORNIA

300 TAMALPAIS DRIVE
CORTE MADERA, CA
94925-1418

www.ci.corte-madera.ca.us

TOWN MANAGER
TOWN COUNCIL
415-927-5050

TOWN CLERK
415-927-5086

FINANCE / BUS. LICENSE
415-927-5055

FIRE DEPARTMENT
415-927-5077

PLANNING / ZONING
415-927-5064

BUILDING INSPECTOR
415-927-5062

TOWN ENGINEER
PUBLIC WORKS
415-927-5057

RECREATION DEPARTMENT
415-927-5072

SANITARY DISTRICT NO. 2
415-927-5057

TWIN CITIES POLICE AUTHORITY
415-927-5150

Plan Bay Area Public Comment
Plan Bay Area DEIR Public Comment
Metropolitan Transportation Commission
101 Eighth Street
Oakland, CA. 94607

Subject: Comments Regarding the Draft Plan Bay Area and the Draft EIR for Plan Bay Area

This letter transmits the Corte Madera Town Council's comments regarding Draft Plan Bay Area and the Draft Environmental Impact Report (DEIR) for Plan Bay Area.

Below is a list of our comments on the Draft Plan Bay Area:

- A28-1** 1. The Plan Bay Area assumes regional population growth of 2.147 million by the year 2040. These projections substantially differ from the population projections recently published by the State Department of Finance (DOF). DOF forecasts a 3% population growth for Marin for 2040, which is 10% lower than the ABAG forecasts of 13% growth. Since the entire plan is driven by population growth forecasts, it is critical that these forecasts be substantiated by factual projections. In addition, the Town Council strongly recommends that forecasts be updated every four years at the time the next update to Plan Bay Area is reviewed.
2. The Draft Plan is predicated on an unrealistic regional job growth forecast. The projected regional job growth forecasts are too ambitious given the built out environment, constrained transportation networks, and insufficient infrastructure all of which will not accommodate what is being forecast. The projections should be reduced to account for these constraints.
- A28-1.5** 3. The Draft Plan does not adequately address how a policy of encouraging and constructing more medium-high density housing to accommodate population growth will effectively lower Green House Gases (GHG) in the region.
- A28-2** 4. The Draft Plan implies that there will be CEQA exemptions and/or streamlining for future high density housing. The Town Council of the Town of Corte Madera is strongly opposed to any automatic CEQA exemptions or streamlining for future residential development projects as defined in Senate Bill 375. We request that the Plan

Plan Bay Area document clearly and unambiguously state that local jurisdictions shall retain the authority to determine the scope of CEQA review for all subsequent residential development projects.

A28-2.3

5. Given the changes in demographics and increasing need for senior housing, there needs to be recognition and acceptance at the State level of the different kinds of housing that qualify as a "unit" for RHNA purposes, and these qualifying units need to be incorporated and accepted in the Draft Plan. Seniors constitute an ever-growing portion of our population, however little is being done to accommodate their needs. This is a serious failure of planning and a failure that should not be continued in the Plan Bay Area.

Below is a list of our comments on the Draft Plan Bay Area DEIR:

A28-2.7

1. Corte Madera is a suburban community. The DEIR does not adequately distinguish between urban and suburban communities, nor does it adequately address the impacts of the potential shift from suburban to urban. The evaluation of Visual Resources should include potential conflicts with the existing built environment, view-sheds and scenic vistas (especially those that are identified in locally adopted General Plans), etc.

A28-3

2. Public resources and infrastructure (water supply, sewage disposal, schools, public facilities, streets and roads, traffic systems, etc.) limit the amount of potential growth within Corte Madera and all communities in Marin County. There is little if any potential to expand these resources. The DEIR does not adequately analyze and address the effects of the PBA on these limited resources and infrastructure. With regard to water in particular, the DEIR states that supplies will be adequate in years of average rainfall or single-year drought conditions, but fails to address periods of drought longer than one year.

A28-4

3. The main transportation corridors in many communities consist primarily of highways. The DEIR does not adequately address the effects of concentrating residential development along transportation corridors in close proximity to air pollution, which has been decisively linked to higher rates of autism, asthma, and other health concerns.

A28-5

4. There is insufficient justification for the failure of the DEIR to address four potential impact categories (Hazardous Materials, Public Services, Recreation & Mineral Resources) given the fact that all other standard categories are intended to be addressed.

A28-6

5. It is unclear why MTC's PowerPoint description of Alternative 5 (Environment, Equity and Jobs) stated there will be a Land Use evaluation of "Additional affordable housing in locations with high-performing schools and local services". It needs to be explained how this evaluation can take place if Public Service is one of the categories that will not be addressed.

- A28-7** 6. We emphasize the importance of evaluating the potential conflict with locally adopted General Plans as called for under Land Use, Housing Agriculture and Physical Displacement, and feel that the DEIR inadequately addresses this conflict.
- A28-8** 7. Land Use, Housing Agriculture and Physical Displacement also inadequately addresses how other housing types may be “crowded out” by typical multi-family development anticipated by the Project. Examples of other housing types should include Assisted Living Units, Homeless Shelters, Women’s Shelters, Live/Work Lofts, Section 8 Units, Small Starter Condominiums, and Small Starter Single Family Homes/Bungalows.
- A28-9** 8. The DEIR states that “the proposed Project and Alternatives evaluated in the EIR must be financially constrained to the \$277 billion envelope.” However Alternatives 1, 4 and 5 do not include analysis using the Preferred Transportation Investment Strategy, which is financially constrained to \$277 billion. This should be either corrected or explained in the document.
- A28-10** 9. The DEIR should clarify that the Project and all Alternatives (except Alternative 4) will be analyzed using the same growth forecasts, i.e. 2,147,000 new people, 1,120,000 new jobs, 660,000 new housing units. Demographic and economic forecasts should be included in the Draft EIR.

A28-11 The Town Council of the Town of Corte Madera appreciates the opportunity to comment on the Draft Plan Bay Area and the DEIR for the Plan Bay Area, however it believes the public comment period for the very lengthy draft documents was inadequate to give the public and stakeholders sufficient time to review the complex information contained therein. Therefore, the Town Council of the Town of Corte Madera requests that the Association of Bay Area Governments and the Metropolitan Transportation Commission delay adoption of Plan Bay Area and the Draft EIR for a period of six months to allow for thorough review by the public. Barring an extension of time for review, the Town Council of the Town of Corte Madera advises that “No Project” be adopted until such time as the provisions of Plan Bay Area can be adequately analyzed.

Sincerely,


Diane Furst, Mayor Town of Corte Madera

Cc: Ezra Rapport, Executive Director, Association of Bay Area Governments
Pat Eklund, Mayor, City of Novato
Dianne Steinhauser, Executive Director, Transportation Authority of Marin
Katie Rice, Marin County Supervisor
Steve Kinsey, Marin County Supervisor



TOWN OF LOS GATOS

COMMUNITY DEVELOPMENT DEPARTMENT
PLANNING DIVISION
(408) 354-6872 FAX (408) 354-7593

CIVIC CENTER

110 E. Main Street
Los Gatos, CA 95030

May 16, 2013

Metropolitan Transportation Commission
Plan Bay Area Public Comment
101 Eighth Street
Oakland, CA 94607

RE: Town of Los Gatos Comments on the Bay Area Plan and DEIR

The Town of Los Gatos appreciates the opportunity to provide comments on the Bay Area Plan and DEIR. The Town has reviewed the documents and has the following comments:

Priority Development Areas (PDAs) - The DEIR and the Bay Area Plan both make references to PDAs in Los Gatos. On June 13, 2012, the Town sent a letter to ABAG and MTC stating that while the Town continues to support the Cores, Corridors, and the Station Areas program, the Town cannot support the designation of either Planned or Potential PDAs within its jurisdiction at this time and requested that all references to the Los Gatos PDAs be removed (see attachment). The following material of the documents erroneously indicates a PDA in Los Gatos:

A29-1

DEIR:

- Figures 1.2-18 and 1.2-23
- Appendix F, Table F-2a: PDAs in Landslide Area; and Table F-3a: PDAs in a Liquefaction Zone

A29-2

Bay Area Plan:

- Maps 6 and 9

A29-3

The PDA section in Chapter 1.2 of the DEIR should note that not all jurisdictions have nominated a PDA. In addition in Chapter 2.3 under the section "Consistency with Land Use Plans," the sentence which states that local jurisdictions nominated areas within their borders as potential PDAs should be modified since it implies that all jurisdictions have nominated PDAs.

Housing and Employment Projections - The Town of Los Gatos is primarily a built out community with few opportunities for new large-scale development to occur. The build out analysis which was incorporated in the Town's 2020 General Plan reflected a probability that most of the build out would occur on approximately 40 acres of land known as the North 40. The General Plan noted that this area would develop with a maximum of 750 residential units and up to 580,000 square feet of new commercial. Subsequent to the approval of the General Plan the Town has drafted a Specific Plan for this N40 area with reduced numbers of 364 residential units and up to 454,000 square feet of new commercial. Whether or not the numbers were reduced the Los Gatos employment projections noted in the DEIR for 2010-2040 are too

A29-4



Metropolitan Transportation Commission

May 16, 2013

Page 2

high due to the limited amount of development opportunities. With the reduction of housing units and commercial square footage anticipated for the N40 area, this further exacerbates the Town's concern that the employment projections are too high.

If you have any questions, please contact me at (408) 354-6873 or sbaily@losgatosca.gov.

Sincerely,



Sandy L. Baily, AICP
Assistant Community Development Director

SLB:ah

cc: Sailaja Kurella, Regional Planner, Association of Bay Area Governments, 101 Eighth Street, Oakland, CA 94607

Attachment

N:\DEV\SCS_SB375\OBA.EIR.comments.doc



May 16, 2013

Mr. Steve Heminger, Executive Director
Metropolitan Transportation Commission
101 Eighth Street
Oakland, CA 94607

Subject: **Draft Plan Bay Area**

Dear Mr. Heminger:

The Santa Clara Valley Transportation Authority (VTA) is submitting a letter for the Draft Plan Bay Area and the Environmental Impact Report (EIR). VTA appreciates the effort that the Metropolitan Transportation Commission (MTC) has undertaken to develop a Regional Transportation Plan (RTP) which will be the first of its kind to incorporate guidelines set by SB 375. VTA has read the Draft Plan Bay Area and the Plan Bay Area EIR and would like to provide some comments:

Plan Bay Area

- While the plan references the value of looking at both housing and job forecasts, the emphasis is still clearly on housing production, especially affordable housing production. While we agree that population growth and the demand for housing will occur at a greater rate than previous years, an effective plan must also have a co-focus on job growth and development conditions. In Santa Clara County, many cities have commented to us that the forecast growth identified by Association of Bay Area Governments (ABAG) have been underestimating the level of growth in non-Priority Development Area (PDA) locations. This growth will occur in employment centers that do not meet the criteria for PDAs but are important in the sense that these locations will accommodate most of the employment in this county.
- Plan Bay Area includes the Regional Housing Needs Assessment (RHNA) process, which identifies allocation targets for housing for each City. In order for cities to accommodate this growth, there needs to be discussion on the financial investment required to meet some of these targets for housing. There also needs to be some discussion in looking at other sources of funding that cities may use to achieve the required levels of housing. These sources of funding should look outside of the scarce amount of existing transportation funding for the plan.
- As VTA commented previously on this subject, we believe the Greenhouse Gas (GHG) impacts from the policy initiatives are highly questionable. The results show these initiatives will have a much more significant impact than land use changes and

A30-1

Mr. S. Heminger
May 16, 2013
Page 2

transportation investments. MTC staff indicated that the analysis on the policy initiatives was done off-model. It is our opinion that the GHG impacts from the policy initiatives do not offer an apples-to-apples comparison to that calculated from the model. It is misleading to add these impacts to those from the land use changes and transportation investments.

A30-2

- Plan Bay Area proposes to reduce GHG emissions within the 28-year life of the plan; there is still some debate as to how the 15% reduction target will be reached. The modeling work that has been done for the plan identifies strategies to get to that reduction. It identifies future strategies such as a Vehicle Miles Traveled (VMT) tax to reach that goal. Will these funding strategies be considered in future planning?

A30-3

- Page 58 states that projects within Plan Bay Area may qualify for California Environmental Quality Act (CEQA) streamlining provisions. These provisions are for projects consistent with Plan Bay Area and transit priority projects. These transit priority projects areas are close to transit and must contain at least 50% residential use. While we support these projects, we must be open to projects that support high density development for both employment and housing. For example, San Jose has major developments along First Street that are employment centers and projects that support those developments should be eligible for streamlining.
- Financial investments in Chapter Four identify a large shortfall for both roadway and transit infrastructure. The Plan misses all targets in transportation effectiveness for highway and transit maintenance. It is clear that we have a transportation system that requires a large investment in operations and maintenance. VTA has used countywide transportation sales tax measures to fund its own operations and maintenance for the transit system. However, the Plan should also advocate for new future funding from State, Federal, and other sources that would assist agencies in funding their transportation shortfalls in light of the target analysis that was done. Future planning must give greater attention to transportation maintenance funding.
- Pages 75 through 77 highlight the investment in the next-generation transit in the Bay Area. This includes an estimate of \$2.5 billion in Federal New and Small Starts funding that would be anticipated within the life of the plan. Five projects and a \$660 million reserve are included in this amount; however, the \$660 million is set aside to support transit service in the East and North Bay counties. This geographic specificity seems counter to the performance-based approaches taken in other areas of the plan. VTA advocates for that reserve to be available to all counties on a competitive basis based on the most recent adopted FTA New Starts/Small Starts evaluation criteria, so the region as a whole is able to obtain maximum benefit for its investments. Currently, VTA has two Bus Rapid Transit projects under development with one of the projects in the environmental phase. These transit projects support PDAs and high-use transportation corridors.

Mr. S. Heminger
May 16, 2013
Page 3

- Page 78 discusses the Freeway Performance Initiative (FPI). This program highlights improvement and efficiency of the freeway, highway, and arterial infrastructure. Before the development of the project list, there were discussions at MTC that the FPI program would include funding for arterial projects beyond signal timing. Currently, Plan Bay Area only identifies the Program for Arterial System Synchronization (PASS) program as a funding source for signals. However, the PASS program only deals with signal retiming. There are other needs on arterials beyond signal timing that technology could improve upon such as further reducing delays, accessibility for all modes, emergency response, and air quality. While VTA also supports the investment on freeways, Plan Bay Area must recognize the need for an enhancement of the communications system for freeway traffic operations system (TOS) and ramp metering implementation. VTA understands from MTC staff that implementation of fiber optics as a means to meet the communications system needs for ramp metering and TOS will not be included under the FPI program, we caution the region to not repeat the errors of the region from the past. Continuing to upgrade the end devices such as meters, cameras, monitoring stations and electronic signs is commendable, but if the information to/from these devices continues to be transmitted over antiquated technologies such as ISDN and dial-up phone circuits, the ability to use the systems to their fullest capabilities will not be realized. It is also commendable that TOS and ramp metering continues to be expanded, however, without the appropriate level of operations and maintenance (O&M) funding, what is already a stretched-thin O&M staff will become further stretched thin.
- Pages 85 and 86 include discussion on protecting the climate through investments in programs and projects that reduce the amount of greenhouse gas emissions. We encourage MTC to continue to look at other technological innovations that benefit the transportation system.

Plan Bay Area EIR

A30-4

- We remain concerned about the use of and results from the UrbanSim model in the process. While we embrace the overarching goal of developing a better land use forecasting tool, it has not been demonstrated that the UrbanSim model is ready for use in the RTP development process. We do, however, look forward to working with ABAG to better understand how UrbanSim works, and developing this tool further in preparation for the next RTP.

A30-5

- The RTP documents contain insufficient documentation as to where the growth from Alternatives 3, 4, and 5 will be placed, such as by PDA or jurisdiction. As a result, it is unclear if local jurisdictions can actually know what they would be expected to accept if any alternative besides the Proposed Plan is adopted.

A30-6

- The regional population, housing and jobs growth numbers and distribution for use in this RTP and SCS represent a substantial departure from past trends. We also recognize that there have been challenges to the validity of those projections. What may be appropriate

Mr. S. Heminger
May 16, 2013
Page 4

projections at a regional level can be problematic at the local (especially at the PDA) level, and may not be implementable. This issue is consistent across all of the alternatives examined in the DEIR. The Congestion Management Agencies (CMAs) look forward to a careful examination of actual development patterns in comparison to the projections over the next four years, and to any necessary adjustments to the projected type and location of growth when the next RTP and SCS are developed.

A30-7

- We are concerned that ABAG forecasts may be overestimating the short term job growth from 2010 to 2020, and then severely dropping off in job growth from 2020 to 2035 relative to the increases in population. The rationale apparently is that a greater share of workers will retire and long-term unemployed workers will simply stop looking for work, but remain within the Bay Area; however even if that is the case, the trending off appears severe after 2020, and we have not seen adequate justification for making these assumptions.

A30-8

- When the Draft RTP (the Project) is compared to the Alternatives, the difference in impacts and achievement of RTP goals is insignificant (1 to 2 percent) in almost every instance. Given this small difference, the CMAs do not agree with the DEIR's conclusion that Alternative 5 is the Environmentally Superior Alternative – there is in fact very little material difference between all alternatives. The Project represents the one alternative that is the most vetted and understood by Bay Area residents, the most consistent with local plans, and the most comprehensive in addressing the needs of all modes and users while still environmentally sound and beneficial.

- When compared to the Project, we note that Alternatives 4 and 5 have specific flaws that make it difficult to view them as viable choices from which to choose. Those flaws include:

A30-9

- Alternative 4 contains growth projections that do not appear to be achievable. Those projections are based upon an assumption that SB 375 requires housing of all Bay Area workers in the 9 counties, and not just that adequate housing be provided for new workers. No other Metropolitan Planning Organization holds this interpretation, and the Bay Area CMAs do not believe that SB 375 should be interpreted this way. In addition, since Regional Housing Needs Assessment (RHNA) allocations have already been drafted and presented to ABAG for adoption, the Alternative's growth assumptions for the early years of the RTP are already undercut, putting even more unrealistic growth pressures on out years of the Project. If ABAG were instead to adopt the growth assumptions in Alternative 4, it would be doing so without the detailed public discussion that has occurred for the current RHNA numbers.

Mr. S. Heminger
May 16, 2013
Page 5

A30-10

- Alternative 5 is based upon assumptions that are inconsistent with SB 375 regarding the loss of local control related to rezoning. It assumes that unspecified PDAs in rural and exurban areas will be disqualified from upzoning, even though SB 375 expressly denies the region the power to make such a decision. It also assumes OneBayArea (OBAG) funding cannot be spent in these PDAs, even though most CMAs have already made OBAG funding obligations that likely include these areas. It assumes a significant amount of additional low income housing that (presumably) requires large subsidies; however, the funding for these subsidies is not accounted for in the plan, and therefore represents a fiscally unconstrained alternative. Finally, the Alternative assumes a VMT tax that, while small, cannot reasonably be assumed to be in place within a reasonable timeframe. None of these considerations have received the vetting, either at the local or regional level, which the provisions of the Project have received. These factors make Alternative 5 unimplementable, and it should receive no further consideration.

A30-11

- Under transportation mitigation measures it states that "...Under the proposed Plan, per capita VMT on severely congested facilities (LOS F) would increase compared to existing conditions." Following that is a statement that reads: "Mitigation 2.1(c) MTC shall pursue a policy that requires the implementation of ramp metering throughout the region's highway network as a condition of discretionary funding." It should be noted that the pursuit of such a policy should involve consultation with CMAs, cities, and Caltrans since there are issues involving funding for ramp metering. It should also be noted that there exists a well-established, successfully used process for the implementation of ramp metering in Santa Clara County that involves joint funding, development, implementation and operations that includes close coordination of the metering with local agencies. This is stated in an existing Ramp Metering Memorandum of Understanding with Caltrans. Please clarify how such existing best practices and agreements would exist with the new RTP.

A30-12

- Likewise, implementation of the proposed Plan may result in a net increase in transportation investments within areas regularly inundated by sea level rise by midcentury. Its mitigation is stated as, "...Mitigation 2.5(c) The project sponsors and implementing agencies shall coordinate with BCDC, Caltrans, local jurisdictions (cities and counties), and other transportation agencies to develop Transportation Asset Management Plans (TAMPs) that consider the potential impacts of sea level rise over the asset's life cycle." Again, the possibility of an asset management plan should be discussed with cities and CMAs.

A30-13

- Under the impacts of Air Quality, it discusses consistency with air quality plans, notably the Clean Air Plan. Does this consistency include input from any of the Climate Action Plans that many Cities are currently developing?

Mr. S. Heminger
May 16, 2013
Page 6

A30-14

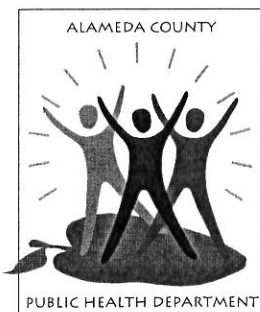
In conclusion, we support adoption of the Project Alternative (Alternative 2) presented in the plan. The 2040 RTP is breaking new ground with the inclusion of SB 375's guiding framework, and we look forward to continued dialog to implement RTP programs and projects, and identify improvements in processes and methodologies that can be incorporated in the next plan update.

Please contact me at 408-321-7093 with any questions on these comments for the RTP and the EIR.

Sincerely,



Chris Augenstein, Deputy Director
CMA Planning



**ALAMEDA COUNTY HEALTH CARE SERVICES AGENCY
PUBLIC HEALTH DEPARTMENT**

Alex Briscoe, Director
Muntu Davis, Director/County Health Officer

Office of the Director
1000 Broadway, 5th Floor
Oakland, CA 94607

(510) 618-3452
(510) 267-8000

May 16, 2013

Mark Luce, President, Association of Bay Area Governments
Amy Worth, Chair, Metropolitan Transportation Commission
Plan Bay Area Public Comment
101 Eighth Street
Oakland, CA 94607
Via e-mail: eircomments@mtc.ca.gov; info@OneBayArea.org

RE: Comments on Draft Plan Bay Area and EIR and Public Health

Dear ABAG President Luce, MTC Chair Worth, and MTC Boardmembers:

I write to recommend adjustments to the Plan Bay Area to increase funding for transit operations, support active transport, reduce exposure to particulate matter, expand affordable housing access across the region, and reduce displacement into the final Plan. As the Alameda County Public Health Department (ACPHD), we support and employ a range of strategies to protect individual and community health, including analyzing public health impacts of land use and transportation planning decisions. Based on our analysis of the proposed scenarios, the Equity, Environment and Jobs (EEJ) scenario suggests numerous adjustments that could address these areas in ways that support the health of all residents in Alameda County and across the region.

Increase Investment in Public Transit

The Public Health Department has recently released *Getting on Board for Health: A Health Impact Assessment of Bus Funding and Access* (see www.acphd.org/media/308930/transithia_es.pdf for the executive summary, and www.acphd.org/media/308854/transithia.pdf for the full report). The study documents the importance of affordable, convenient, reliable public transit to help ensure that all local residents can be healthy and thrive.

Our study focuses on the experiences of 477 transit-dependent riders in parts of Alameda County – but there are more than 2.2 million transit-dependent residents living in communities across the Bay area. Alameda County has the second-largest number of zero-vehicle households, compared to other counties in the region, making it a reasonable place to explore impacts on transit-dependent riders. Over three-quarters (78%) of all zero-vehicle households in the Bay area, however, are outside Alameda County. Transit-dependence is a critical issue throughout our region.

In the Bay Area, low-income residents and people of color – populations who also face disproportionate health burdens – rely heavily on buses. Buses are also a lifeline to essential destinations for seniors, youth, and people with disabilities. Our study found that among transit-dependent bus riders surveyed:

- Almost 9 in 10 (89%) student riders take the bus *every time* they go to school.
- Over 8 in 10 (83%) working riders take the bus *every time* they go to work.

- Almost 1 in 4 (24%) riders take the bus *every time* they see friends or family.
- Among seniors and people with disabilities, almost two-thirds (65%) take the bus *every time* they go to their usual place for healthcare.

Our study found that when service is cut and fares increase, transit-dependent riders' health and quality of life is impacted. Among surveyed riders who were affected by bus service cuts in recent years:

- Over 8 in 10 (83%) say they have more difficulty getting to job, school, social activities, or health care appointments after service cuts. Riders report that service cuts have led to missed work and wages, late arrivals and absences at school, increased social isolation, and missed health care appointments – situations that can be harmful to health and wellbeing.
- Over 6 in 10 (61%) are experiencing longer bus wait times, over one-third (37%) are experiencing more crowded buses, and almost one-third (31%) are experiencing longer commutes. Longer waits, crowding, and longer commutes contribute to increased stress. In our study, riders reporting an increase in travel time after service cuts were almost twice as likely to report frequent stress and anxiety in their daily lives as riders whose travel time did not increase (28% vs. 15%). Stress has been linked to a wide range of health problems.
- A small portion (6%) began driving or getting rides in cars. This additional driving will increase vehicle miles traveled and greenhouse gas emissions.

Given the challenges found in our study, it is not adequate to only maintain existing levels of bus service. To increase non-auto mode share and support the health of transit-dependent riders, bus service should be restored to previous levels before recent cuts – or even expanded, since the share of transit-dependent riders is predicted to increase over the next 25 to 30 years. Based on our analysis of the alternatives, we predict that the EEJ alternative would result in the best mobility-related public health benefits – improving access to destinations essential for good health, reducing stress and safety concerns, and helping support good health and quality of life for all.

A31-1

Support Active Transportation

Walking and bicycling alone or in combination with public transit (active transport) can substitute for short car trips and provide physical activity. Like other parts of the state and region, Alameda County faces a significant obesity challenge. Nearly half of all adults in Alameda County (48.7%) are overweight or obese. Almost 2 in 10 (18%) Alameda County adults are obese, and this figure jumps to 24% among adults living in poverty.

A31-2

Active transport can reduce the risks of obesity, chronic disease and premature death and also reduces air pollution from cars. The EEJ scenario is predicted to increase average daily time for walking or biking per person for transportation the most of all scenarios.

Reduce Exposure to Particulate Matter

A31-3

Particulate matter (PM 2.5) is a known asthma trigger and has been linked to higher asthma prevalence. Alameda County has the third highest asthma rates in California. Across the nine-county Bay area region, almost one in seven residents (13.8%) is diagnosed with asthma at some point in their lives. The EEJ and Transit Priority Focus scenarios are predicted to achieve the highest reductions in premature deaths due to exposure to PM 2.5.

Advance Affordable Housing for All

Affordable housing is a challenge throughout the Bay area. In Alameda County, for example, many people spend 50% or more of their income on rent, and people living in high-poverty areas are more likely to spend at

least half of their income on rent (36% of people in high poverty areas vs. 19% of those living in low poverty areas). A lack of affordable housing has serious health consequences. These include: less money available for other important purchases like health insurance, healthy food, and childcare; health problems such as asthma and headaches related to substandard housing; respiratory problems and increased stress related to overcrowding; and increased risk for homelessness and associated health challenges.

A31-4 It is important to ensure that residents have a range of options for where they live and work, and good public transit that can help them get to key destinations. By slightly expanding the focus for affordable housing to more areas outside of the Priority Development Areas currently defined within the plan, the EEJ Scenario will help ensure the region better meets affordable housing needs throughout the region.

Support Efforts to Reduce Displacement

A31-5 Residents pushed out of gentrifying neighborhoods by rising housing costs are unable to benefit from local improvements like more stores selling healthy food, improved public transit, more walkable streets, greater local economic opportunities, and other benefits to the local environment. The Centers for Disease Control and Prevention (CDC) has noted that when neighborhoods change rapidly, pushing existing residents to the margins, existing health disparities by race and income can widen. The EEJ Scenario proposes incorporating specific requirements into the One Bay Area Grant to ensure local authorities are meeting the region's target of zero displacement.

A31-6 Given the importance of public transit, active transit, air quality, affordable housing, and displacement protections, we recommend adoption of the Equity, Environment and Jobs (EEJ) scenario in the draft Environmental Impact Report (EIR) into the final Plan. We believe the EEJ provides the greatest public health and environmental benefits and protections for our most vulnerable communities.

Thank you for your consideration of these important issues. Please do not hesitate to contact me with any questions or concerns.

Sincerely,

A handwritten signature in dark ink, appearing to read 'Muntu Davis', followed by the text 'MD, MPH'.

Muntu Davis, MD, MPH
Department Director and County Health Officer



May 14, 2013

Ezra Rapport, Executive Director, ABAG
Steve Heminger, Executive Director, MTC
101 Eighth Street
Oakland, CA 94607

COMMENTS ON DRAFT PLAN BAY AREA

Dear Mr. Rapport and Mr. Heminger:

Thank you for the opportunity to comment on Draft Plan Bay Area. The City of Santa Rosa has been involved in the planning process and appreciates what a large and complex undertaking the development of the Plan and associated Environmental Impact Report is.

The Santa Rosa City Council met on May 14, 2013 to consider the Draft Plan Bay Area and Draft Environmental Impact Report. The following comments are offered:

A32-1

- *Santa Rosa is planning for growth outside Priority Development Areas.* Draft Plan Bay Area's housing unit projections indicate that Santa Rosa will add 16,020 dwelling units overall between 2010 and 2040. It also projects the number of new units for each of Santa Rosa's five Priority Development Areas for that period – 16,570 units – a larger number than for the City as a whole. While these numbers are inconsistent, they also appear to project all of Santa Rosa's future growth to be in its PDAs. This is inconsistent with local land use policy, which projects future growth in Santa Rosa to be within PDAs as well as outside of these areas, within the Urban Growth Boundary (UGB). The Santa Rosa General Plan projects 25,220 additional dwelling units within its UGB by 2035, considering growth within and outside of designated PDAs, more than anticipated by Plan Bay Area. Growth anticipated centers around community shopping centers, schools and parks, and is planned to provide opportunities for walking and bicycling to these facilities in all areas of the city.

A32-2

- *City efforts in greenhouse gas emissions reduction.* The overarching goal of Plan Bay Area is to meet mandated greenhouse gas emissions

SCOTT P. BARTLEY
Mayor

ERIN CARLSTROM
Vice Mayor

JULIE COMBS
ERNESTO OLIVARES
JAKE OURS
ROBIN SWINTH
GARY WYSOCKY

reduction targets. To this end, the City has adopted a Climate Action Plan which meets state goals and more stringent local goals while assuming growth as described above within the Santa Rosa Urban Growth Boundary area.

A32-3

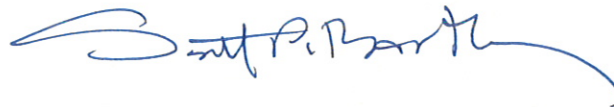
- *Estimates in Priority Development Areas overstated.*
While the City appreciates the adjustment of the housing unit projections for downtown Santa Rosa to better match its adopted Downtown Station Area Specific Plan, the projection for this area remains about 600 units more than the adopted plan. Of greater magnitude is the projection for the Sebastopol Road Corridor PDA, which projects about 4,500 more housing units than the general plan for that area. A portion of this area was the subject of the Sebastopol Road Urban Vision Plan, prepared jointly by the City and Sonoma County through a participatory planning process. One of this program's accomplishments was to achieve consistent higher density land use designations for the City and County, which both have some jurisdiction in the area. The City urges revision of the number of projected units for the Sebastopol Road corridor to better reflect adopted local policy.

A32-4

- *Connection between transit funds and RHNA.* The City is concerned about how the Regional Housing Needs Allocation is linked to funding for inter-county transit and coordination of intra-county transit.

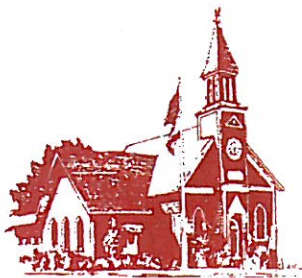
Please let Community Development Department staff know if there are questions regarding these comments.

Sincerely,



SCOTT P. BARTLEY
Mayor

f:\council\mayor\pba letter



THE CITY OF
NOVATO
CALIFORNIA

75 Rowland Way, #200
Novato, CA 94945-3232
415/899-8900
FAX 415/899-8213
www.novato.org

Mayor
Pat Eklund
Mayor Pro Tem
Eric Lucan
Councilmembers
Denise Athas
Madeline Kellner
Jeanne MacLeamy

City Manager
Michael S. Frank

May 16, 2013

Plan Bay Area Public Comment
Metropolitan Transportation Commission
101 Eighth Street
Oakland, CA 94607

SUBJECT: Comments Regarding the Draft Plan Bay Area

This letter transmits comments from the City of Novato regarding *Plan Bay Area* (March, 2013) and Draft EIR. The City has carefully tracked the process of developing the Bay Area's Sustainable Communities Strategy and has commented previously regarding future development projections and alternative strategies.

On May 14, 2013 the Novato City Council held a hearing on the Draft *Plan Bay Area* and its associated Draft Environmental Impact Report. The Council directed transmittal of the following comments:

1. Local Control. Much of the public input received regarding *Plan Bay Area* has focused on a perceived loss of local control in future planning and development decisions. The Draft EIR states in several places that implementation of the Plan will depend upon the voluntary decisions of local agencies and that the Plan forecasts are advisory and not mandatory. ABAG staff members have expressed the same sentiments. We respectfully request that ABAG and MTC provide affirmative confirmation that the foregoing is accurate.
2. 2014-2022 RHNA. The 2014-2022 RHNA for Novato (414 units) is reasonable and acceptable and we believe can be accommodated in our next Housing Element update.
3. Growth Projections. The population growth projections published by the Department of Finance in 2013 differ substantially from those developed by ABAG in 2012 (3% population increase for Marin in 2040 according to the DOF versus 13% growth projected by ABAG). The next update of Plan Bay Area in four years must strive to reconcile the state and regional growth projections to create greater credibility of the resulting Plan.
4. Job Growth Projection. The 2040 jobs projection for Novato is unrealistic given past employment growth and the lack of vacant commercial sites. Recent and projected job growth demonstrates that the Draft Plan Bay Area projects job growth equal to that which occurred in the 1990s and 2000s when there was substantial vacant commercial property. Redevelopment of underdeveloped commercial sites will occur, but not yielding the previous rates of job growth.
5. Coordination with Policies of other Regional Agencies. The infill development envisioned and projected by Plan Bay Area will not be realized unless the land use policies of the four regional agencies

A33-1

A33-2

A33-3

(ABAG, MTC, BCDC and BAAQMD) are coordinated towards achieving mutual goals. Air quality criteria adopted two years ago essentially preclude multi-family development within 500 feet of freeways and within 200 feet of most major transit lines. BCDC is likely to develop criteria for development in areas subject to sea level rise, which includes many proposed Priority Development Areas.

A33-4

6. Changes to State Housing Element Law. *Plan Bay Area* should be modified to proactively endorse changes in state housing element law to better recognize the types of housing that will be needed in the future and to not preordain minimum densities for the entire nine county region. ABAG should commit to working with the State Department of Housing and Community Development to:

- Change the 'housing unit' definition to recognize and fully count many forms of housing such as congregate care, assisted living, group homes, college student housing and rehabilitated affordable units.
- Provide for variation and tailoring of minimum density thresholds for affordable housing to better reflect the development capacities and character of their communities rather than current law which establishes these thresholds based arbitrarily on county lines. Marin is included in the San Francisco metropolitan area for determination of the "default density" for affordable housing but shares more the character and environmental limitations of Sonoma and other North Bay counties which are assigned a lower density threshold.

7. Recognition of Local GHG Reduction Efforts. On page 3, "Building Upon Local Plan and Strategies," the Plan should recognize the extensive efforts underway by local governments in the Bay Area to reduce greenhouse gas emissions such as local climate action plans, green building ordinances, electric vehicle infrastructure, new renewable energy community power providers such as Marin Clean Energy and trip reduction programs such as Safe Routes to School.

8. CEQA Reform. The last sentence on page 130 of the "Modernize the California Environmental Quality Act (CEQA)" should be removed as it is not appropriate to apply to the region an interest that is specific to one area. CEQA currently has an infill exemption and an AB375 exemption that can be used to streamline, where appropriate, infill development.

A33-5

9. Draft Environmental Impact Report. The Draft EIR does not adequately address the effects of sea level rise on planned growth areas and critical infrastructure. Substantial efforts need to be taken by ABAG, MTC and BCDC in resolving policy differences and initiating detailed planning along the entire Bay margin to study alternative solutions, identify needed improvements and funding sources. The Draft EIR also does not adequately identify the availability of a reliable water supply over the

A33-6

period of the plan which is sufficient for both the existing population and expected growth.

A33-7

10. Most cities and towns in Marin do not have sufficient resources to fully fund their Police, Fire, Recreation, school and other services at current housing levels. ABAG and MTC need to identify additional sources of funding for these vital services which will increase as the projected numbers of affordable housing units are added.

We appreciate the scope of the regional planning effort that has resulted in Plan Bay Area and appreciate the opportunity to review and comment on the Draft Plan and DEIR. We look forward to a response to our comments and questions. Should you have any questions regarding the information in this letter, please contact Robert Brown, our Community Development Director at (415) 899-8938 or e-mail at bbrown@novato.org.

Sincerely,



Pat Eklund, Mayor

cc: City Council
Planning Commission
City Manager
Transportation Authority of Marin

DEPARTMENT OF TRANSPORTATION

111 GRAND AVENUE
OAKLAND, CA 94612
PHONE (510) 286-5900
FAX (510) 286-5559
TTY 771



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May 16, 2013

BAG055
MTC/ABAG
SCH# 2012062029

Ms. Carolyn Clevenger
Metropolitan Transportation Commission
Joseph P. Bort MetroCenter
101 Eighth Street
Oakland, CA 94607-4700

Dear Ms. Clevenger:

Plan Bay Area – Draft Environmental Impact Report (DEIR) and “Draft Plan Bay Area: Strategy for a Sustainable Region” (DPBA)

We commend the Metropolitan Transportation Commission (MTC) and Association of Bay Area Governments (ABAG) on the completion of the DPBA and the DEIR. Thank you for including the California Department of Transportation (Caltrans) in the planning and environmental review process for these documents. We have reviewed the DEIR and the DPBA and have the following comments to offer.

Comments on Draft Environmental Impact Report (DEIR)

A34-1 General Comment: Climate Change

Many of our State facilities will be impacted by climate change within the timeframe of Plan Bay Area, which should be noted in the DPBA, not just in the DEIR. In particular, low-lying areas such as approaches to some Bay Area bridges and highways along the edge of the Bay are subject to flooding during the 28-year planning horizon of Plan Bay Area. The DEIR identifies specific RTP projects subject to inundation. This information is valuable and should be included in the DPBA.

A34-2 Executive Summary, Page ES-27, Mitigation Measure 2.5(a), Page 2.5-67, California Sea Level Rise Mitigation Measures

Comment: Caltrans should be listed as one of the agencies responsible for the Federal Highway Administration (FHWA) funded *Adapting to Rising Tides: Transportation Vulnerability and Risk Assessment Pilot Project* report, along with MTC and the Bay Conservation and Development Commission (BCDC). This section should also include reference to the forthcoming FHWA-funded, *Climate Change and Extreme Weather and Adaptation Options for Transportation in the Bay Area*

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Pilot Project study, to be developed with MTC, BCDC, Caltrans and the Bay Area Rapid Transit District (BART). We suggest including a reference to BCDC's ongoing *Adapting to Rising Tides* project, which should also serve as a guide for selecting appropriate adaptation strategies.

A34-3 **Chapter 2.1 Transportation, Pages 2.1-1 – 2.1-9, Existing Regional Transportation Conditions (2010)**

The description should include critical components of the freight network, which connects inland destinations to the Bay Area seaports and airports described on page 2.1-9. The absence of this information reflects a lack of importance placed on how Plan Bay Area will impact freight mobility in the region.

A34-4 **Chapter 2.1 Transportation, Pages 2.1-22 – 2.1-37, Impact Analysis**

The DEIR proposes traffic impact significance criteria not commonly used in other environmental documents, and does not directly measure the severity of congestion. Criterion 3 (Per Capita Vehicle Miles Traveled (VMT) under Level of Service (LOS) F Conditions) measures congestion indirectly. Caltrans recommends the use of simpler and more traditional metrics of vehicle hours of delay or peak hour traffic demand.

Chapter 2.1 Transportation, Page 2.1-29, Table 2.1-3 Bay Area Travel Behavior, 2010

A34-5 Please verify whether all the counts in Table 2.1-3 are sourced from the Metropolitan Transportation Commission Travel Demand Forecasts, 2012.

A34-6 Please include the average delay for each line item under "Daily Vehicle Hours of Recurring Delay," in order to clarify the Table.

A34-7 Footnote 3 – Please clarify why 2010 simulated data was used in estimating the VMT, when the preceding section states that Table 2.1-3 reflects the most current data (i.e., explain why there is not more current census data).

Chapter 2.5 Climate Change and Greenhouse Gases

A34-8 Page 3. The last sentence under the second bullet item (*Ecosystems and Biodiversity*) seems out of place. It would be more appropriate under the *Public Health* bullet item.

A34-9 Page 6. The black and white figures (2.5-1 and 2.5-2) are difficult to read. Color charts and graphs would be more effective.

A34-10 Page 27. The discussion regarding the California Sea Level Rise Interim Guidance Document anticipated release date needs to be updated from the anticipated 2012 release to the document's actual release date of March 15, 2013.

Comments on Draft Plan Bay Area: Strategy for a Sustainable Region

General Comments

Goods/Freight Movement

The DPBA makes minimal reference to freight. The importance of freight to the Bay Area region cannot be overlooked per “Moving Ahead for Progress in the 21st Century” (MAP-21). The DPBA should discuss strategies to enhance the regional transportation system for increasing freight mobility and fostering economic growth.

The current Regional Transportation Plan (“Transportation 2035 Change in Motion,” April 2009) includes a three page chapter dedicated to goods movement. Caltrans recommends the DPBA also include a goods movement chapter. Caltrans looks forward to the opportunity to collaborate with MTC staff in the development of a goods movement/freight mobility chapter that reflects the current environment and challenges.

In a region of major economic significance such as the San Francisco Bay Area, the DPBA should discuss in detail interregional travel and freight mobility. Minimally, there should be some discussion of the intercity rail, interregional roads, and air and seaports that provide connections to and through major metropolitan regions.

MAP-21 encourages each state to develop a State Freight Plan. Caltrans is developing the California Freight Mobility Plan and has formed the California Freight Advisory Committee (CFAC), which includes a MTC representative. The CFAC held its kick-off meeting on April 23, 2013, and the plan is scheduled to be completed in 2014. The DPBA should acknowledge this effort and discuss strategies to enhance the regional transportation system for increasing freight mobility and fostering economic growth.

With respect to land use planning for both PDAs and freight movement, PDA planning should not adversely affect the economic potential of goods movement industries. Strategies to achieve this goal include educating cities and counties about the impacts of their local land-use decisions, and exploring best practices for making goods movement businesses better neighbors. Good land use planning ensures adequate buffers between residential/commercial development and industrial uses.

Interregional Travel/Interregional Transportation Improvement Plan (ITIP) Assumptions

Where the MTC estimate of \$1.5 billion in State ITIP funds was placed within the 28-year Investment Strategy is not easy to identify. While reviewing the Plan Bay Area Online Project Database (Appendix 1) and viewing the funding sheets for several typical ITIP candidate projects, Caltrans was unable to locate any reference to ITIP as a potential source of funding. We suggest that Plan Bay Area clearly state where Interregional Improvement Program (IIP) funds are proposed to be placed.

The 2012 Draft Interregional Transportation Strategic Plan (ITSP) is a Caltrans document that provides guidance for the identification and prioritization of interregional projects. The ITSP

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identifies a specific set of prioritized highway routes. Caltrans continues to consult with regional agencies to seek consensus on the relative priority of ITIP improvements.

Regional Transportation Plan Federal and State Requirements

The Regional Transportation Plan (RTP) Checklist previously submitted by MTC to Caltrans on April 28, 2013 (attached) intended to address required information from the State RTP Guidelines. The following topics should be further addressed:

- Regarding the federal and State RTP requirements, pursuant to Government Code Section 65080.01, please identify where the information shown on the two resource maps on pages 140-142 is incorporated in the RTP.
- The RTP highlights planning assumptions on page 47: per Government Code Section 65080, please provide a discussion of planning assumptions, including local general plans, with respect to the discussion on pages 42-55.
- Government Code Section 14522.2 requires the RTP to specify how travel demand modeling methodology, results and key assumptions were developed as part of the RTP process. An Executive Summary of the 108-page Draft Summary of Predicted Traveler Responses would be helpful in meeting this objective.
- Per Title 23, CFR Part 450.316(3)(b) regarding consultation and cooperation, please identify or reference a location where the distribution list showing the participating federal, local, State agencies can be viewed.
- The RTP should include the required short and long-range strategies for an integrated multimodal transportation system. In accordance with Title 23, Code of Federal Regulations, Parts 450.322(b) and (f)(8), please expand the RTP to explain in greater detail the transportation issues or deficiencies that the RTP will address, including goods movement; maritime transportation; regional airport system; intermodal and connectivity issues; regional pedestrian needs; and regional bicycle needs.
- The DPBA needs to include an updated comprehensive goods movement chapter in a similar fashion to that found in the T2035. The referenced undated external documents are not included in the appendices and do not adequately meet the intent of the RTP guidance or checklist. In a similar fashion, expanded discussion needs to be included in DPBA for Item 4 regarding the regional airport system for both air cargo and passengers; Item 8 regarding rail transportation for both freight and passengers; and Item 9 regarding maritime transportation for both passenger/transit ferries and cargo shipping/commercial shipping ports.
- Please highlight or clarify the timeframe(s) for the specific short-range strategies/actions on pages 67-93, similar to what is shown for the long range strategies/actions "over the next 28 years."
- The RTP does not address the California Coastal Trail. California Government Code 65080.1 requires transportation planning agencies whose jurisdictions include a portion of the California Coastal Trail to coordinate with specified agencies regarding development of the coastal trail, and to include provisions for the coastal trail in their RTPs. Please add this discussion to the RTP.

Connection to Statewide Plans

MTC should briefly address the coordination and connection of their RTP goals, policies, and strategies with statewide goals and plans. For example, Caltrans is currently developing the draft California Transportation Plan (CTP) 2040. The CTP has developed a framework that describes a safe, sustainable, and globally competitive multimodal transportation system. The document will provide high-level guidance on reliable and efficient mobility and accessibility for people, goods, and services while meeting targeted Greenhouse Gas (GHG) reductions.

Safety

DBPA Performance Target #4 – Reduce by 50% the number of injuries and fatalities from all collisions (including bike and pedestrian). DPBA states, “(P)lan moves in opposite direction from target; injury and fatality collisions are projected to increase during plan period by 18%...over 46,000 individuals are forecasted to be injured or killed in collisions in year 2040, an 18% increase in roadway tragedies compared to 2005.”

- Caltrans recommends that this target (and forecast) relate to the State’s Strategic Highway Safety Plan (2006), which sets an overall goal to reduce the California roadway fatality rate to less than 1.0 fatality per 100 million VMT instead of using total numbers of injuries and fatalities.
- No strategies or funding within DPBA appear to be dedicated to address this target. Caltrans recommends an increased focus on ways to reduce injury and fatal collisions on Bay Area roads and transit systems.

Maintenance of Existing System

On page 72, the DPBA states:

“State law requires Caltrans to prepare a 10-year plan for the SHOPP. The SHOPP identifies the various needs for all state-owned highways and bridges. Bay Area highway maintenance needs over the 28-year life of this plan are forecasted to total about \$22 billion. Projected revenues over the same period are expected to cover only \$14 billion. **DPBA has not yet identified any new funding sources for the \$8 billion in unfunded needs despite its heavy emphasis on maintaining our current transportation system.** The magnitude of the Bay Area’s highway rehabilitation needs and lack of available funding suggests that maintenance will have to be delayed or deferred on some highways. New state funding, as discussed later in Chapter 6, will need to be secured in order to ensure the long-term health of today’s system” (emphasis added).

The DPBA also addresses the increasingly distressed pavement on the State Highway System (SHS). However, the DPBA has chosen not to put any of the region’s discretionary revenue toward solving this issue. We also note that the investment level in Alternative 3: Network of Communities would at least keep the distress close to current levels, while the Preferred Alternative projects the level of distress on the SHS to jump from 26 percent to 44 percent by 2040. Caltrans looks forward to working with MTC and all regional partners towards a regional solution to address this.

Financial Assumptions

The fund estimates described in the RTP were difficult to compare to any of the funding listed in the 2012 California Transportation Commission (CTC) State Transportation Improvement Program

(STIP) Fund Estimate. Therefore readers are unable to see the relationship between which funds the CTC allocates and which funds MTC is planning on spending. Caltrans recommends clarification of this funding linkage.

Regional Bridge Toll Revenues (see page 72) – DPBA states, “(I)t was assumed that in FY2018-19, there would be a \$1 increase in the non-carpool vehicle toll on all state owned bridges. The Regional Express Lane Network revenues included in the financially constrained plan represent projected gross toll revenue for the express lanes including toll revenues from express lanes in Santa Clara County.” Caltrans recommends Express Network revenues not be listed as Toll Bridge Revenues because it exacerbates the confusion between the many Express Network entities (i.e., MTC, Bay Area Toll Authority, Bay Area Infrastructure Financing Authority, Santa Clara Valley Transportation Authority, Alameda County Transportation Commission). For example, Santa Clara County is mentioned but not any of the other regional counties shown on the “Road Pricing Improvements” map (see page 81) where Express Lane and high-occupancy vehicle (HOV) Lane projects are displayed together.

Investment in State Bridges (see page 72) –DPBA states, “Plan Bay Area assumes a single one-dollar toll increase on all state-owned bridges, beginning in the year 2019. These new bridge tolls are considered a source of regional discretionary funds and total \$2.7 billion over the course of the plan...and assumes that approximately \$1 billion, or about one third of the \$2.7 billion in estimated new bridge toll funds, will be needed for additional maintenance or unforeseen repairs to the Bay Area’s Bridges.” For example, of the \$2.7 billion in new revenue mentioned above, only \$1 billion is targeted for bridge maintenance; what is the investment strategy for the remaining \$1.7 billion? Also, could some of these tolls be directed to preservation of SHS roads and “non-toll” bridges/overpasses based on some defined nexus or proximity to the toll bridges?

Freeway Performance Initiative (FPI)

DPBA states (see page 78), “Plan Bay Area calls for an investment of approximately **\$2.7 billion** in discretionary regional funds over the next 28 years to continue these programs and others under the FPI umbrella” (emphasis added). There appears to be an inconsistency between the figure of \$2.7 billion in this text, and Table 3 on page 13 “Ten Largest Plan Bay Area Investments,” where FPI is shown as \$2.25 billion.

Project Lists

Unlike past RTPs, including T2035, DPBA does not include project lists by county or corridor. We also understand that MTC will not be publishing the Project Notebook as in past RTP Cycles. Instead, the reader is directed from within Appendix 1: Supplementary Reports and Additional Resources to 16 different documents. County project lists are difficult to locate and read. This information will be more clear if included in the body of DPBA.

CEQA Modernization

Under the “Plan Bay Area: Benefit for Project Development” on page 58, the document indicates that projects consistent with the adopted Plan Bay Area may qualify for relief from some CEQA requirements. Specifically, EIRs for qualifying residential and mixed-use infill projects will not be required to discuss project specific or cumulative impacts from cars and light-duty truck trips on the

regional transportation network. These projects will generate vehicular trips that could alone and/or cumulatively impact the regional transportation network. It is imperative that Plan Bay Area include funding for regional transportation improvements to accommodate infill growth.

Native American Tribal Coordination

MTC and ABAG, with Caltrans, have conducted three rounds of Native American Tribal Coordination outreach to the Tribal Governments in and around the region with regard to DPBA. These efforts have provided opportunities for the region to hear from the Tribes and show the Tribes what the region can offer in terms of funding transportation improvements. Caltrans recommends that the MTC include a discussion of these outreach efforts in Chapter 1.

Distressed State Highway Lane-Miles, Page 12, Maintain Our Existing System

The last paragraph states, “Plan Bay Area’s focus on ‘fix it first’ ensures that we maintain existing transportation assets, primarily concentrated in the region’s core...” However, this statement is difficult to reconcile with the finding in Chapter 5 regarding performance, specifically “Target #10b Decrease distressed lane-miles of state highways to less than 10 percent of total lane-miles” (see page 105).

Of the 6,500 SHS lane-miles within the Bay Area there are many elements (e.g., freeways, conventional highways serving as “main streets,” bridges, and overpasses) that serve critical functions within the region’s core and “carry more than one-third of our region’s vehicle miles traveled” (see page 73). Caltrans suggests that since this 28-year investment plan moves the target in the wrong direction on a key sustainability measure, DPBA should redirect some portion of regional discretionary funds toward Target #10b in order to improve the percentage of distressed State highway lane-miles in the region.

Key Performance Targets, Pages 18-21 (various), Introduction Plan Bay Area and Chapter 1 Setting Our Sights

Please clarify whether the performance measures discussed on page 20 are the same as the “Equitable Access” measures (see page 19, Table 1 Adopted Plan Bay Area Performance Targets) and how the Plan Bay Area Equity Performance Measures relate to Adopted Plan Bay Area Performance Targets. Regarding the “Current Regional Plan” and “Initial Vision Scenario” (see page 21), the description needs to be expanded to explain their difference. DPBA says one is developed based on cities’ plans and the other reflects inputs from local governments.

Financial Assumptions, Page 65, Table 1 Draft Plan Investments by Function

Compared to the “Discretionary Investment Summary” table (see page 12), this table appears to imply that discretionary funding is only going to maintenance and expansion of roads and transit. However, the “Discretionary Investment Summary” shows additional investment strategies, including Efficiency (FPI/TPI), Climate, and “Focused Growth.” Please clarify in detail what role discretionary funding plays in Active Transportation (i.e., bicycle and pedestrian).

Financial Assumptions, Page 67, Investment Strategy 1: Maintaining the Existing Transportation System

This section should acknowledge federal (i.e., MAP-21) or State (i.e., SB 391) guidelines targeting the reduction of GHG at port and heavy rail facilities and the transportation of commerce on the local/regional road network and SHS.

Financial Assumptions, Page 80, Regional Express Lane Network

“...the California Transportation Commission (CTC) approved MTC’s plan to add **290 miles** of express lanes...of the proposed network, **150 miles** would involve converting existing carpool lanes...and **120 miles** would involve widening freeways to create new HOV/express lanes...” (emphasis added). After adding these figures there appear to be 20 miles missing.

Financial Assumptions, Page 88, Key Transit and Road Improvements: Highway System Improvements

Please identify corridors of regional and interregional importance, routes that are critical for freight mobility, and projects (interchange modifications, auxiliary lanes) that address more local operational or PDA access and development needs. Having the PDAs identified on the map provides only a regional sketch level transportation and land-use connection.

Financial Assumptions, Page 92, Key Transit and Road Improvements: Highway System Improvements – Project List & Map

Several project descriptions include improvements at multiple locations (#2, #4, #8 and others). Does their combined or individual cost exceed \$50 million? Are these the projects that were included in the modeling and are listed here for that reason?

- Project #13 – Based on the online database, the name of the project should be Norris Canyon Road Direct HOV Ramps, to distinguish it from the regular interchanges.
- US-101 Corridor: why is the Marin Sonoma Narrows HOV lane in the US 101 corridor improvements not included in the Highway System Improvements list?
- I-80 Corridor: Item #6 - widening is from “Rte. 12 east,” (not “from I-680”) to Airbase Parkway.
- Other Projects: Item #23 - should be “Redwood Parkway/Fairgrounds Drive Interchange Improvements” (not widening).

Performance, Page 104, Maintain the Transportation System in a State of Good Repair

Local Road and Highway Maintenance – “Furthermore, our extensive transit system is rapidly aging and reaching the point where many of our assets are due for replacement at once.” This transit related statement appears to be misplaced and may be better located under Target 10c (see page 106).

Performance, Pages 108 and 109, 2040 Baseline

Please clarify how “2040 Baseline” is defined. Is it the same as “Alternative 1 – No Project” found in the DEIR?

Performance, Page 112, Project-Level Performance Assessment of Transportation Projects

Figure 2 Results by Project Type - Further explanation is needed on how low performing projects included in DPBA positively affect social equity and low-income neighborhoods. Figure 2 indicates that road expansion projects will have an adverse impact on the targets, whereas transit, bicycle and pedestrian projects would support the targets for Plan Bay Area. While the RTP clearly shows the proportion of funding that will go to transit, it is unclear how much funding will specifically support pedestrian and bicycle mobility and therefore the targets. Given this, project listings should either include the pedestrian and bicycle (Complete Streets) component in the project description, or all the projects with pedestrian and bicycle components should be listed in a separate table.

Performance, Page 116, Table 4 Target Analysis

Table 4 contains positive scores on Target #4 for all options, while the goal is a reduction of 50 percent. Please explain the rationale behind the calculations used. Data shows that an increase in, for instance, bicyclists on the roads leads to a smaller increase in accidents than extrapolated based on that growth. The thinking is that having more bicyclists on the road actually increases driver awareness and reduces the percentage of bicycle accidents and fatalities. Was this aspect taken into consideration? Also, completing networks for pedestrians and bicyclists will reduce injuries and fatalities in their categories.

Funding, Page 126, Climate Adaptation/Sea-Level Rise

Caltrans agrees, as outlined in "Planning for Resilience," sea-level rise is projected to have a considerable impact on critical transportation assets in the Bay Area. In order to maintain mobility and minimize the impacts on vulnerable transportation facilities and systems, the region has to engage in a discussion on how to fund adaptation and mitigation measures for sea-level rise at all levels of government.

Funding, Page 133, Grow State Transportation Funding

DPBA states, "Any new state funds should be constitutionally dedicated to transportation so as to avoid the diversion of funds that plagued transportation over the last decade. Consistent with Plan Bay Area's 'fix it first' policy, MTC and ABAG will advocate that the majority of revenues from any new statewide transportation fund source be focused on preservation of the existing state highway, local street and road, and public transit network."

There appears to be an inconsistency between the statement above, advocating that any new State fund source should include the existing State highway network, while on page 105 of Chapter 5: Performance it is stated that "Plan Bay Area does not allocate any discretionary funding toward the maintenance of the SHS, given that the state is responsible for its preservation."

APPENDIX 1 Project List

Maps - urban growth boundaries (UGB) should be more clearly identified. Towns requesting PDA grants should have clearly established UGBs.

Performance Assessment Report, Page 35, I. Purpose of Performance Assessment

Target #10 "Transportation" does not include impacts to quality of travel.

Should you have any questions regarding this letter, please contact Lee Taubeneck, Deputy District Director, Transportation Planning and Local Assistance, at (510) 286-5908.

Sincerely,



BIJAN SARTIPI
District Director

c: State Clearinghouse
Mr. Art Dao, ACTC
Mr. Randell Iwasaki, CCTA
Ms. Dianne Steinhauser, TAM
Ms. Kate Miller, NCTPA
Ms. Maria Lombardo, SFCTA
Ms. Sandy Wong, C/CAG
Mr. Michael Burns, SCTVA
Mr. Daryl Halls, STA
Ms. Suzanne Smith, SCTA

attachment

CITY OF AMERICAN CANYON



May 16, 2013

Steve Heminger
Executive Director
Metropolitan Transportation Commission
101 Eight Street
Oakland, CA 94607

Ezra Rapport
Executive Director
Association of Bay Area Governments
101 Eight Street
Oakland, CA 94607

Subject: One Bay Area Plan Draft EIR

Dear Mr. Heminger and Mr. Rapport:

The City of American Canyon appreciates the efforts of the MTC and ABAG at preparing the Plan Bay Area over the past two years, as well as the opportunity to offer comments on the Draft EIR at this time:

- A35-1 1. The City of American Canyon supports the adoption of Alternative 2, proposed as the Jobs-Housing Connection in the NOP. As noted in the DEIR, this alternative was selected by MTC and ABAG as the preferred plan option for Plan Bay Area, and is the proposed Plan evaluated throughout the EIR. Alternative 2 represents the one alternative that is the most vetted and understood by our residents and policy makers, the most consistent with local plans, and the most comprehensive in addressing the needs of all modes and users while still environmentally sound and beneficial.
- A35-2 2. We do not support Alternative 3 which appears to abandon the Priority Development Area (PDA)-based framework for a new program that emphasizes future development in Transit Priority Project eligible areas (TPPs). We feel that the hard work by MTC and ABAG to educate the public on the benefits of PDA based development would be lost if a new program of TPPs is introduced. The City of American Canyon early on recognized the benefits of developing our city under smart growth principles that include concentrating higher density housing in close proximity to transit and jobs. Our community may be small in the context of the greater Bay Area, but furthering development in the PDA will help make American Canyon a more complete community and reduce the need for our residents to commute to the East Bay and San Francisco. I am sure there are many other communities on the outer edge of the Bay Area similar to us that experience low density growth pressures. Abandoning the PDA program for an as-yet largely unknown TPP program will do nothing to curb low density growth on the urban fringe of the Bay Area which would lead to a higher incidence of vehicle miles travelled and negate any potential SCS reduction benefit from the TPPs.



Steve Heminger, MTC
Ezra Rapport, ABAG
Page 2

- A35-3 3. Alternative 4 contains growth projections that do not appear to be achievable. The Regional Housing Needs Assessment (RHNA) allocations have already been drafted and presented to ABAG for adoption. The RHNA process has been extensively vetted and the current allocations have strong support from the American Canyon City Council. If ABAG were instead to adopt the growth assumptions in Alternative 4, it would be forced to do so without the sort of detailed public discussion that has occurred for the current RHNA numbers.
- A35-4 4. From our perspective, Alternative 5 has similar disadvantages as Alternative 3. Alternative 5 would encourage intensification of land use beyond PDAs to include job-rich, high opportunity TPPs not currently identified as PDAs. This alternative is based upon assumptions that are inconsistent with SB 375 regarding the loss of local control related to rezoning. It assumes that unspecified PDAs in rural and exurban areas will be disqualified from upzoning, even though SB 375 expressly denies the region the power to make such a decision. It also assumes OneBayArea (OBAG) funding cannot be spent in these PDAs, even though most CMAs have already made OBAG funding obligations that likely include these areas. Finally, the Alternative assumes a VMT tax whose passage cannot reasonably be anticipated in the timeframe proposed. None of these considerations have received the vetting, either at the local or regional level that the provisions of the Project have received. These factors make Alternative 5 unimplementable, and it should receive no further consideration.

The City of American Canyon is looking forward to becoming a model example of smart growth small town development that gets it right the first time. We are excited of the opportunities that the PDA program offers to our community and look forward to working with our CMA and regional agency partners to reduce GHG emissions as we become a better community. For these reasons, the City of American Canyon requests that MTC and ABAG modify the final document that is approved to take the concerns listed above into account.

Sincerely,


for Dana Shigley
City Manager

cc: Mayor and City Council
NCTPA
City Attorney



CITY of BELVEDERE

450 San Rafael Ave. • Belvedere, CA 94920-2336

Tel: 415/435-3838 • Fax: 415/435-0430

May 16, 2013

Mr. Steve Heminger
Executive Director
Plan Bay Area Public Comment
Metropolitan Transportation Commission
101 Eighth Street
Oakland, CA 94607
Sent via email to info@onebayarea.org and to eircomments@mtc.ca.gov

RECEIVED

MAY 17 2013

MTC

RE: Comments Regarding the Draft *Plan Bay Area* and Draft EIR

Dear Mr. Executive Director Heminger:

This letter transmits the City of Belvedere's comment regarding *Plan Bay Area* and Draft Environmental Impact Report (DEIR).

The City of Belvedere appreciates the work done by the Metropolitan Transportation Commission (MTC) and the Association of Bay Area Governments (ABAG) to create *Plan Bay Area*. We commend your collaborative efforts to plan jointly for the future of the Bay Area and the development of the region's first long-range land use plan that is integrated with a comprehensive transportation plan with a goal of reducing greenhouse gas (GHG) emissions 15% per capita by 2035.

The City of Belvedere is a model sustainable community. In 2011, Belvedere adopted its first Climate Action Plan identifying community and government operation GHG reduction strategies that reflect the City's commitment to reduce emissions to 15% below 2005 levels by 2020.

The City of Belvedere has fulfilled requirements to implement programs to encourage low-income housing, emergency housing, and other State-mandated programs. In 2010, the California Department of Housing and Community Development (HCD) certified the City's Housing Element.

The intent of this letter is to convey the City of Belvedere's comments on *Plan Bay Area* and the DEIR as discussed by Belvedere City Council on May 13, 2013.

A36-1 The Plan does not adequately address our scarce water resources in Marin. California's semi-arid climate means we receive little or no rain for months at a time. And rain and snowfall can vary wildly from season to season and year to year. Experts say the changing rain and snowfall patterns will result in longer periods of drought. Snowpack in the Sierra Nevada –

Mr. Steve Heminger
May 16, 2013
Page 2 of 3

the source of Marin's largest natural reservoir – could shrink by as much as 25% by 2050. Originally built to serve a population of just 18 million, the State's water system is struggling to meet the needs of 38 million Californians today – even in times of abundant rainfall. Numerous challenges are putting pressure on that system and meeting demands for water is becoming more and more difficult. The *Plan* should address our increasingly scarce water resources in Marin.

A36-2

Jobs assumptions for Belvedere are too ambitious. The City of Belvedere recognizes and appreciates that the jobs and housing projections have been revised for Marin and are less here than in other Bay Area counties. At the same time, we remain concerned that the employment forecast for the City of Belvedere is too high. Employment growth for Belvedere is projected at 12% (an increase in 50 jobs from 2010 to 2050). While this is less than the 17% projected by the Jobs-Housing Connection Scenario, it is higher than is realistic for the City of Belvedere. The *Plan's* Employment Distribution Methodology as described in the *Forecast of Jobs, Population and Housing* document describes the distribution of new employment growth by sector: knowledge-sector jobs, population-serving jobs and all other jobs. Population-serving jobs include those found in retail stores, restaurants and hotels. The *Plan Bay Area's* job forecasts are based on a shift-share methodology (calculating regional growth as a share of national growth by industry sector) and jobs are allocated by this methodology per jurisdiction. However, it is important to note that the City of Belvedere should not be allocated the same share of population-serving jobs as we do not have retail trade, accommodation or food service industries within our jurisdiction.

The January 2013 release of the State Department of Finance (DOF) projections show population growth that is 10% lower than the growth forecast used for Plan Bay Area. ABAG forecasts 13% population growth to 2040, but DOF projects a 3% population growth. In March, HCD, DOF and ABAG completed an analysis of their economic forecasts and identified that the difference relates primarily to ABAG's employment growth assumptions. The differences in the ABAG population forecast and the DOF population projections should be documented in the *Plan*, and what if any planning implications result. In the update to Plan Bay Area in four years, we hope to see the employment forecast adjusted to a more realistic number for the City of Belvedere.

Consideration should be given to using existing development to qualify as housing units. Given Marin's changing demographics toward a greater number of seniors, there needs to be recognition at the State level of the different kinds of housing that qualify as a "unit." ABAG indicated in the past a willingness to pursue updated Housing Element Criteria. Unfortunately, State law does not currently or fully count many forms of housing, such as congregate care, assisted living, group homes, college student housing, and rehabilitated affordable housing as "units." In addition, second units are important to provide housing for young adults and provide housing to help people age-in-place. We ask for regional advocacy

Mr. Steve Heminger
May 16, 2013
Page 2 of 3

to expand HCD's definition of "unit." Belvedere further suggests incentive programs for local jurisdictions to repurpose existing structures to promote infill development and meet local housing goals. Infill development is critical to accommodating growth and redesigning our cities to be environmentally and socially sustainable.

Finally, the City of Belvedere encourages Plan Bay Area to consider the increasing trend in using alternative modes of transportation and the predicted increase in zero automobile households (as described in the *Technical Summary Report: Predicted Traveler Responses*); and to ask what are the jobs/housing connection impacts of the *Plan* if the State goals to reduce GHG emissions by 15% by 2035 are met before the target date.

Thank you for the opportunity to comment on the regional efforts to lead the Bay Area into compliance with the SB 375 plan for GHG reductions.

Respectfully submitted,



Felicia N. Wheaton
Community Development Director
City of Belvedere

cc: Ezra Rapport, Association of Bay Area Governments
Mayor Donnell and Belvedere City Council
Belvedere City Manager Mary Neilan
TAM Executive Director Dianne Steinhauser



May 15, 2013

Mr. Steve Hemminger
Executive Director
Metropolitan Transportation Commission
Metrocenter
101 8th Street
Oakland, CA 94607

Mr. Ezra Rappaport
Executive Director
Association of Bay Area Governments
Metrocenter
101 8th Street
Oakland, CA 94607

RE: Comments on Plan Bay Area and the Environmental Impact Report (EIR)

Dear Mr. Hemminger and Mr. Rappaport:

The City of Hayward appreciates the opportunity to review and comment on these two documents. We recognize the tremendous amount of work from MTC, ABAG, and other local agency staff that went into these documents and we appreciate being included in this process. Following are a few comments we would like to make.

A37-1

- We know that local staff spent a great deal of time working on the housing and employment projections to develop the Initial Vision Scenario. Although we eventually signed off on the projections, we nevertheless continue to believe that the jobs projections for Hayward are too high, as they have historically been. These projections do not accurately account for the kinds of jobs we have in Hayward. Our jobs are concentrated in the industrial areas and are low-density, manufacturing jobs that do not lend themselves to attracting significant transit service and ridership. As Alameda CTC staff has noted, in the next update of Plan Bay Area, employment projections should be based upon actual development patterns, as opposed to arbitrary formulas that have not proven their past reliability.

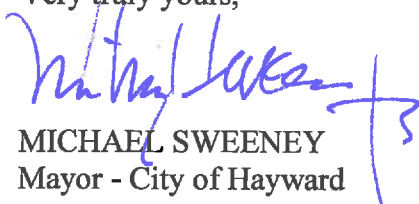
There is a tremendous problem with jobs projections that are too high. If the base conditions already show some key intersections operate at traffic service level F for the future, then it will be difficult, if not impossible, to build anything without conditioning

significant mitigations. These mitigations may never be needed and will discourage job growth in Hayward, which in turn will undermine our future employment targets.

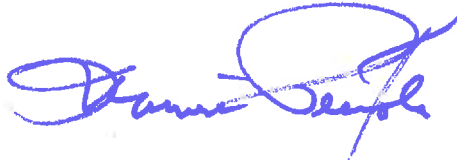
- The last few years have been very difficult economically for the Bay Area. We've seen a loss of jobs that only now seems to be subsiding. It is quite possible that some of the lost jobs may not come back. Given that, we would like to see some assistance from MTC and ABAG relative to creating and attracting jobs so that we are able to make progress towards our housing and employment targets. The recession, as well as the loss of redevelopment funding, has made this task an even greater challenge.
- Building off the Alameda CTC comment about the need for an investment strategy to accommodate goods movement and freight, we would like to see the I-880 interchanges in Central Alameda County be given significant priority. Many of these already have identified LATIP funding, but we are hopeful that MTC and ABAG can assist us in moving these projects forward in an expeditious manner; and that other interchanges such as Industrial and I-880 can be improved to accommodate the intense truck traffic using that off and on-ramp system, thus facilitating the movement of goods and freight.
- Although this was not part of the Plan Bay Area and the EIR, we would like to express our extreme disappointment in the One Bay Area Grant (OBAG) process. While the City of Hayward will receive \$1.3 million of local street and road funding over the next three years, this nevertheless represents about a two-thirds reduction in the amount of federal funding that we used to receive under the old STP formula. It was assumed that some of these funds would be replaced with the reauthorization of Measure B, which did not happen. Our responsibility to maintain an acceptable roadway network has become even more challenging and difficult to achieve.

Thank you for the opportunity to comment. If you have any questions, please contact Morad Fakhrai, Director of Public Works at (510) 583-4740 or David Rizk, Development Services Director at (510) 583-4004.

Very truly yours,



MICHAEL SWEENEY
Mayor - City of Hayward



MARVIN PEIXOTO
Councilmember - City of Hayward
Alameda CTC Commissioner

cc: Fran David, City Manager
Morad Fakhrai, Director of Public Works - Engineering and Transportation
David Rizk, Development Services Director

City of Palo Alto
Office of the Mayor and City Council

May 13, 2013

RECEIVED
MAY 17 2013
MTC

Mr. Mark Luce, President
Association of Bay Area Governments Joseph P. Bort Metro Center
P.O. Box 2050
Oakland, CA 94607-4756

Re: City of Palo Alto Comments on Plan Bay Area Draft Environmental Impact Report

Dear Mr. Luce:

Thank you for providing an opportunity to review the Draft Environmental Impact Report (DEIR) for the Final Draft Plan Bay Area. The City of Palo Alto has reviewed the Draft and has several concerns about the basic assumptions, the inadequacy of the alternatives, and the lack of analysis of local impacts and associated mitigation measures.

A38-1

1. The Key Assumptions include an overstated forecast of future population, jobs, and housing.

One of the stated Key EIR Assumptions is that:

"The total amount of growth projected for the Bay Area through 2040 is based on ABAG's Plan Bay Area Forecast of Jobs, Population and Housing...this amount of growth is assumed in the proposed Plan, which identifies a land use pattern to accommodate the projected growth."

The City of Palo Alto believes that the regional forecast of jobs and housing for the region substantially overstates growth for the overall Plan period (through 2040). Most significantly, the overall regional allocation continues to ignore the updated demographic forecasts of the State's Department of Finance (DOF), with population estimates in excess of 40% more (ABAG: 2.1 million v. DOF: 1.3 million) than the 2012 DOF projections. This creates an unrealistic scenario for long-term planning, potentially creating unreasonable and unachievable housing mandates and infrastructure needs and overstating impacts, including greenhouse gas reduction. A range of projections should be evaluated that reflect meaningful planning scenarios in response to market changes over time. The City suggests that the agencies should adopt "low," "high," and "most likely" forecasts for planning and impact analysis. An analysis of the inadequacy of the current long-range projections, authored by Palo Alto Councilmember Greg Schmid, was submitted to ABAG during the Preferred Scenario evaluation process and is attached to this letter.

A38-2

2. *Alternatives are inadequate in that no alternatives consider demographic forecasts less than the overstated projections and no alternatives provide for alternative approaches to greenhouse gas (GHG) reduction.*

The alternatives proposed include the No Project Alternative, and three alternatives that result in either greater population, housing and jobs projections or a somewhat different distribution of the future development. Again, no alternatives are proposed that would evaluate lower and more realistic growth projections for the region. The California Environmental Quality Act (CEQA) requires evaluation of alternatives that would lessen environmental impacts, but none of those evaluated would have that effect. Another means of lessening impacts could include allowing flexibility or mandates for cities to take measures to reduce greenhouse gas (GHG) emissions through local energy conservation, building design or transportation measures. An alternative should be developed to provide for and evaluate local GHG reduction measures. The City suggested these type of “hybrid” alternatives in our July 11, 2012 response to the Notice of Preparation (attached).

A38-3

3. *The Alternatives proposed (other than the No Project Alternative) all would result in greater environmental impacts on the City of Palo Alto, in that the allocation of new housing and employment would increase above that proposed in the Final Draft Plan.*

The alternatives proposed include the No Project Alternative and three alternatives that result in either greater population, housing and jobs projections or a somewhat different distribution of the future development. Alternative 3 (Transit Priority Focus) would increase impacts on the City and similar cities near transit, even though those areas are often already heavily built out and congested already. Alternative 4 (Enhanced Network of Communities) would assume increased population and housing forecasts and would further exacerbate unrealistic demands and impacts on cities like Palo Alto. Alternative 5 (Environment, Equity and Jobs) is not only more impactful on Palo Alto, but is a highly infeasible option, relying on social engineering functions that will not be supported by the jobs and housing markets and will likely be counterproductive to the regional effort.

A38-4

4. *Lack of analysis of local impacts and potential for mitigation.*

The DEIR identifies many impacts at a regional level, and implies that there are significant unavoidable impacts in some impact categories, such as traffic congestion and land use character and compatibility. However, mitigation for many of these measures is assumed to be the responsibility of the “implementing agency,” assumed to be the local jurisdiction. The City questions the use of “Statements of Overriding Considerations” by a regional agency when the impacts are most heavily felt on local agencies. Mitigation should be offered by the regional and state agencies for many such impacts, and again alternatives should be considered with a lesser growth assumption to minimize those impacts on local agencies.

Conclusion

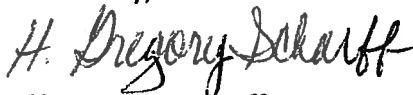
In conclusion, the City of Palo Alto suggests that the Draft EIR be modified to:

- A38-5 • Include alternatives that assume lesser growth projections than proposed, at least midway between the Department of Finance projections and ABAG's;
- A38-6 • Include an alternative that provides for flexibility for cities to reduce greenhouse gas (GHG) emissions at a local level, reducing the reliance on the land use-transportation connection;
- A38-7 • Reject all proposed alternatives to the Plan as infeasible; and
- A38-8 • Provide regional or state-funded mitigation for potential "significant unavoidable" impacts to local agencies.

A38-9 The City also takes exception to the EIR's characterization of alternatives 4 and 5 as "Enhanced Network of Communities" and "Environment, Equity and Jobs." These terms are clearly stylized to sound positive while they are actually alternatives developed by active interest groups, including the building industry (Alternative 4) and social/environmental advocacy groups (Alternative 5). The inclusion of these titles for the alternatives creates a highly biased appearance to the Alternatives analysis, if not the document as a whole.

Thank you again for the opportunity to comment on the Draft EIR. If you have questions or need additional information, please contact Curtis Williams, the City's Director of Planning and Community Environment, at (650) 329-2321 or curtis.williams@cityofpaloalto.org.

Sincerely,



H. Gregory Scharff
Mayor
City of Palo Alto

Attachments:

Exhibit 1: "Demographic Forecasting in California," prepared by Councilmember Greg Schmid; November 15, 2011

Exhibit 2: July 11, 2012 City of Palo Alto Response to Notice of Preparation

cc: Adrienne J. Tissier, Chair, Metropolitan Transportation Commission
Ezra Rapport, Association of Bay Area Governments
Miriam Chion, Association of Bay Area Governments
Ken Kirkey, Metropolitan Transportation Commission
Palo Alto City Council



CONTRA COSTA
transportation
authority

COMMISSIONERS

May 16, 2013

Janet Abelson, Chair

Steve Heminger

Ezra Rapport

Kevin Romick,
Vice Chair

Executive Director

Executive Director

Newell Americh

Metropolitan Transportation Commission**Association of Bay Area Governments**

Tom Butt

101 Eighth Street
Oakland, CA 94607101 Eighth Street
Oakland, CA 94607

David Durant

Subject: CCTA Comments on MTC's Draft 2013 Regional Transportation Plan (RTP) and
Draft Environmental Impact Report (DEIR)

Federal Glover

Dave Hudson

Dear Mr. Heminger and Mr. Rapport:

Mike Metcalf

Karen Mitchoff

Julie Pierce

Robert Taylor

Randell H. Iwasaki,
Executive Director

The Contra Costa Transportation Authority (CCTA) appreciates the enormous effort that MTC and ABAG have undertaken during the past two years to develop the Draft 2013 RTP (*Plan Bay Area*), which responds to SB 375 through the development of the Bay Region's first Sustainable Communities Strategy (SCS). As one of nine Bay Area Congestion Management Agencies (CMAs), CCTA has enjoyed working with the Bay Area Partnership to help shape the Plan. We especially wish to thank you and your staff for keeping us fully apprised of the development of each chapter of the Plan as it progressed.

We now wish to take this opportunity to offer comments on the Draft RTP and EIR, specifically with regard to the SCS forecast, affordable housing, transportation investments, and evolving transport:

General

A39-1

We support the proposed project as analyzed in the DEIR (Alternative 2). This alternative embodies an SCS that pairs a land use development pattern with a transportation investment strategy that, according to MTC's traffic and air-quality modeling results, exceeds the 15 percent target for reducing greenhouse gas emissions from cars and light trucks. We understand, however, that the final SCS may vary from Alternative 2, and that the precise information on the allocation of households and jobs in the final SCS will not be available until after it is adopted by MTC in July 2013. We therefore are awaiting information on the final SCS, and expect to provide further comments to you after July.

2999 Oak Road
Suite 100
Walnut Creek
CA 94597
PHONE:
925.256.4700
FAX: 925.256.4701
www.ccta.net

Mr. Heminger & Mr. Rapport, MTC/ABAG
May 16, 2013
Page 2

Housing and Jobs Forecast for the SCS

- We appreciate the focus on meeting the SB 375-mandated goal of reducing Greenhouse Gas (GHG) emissions, and then seeking to achieve the other goals contained in the Plan;
- We note that although the proposed SCS exceeds the 15-percent GHG emissions reduction goal, the housing and jobs forecast used to meet that goal constitutes a significant departure from past trends, and in some cases conflicts significantly with local general plans. We therefore wish to express caution in translating the goal-specific SCS into the ABAG “*Projections*” series forecast. The CMAs are required to use this forecast in predicting future travel conditions, and we are concerned, given that MTC and ABAG have no jurisdiction over local land use decisions, that the forecast may not be accurate.
- Following MTC’s adoption of the RTP, CCTA staff looks forward to conducting a careful examination of the land use assumptions for the final SCS to see how it compares with actual development patterns and projected trends. We will share our findings with you, and hope that the forecasts for the next RTP and SCS can be adjusted accordingly.
- We urge that you not use the SCS as the forecast upon which to base our computer travel model and traffic impact studies, because the SCS does not correspond with local General Plans, nor is it required to. By way of example, the distribution of housing and jobs in East Contra Costa is far below the general-plan capacities for the cities and towns in that subarea of the county. Moreover, a recent uptick in construction permits in far East County may, within the next decade, outstrip the 25-year SCS forecast.
- We hope that MTC and ABAG will carefully track and evaluate actual trends in population, housing, and job growth, and compare the results with the adopted SCS forecast. Which of the Priority Development Areas (PDAs) are attracting the level of housing and jobs envisioned in the Plan? This information will be useful in developing future updates to our *PDA Investment and Growth Strategy*.

Affordable Housing

The Authority supports the development of affordable housing. In fact, since 1988, both of the Authority’s Growth Management Programs (included as part of the Measures C and J Expenditure Plans) have required that local jurisdictions prepare plans and implement strategies to achieve affordable housing targets established through the Regional Housing Needs Allocation (RHNA). We do, however, have some questions and concerns regarding *Plan Bay Area’s* approach to the housing issue.

- While *Plan Bay Area* clearly lays out the shortfall in resources needed to adequately maintain the region's roadway and transit infrastructure, it fails to identify the nature and magnitude of the subsidy that would be required for the region to provide affordable housing at the levels envisioned in the first eight years of the plan through the RHNA process.
- Constructing an affordable housing unit in the Bay Area has always been a challenge. It requires a significant subsidy. With the elimination of Redevelopment Agencies, the challenge of building low- or very-low-income dwelling units has become more daunting still. In Contra Costa alone, the RHNA requires zoning for 8,327 affordable homes between 2014 and 2022. Where would the subsidy required to build those homes come from?
- Similarly, for the region, the draft RHNA requires that cities zone for approximately 76,000 below-market, affordable homes. Again, what subsidy is required to construct them? Plan Bay Area should include an estimate of the housing subsidy that would be required to meet the RHNA, and it should identify potential funding sources that the cities might explore to obtain that funding.

Investments

- CCTA staff have reviewed MTC's projects database, and we support the Preferred Transportation Investment Strategy as reflected in that database.
- We recently received notification from MTC staff that the James Donlon Extension project (MTC Project No. 230233), which was to be partially funded through discretionary (state or federal) funding sources, did not score favorably and therefore would not be included in the Plan unless a compelling case for including it could be presented by the City of Pittsburg and accepted by the MTC Board. As follow-up to our discussions with MTC staff, our present understanding, based upon our discussions with the project sponsor, is that the James Donlon Extension project will be 100 percent locally funded, thereby exempting it from the performance assessment and eliminating the need for a compelling case argument.

Evolving Transport

- Page 125 of the Plan notes that new ridesharing technologies are being deployed in the Bay Region. The sidebar mentions Uber, Lyft, and Sidecar, but it fails to mention Avego® – the software program used in the three-county Real-time Ridesharing project funded through MTC's Climate Initiatives Program. Please include mention of the Avego® software.
- The autonomous vehicle – driverless cars and transit vehicles – also gets mentioned on page 125. We encourage MTC and ABAG to further explore this and other game-

*Mr. Heminger & Mr. Rapport, MTC/ABAG
May 16, 2013
Page 4*

changing technologies. We encourage MTC to take a leadership role in creating a vision for the future that incorporates vehicle automation.

The following comments pertain to the Draft EIR:

A39-2

When the Draft RTP (the Project) is compared to the Alternatives, the difference in impacts and achievement of RTP goals is insignificant (1 to 2 percent) in almost every instance. Given this small difference, we do not agree with the DEIR's conclusion that Alternative 5 is the Environmentally Superior Alternative – there is in fact no material difference. The Project represents the one alternative that is the most vetted and understood by Bay Area residents, the most consistent with local plans, and the most comprehensive in addressing the needs of all modes and users while still environmentally sound and beneficial.

A39-3

Alternative 3, the Transit Priority Focus, emphasizes development around transit stations in the urban core. This alternative would result in significant transportation investments in so-called Transit Priority Project (TPP) eligible areas, which are fewer in number, and have higher land use densities than the PDAs upon which the Preferred Plan is built. While Alternative 3 might benefit certain downtown areas, it would, in our view, leave behind other areas where the possibility of providing high frequency transit service is infeasible. The proposed shift in transportation investments, from the Freeway Performance Initiative to BART, and from the One Bay Area Grant (OBAG) program to AC Transit, coupled with a proposed increase in peak hour bridge tolls to \$8, could result in a condition where cities and towns that do not have TPPs become donors, while other localities that have TPPs become recipients. Is this the intended consequence of Alternative 3? We appreciate the good intention of reducing congestion and increasing transit ridership – but we are concerned about the lack of options that Alternative 3 offers to donor communities, whose minimal transit service, congested roadways, and other transportation needs would be left unaddressed.

- When compared to the Project, we note that Alternatives 4 and 5 have specific flaws that make it difficult to view them as viable choices from which to choose. Those flaws include:

A39-4

Growth projections that do not appear to be achievable. The projections for Alternative 4 are based upon an assumption that SB 375 requires housing of all Bay Area workers in the 9 counties, and not just that adequate housing be provided for new workers. This Alternative harkens back to the “Initial Vision Scenario” that was developed by MTC and ABAG in 2011, to which CCTA and the other CMAs in the region voiced strong opposition. No other Metropolitan Planning Organization holds the view that all workers in a region must be housed

*Mr. Heminger & Mr. Rapport, MTC/ABAG
May 16, 2013
Page 5*

within that same region, and CCTA does not subscribe to that interpretation of SB 375. In addition, since Regional Housing Needs Assessment (RHNA) allocations have already been drafted and presented to ABAG for adoption, the Alternative's growth assumptions for the early years of the RTP are already undercut, putting even more unrealistic growth pressures on the "out" years of the Project. If ABAG chooses to adopt the growth assumptions in Alternative 4, it would be without the benefit of detailed local review that was conducted for the purposes of the RHNA.

A39-5

Assumptions that are inconsistent with SB 375 regarding the loss of local control related to rezoning are embodied in Alternative 5. It assumes that unspecified PDAs in rural and ex-urban areas will be disqualified from upzoning, even though SB 375 expressly denies the region the power to impose a decision of that nature.

A39-6

It also assumes that OneBayArea Grant (OBAG) funding cannot be spent in these PDAs, even though most CMAs have already made OBAG funding obligations that likely include these areas. Finally, the Alternative assumes a

A39-7

VMT tax whose passage cannot reasonably be anticipated in the timeframe proposed. None of these considerations has received the vetting, either at the local or regional level, that the Project alternative received. These factors make Alternative 5 unimplementable, and it should receive no further consideration.

Thank you for this opportunity to comment on the Draft Plan Bay Area and DEIR. CCTA looks forward to working with MTC and ABAG as the new RTP is adopted and implemented.

Sincerely,



Randell H. Iwasaki
Executive Director

File: 13.03.08.06

cc: Ken Kirkey, MTC
Miriam Chion, ABAG
Bay Area CMA Directors



May 16, 2013

Steve Heminger, Executive Director
Metropolitan Transportation Commission
Joseph P. Bort Metro Center
101 Eighth Street
Oakland, CA 94607-4770

Ezra Rapport, Executive Director
Association of Bay Area Governments
Joseph P. Bort Metro Center
101 Eighth Street
Oakland, CA 94607-4770

Re: Draft 2013 Regional Transportation Plan (RTP) and Draft Environmental Impact Report (DEIR) – Plan Bay Area

Dear Mr. Heminger and Mr. Rapport:

The City of Brentwood has provided written comments related to Plan Bay Area on four separate occasions, as follows:

- July 26, 2011 – letter from the City Council regarding the Initial Vision Scenario
- May 22, 2012 – letter from the Community Development Director requesting revisions to the proposed Plan Bay Area (“scenario” and “strategy”)
- August 7, 2012 – letter from the City Manager regarding collective comments on Plan Bay Area, including those from the City of Antioch and the City of Oakley
- April 23, 2013 – letter from the Mayor urging consideration of the City’s prior comments into the final version of Plan Bay Area

To date, the City has not received an official response to any of the four letters that have been sent, let alone acknowledgment of their receipt. This is disappointing given that the Plan Bay Area process was billed as being one that encouraged, and even required, a tremendous amount of public input. All of this notwithstanding, the City would like to take this opportunity to reiterate a final time the comments that are detailed in the previous four letters.

A40-1 Rather than providing an extensive set of comments on either the RTP or the DEIR, please accept this letter as the City’s expression of support for the detailed comment letter that was prepared and submitted today by the Contra Costa Transportation Authority.

COMMUNITY DEVELOPMENT
150 City Park Way • Brentwood, California 94513
Phone: 925-516-5405 • Fax: 925-516-5407
e-mail: dept-comdev@brentwoodca.gov

Sincerely,



Casey McCann
Community Development Director

cc: Mayor Taylor and Council Members
Paul Eldredge, City Manager
Department Heads
Randell Iwasaki, CCTA Executive Director

May 16, 2013

Steve Heminger
Executive Director
Metropolitan Transportation Commission
101 Eight Street
Oakland, CA 94607

Ezra Rapport
Executive Director
Association of Bay Area Governments
101 Eight Street
Oakland, CA 94607

RE: STA Comments on the Plan Bay Area

Dear Mr. ^{Steve}Heminger and Mr. Rapport:

The Solano Transportation Authority (STA) appreciates the opportunity to participate in the development of Plan Bay Area over the past two years, as well as the opportunity to offer comments at this time. We wish to start by thanking MTC and ABAG for the process they have followed in developing the Draft Regional Transportation Plan (RTP), the Bay Area's first Draft Sustainable Communities Strategy (SCS), together known as Plan Bay Area, and the associated Draft Environmental Impact Report (DEIR.)

The process for developing this plan has involved consultation with both standing and ad-hoc committees, frequent participation from the STA, the other Bay Area CMAs and other stakeholders. As you are aware, the CMAs are governed by elected officials - the STA Board consists of the mayors of the 7 Solano cities and a member of the County Board of Supervisors. On-going direct MTC-to-CMA consultation has been and remains a critical component to developing and implementing the RTP and SCS in a way that actually involves the Bay Area electorate. The process of involving the CMAs and advisory committees has resulted in a Draft RTP and SCS that has received a thorough public vetting by local officials and staff as well as the members of the public that STA Board members are responsible to.

STA offers the following specific comments on the Draft RTP, SCS, and the DEIR:

- A41-1** • We appreciate the focus on first meeting the SB 375-mandated goals of reducing Greenhouse Gas emissions and meeting the projected need for housing to accommodate the region's anticipated population growth, and then seeking to achieve the other goals contained in the plan.
- A41-2** • We support the regional population, housing and jobs growth numbers and distribution for use in this RTP and SCS. However, those figures represent a substantial departure from past trends, and we also recognize that there have been challenges to the validity of those projections. In addition, what may be appropriate projections at a regional level are problematic, especially at the Priority Development Area (PDA) level, and may not be implementable. This issue is consistent across all of the alternatives examined in the DEIR. STA looks forward to a careful examination of actual development patterns in comparison to the projections over the next four years, and to any necessary adjustments to the projected type and location of growth when the next RTP and SCS are developed.
- A41-3** • STA is particularly concerned that the employment growth projections may be skewed by the apparent robust growth over the past two years. This growth occurred in part because of the

STA Ltr. to Steve Heminger dated May 16, 2013

RE: Comments on the Plan Bay Area

unusually large amount of vacant commercial space due to the most recent economics' recession. With constrained land availability in much of the Bay Area, construction of new buildings to sustain such growth is uncertain, and may result in lower future growth rates. This would in turn impact projected rates and location of residential growth. As with the population projections, the rate, location and type of employment growth will require careful tracking and evaluation before projections are made for the next RTP and SCS.

This is of particular concern to Solano County because there are still areas where substantial development can occur, in both the manufacturing and knowledge segments of the economy. If employment creation in Solano County does occur at rates higher than Plan Bay Area projects, it will be important to adjust the projections and related distribution of transportation funds in a timely manner.

- The Alternatives contained in the DEIR have not been publicly vetted like the draft project. When compared to the Project, we note that Alternatives 4 and 5 have specific flaws that makes it difficult to view them as viable choices from which to choose. Those flaws include:

A41-4 ○ Alternative 4 contains growth projections that do not appear to be achievable. Those projections are based upon an assumption that SB 375 requires housing of all Bay Area workers in the 9 counties, and not just that adequate housing be provided for new workers. We are of no other Metropolitan Planning Organization that holds this interpretation.

In addition, the Regional Housing Needs Assessment (RHNA) allocations have already been drafted and presented to ABAG for adoption. Solano County took on the task of sub-regional RHNA delegation, resulting in adoption of the draft RHNA numbers by all 8 Solano jurisdictions. In regards to Alternate 4, its growth assumptions for the early years of the RTP are already undercut by the draft RHNA, putting even more unrealistic growth pressures on out years of the Project. If ABAG were instead to adopt the growth assumptions in Alternative 4, it would do so without the detailed public discussion that has occurred for the current RHNA numbers.

A41-5 ○ Alternative 5 is based upon assumptions that are inconsistent with SB 375 regarding the loss of local control related to rezoning. It assumes that unspecified Priority Development Areas (PDA's) in rural and exurban areas will be disqualified from upzoning, even though SB 375 expressly denies the region the authority to make such a decision. It also assumes OneBayArea (OBAG) funding cannot be spent in these PDAs, even though some CMAs have already made OBAG funding obligations that may include these areas. Alternative 5 eliminates roadway projects such as regional Express Lanes that are important to reducing congestion and supporting intercity transit by carpool, vanpool and buses. Finally, the Alternative assumes a VMT tax whose passage cannot reasonably be anticipated. None of these considerations have received the public vetting, either at the local or regional level, that the provisions of the Project have received. These factors make Alternative 5 unable to be implemented, and it should receive no further consideration.

- A41-6** • Plan Bay Area clearly lays out the shortfall in resources needed to adequately maintain the region's roadway and transit infrastructure. As such, it can serve as an effective platform to advocate for the resources needed to bring the system up to an acceptable level.

STA Ltr. to Steve Heminger dated May 16, 2013

RE: Comments on the Plan Bay Area

When the Draft RTP (the Project) is compared to the Alternatives, the difference in impacts and achievement of RTP goals is insignificant (1 to 2 percent) in almost every instance. The Project represents the one alternative that is the most publicly vetted and understood by Bay Area residents, the most consistent with local plans, and the most comprehensive in addressing the needs of all modes and users while still being environmentally sound and beneficial.

STA and its member jurisdictions look forward to working with MTC and ABAG as Plan Bay Area is adopted and implemented. The first step is the timely adoption of Plan Bay Area, and certification of the Final Environmental Impact Report. For the reasons stated above, the STA recommends adoption of Plan Bay Area as proposed.

Sincerely,



Daryl K. Halls, Executive Director
Solano Transportation Authority

Cc: Steve Hardy, Mayor, City of Vacaville
Jack Batchelor, Mayor, City of Dixon
Harry Price, Mayor, City of Fairfield
Pete Sanchez, Mayor, City of Suisun City
Osby Davis, Mayor, City of Vallejo
Norman Richardson, Mayor, City of Rio Vista
James Spering, Solano County Supervisor, Solano MTC Commissioner
Bay Area CMA Directors
Birgitta Corsello, CEO, County of Solano
Solano County City Managers



TOWN OF FAIRFAX

142 BOLINAS ROAD, FAIRFAX, CALIFORNIA 94930
(415) 453-1584 / FAX (415) 453-1618

May 16, 2013

Metropolitan Transportation Commission
Plan Bay Area DEIR Public Comment
101 Eighth Street
Oakland, CA 94607

RE: Town of Fairfax Comments on the Draft EIR for Plan Bay Area

A42-1

The current effort to comply with AB 32 via linking the two tools available to MTC and ABAG (housing units required and transportation funding) is what one would expect given the nature of these tools: dense housing required along transportation corridors. Unfortunately, the results of the circumscribed approach, and the top-down process used to arrive at the recommendations, is likely to look like a project that has been shoe-horned in to an area by a well-meaning agency, with ramifications well beyond the agencies' limited scope of vision.

Our citizenry is well aware of the perils of global warming, and many are already taking actions in their lives to reduce production of carbon and greenhouse gasses. Installation of home PV systems, switching to renewable energy sources (MEA), modification of work and commute patterns, and switching to better forms of transportation are all clearly evident, and increasing. The current SCS does not take this into account and only uses the tools available to MTC and ABAG. Hence the emphasis on large development projects concentrated in PDAs. Additionally, much of the projected GHG production estimated appears to be based on data that has become obsolete during the development of the plan. It is this inability to see the bigger picture, or even effectively communicate with the various public agencies that must deal with the results, which causes many to question this top-down process.

A42-2

Further, no planning has been done to verify the ability of other agencies' to provide public services (e.g., police, fire, schools, sanitary sewer), there is a disregard of evidence that populations forced to live adjacent to freeways suffer multiple health problems, and the majority of areas to be developed in the County (PDAs) are in zones likely to be underwater in the near future given sea level rise. Further, the PDA zones near the Bay are in seismically sensitive landfill areas that could suffer catastrophic failure in the event a major earthquake: and the study does not calculate the environmental or financial costs of protecting these proposed areas of high intensity development from sea level rise.

A42-3

The DEIR is also inadequate because it fails to address the vital issue of water. One of the major questions when contemplating development in Marin County, or any place in California, is to consider where will the water come from? The Plan projects that the San Francisco Bay area will

add 2.1 million people, increasing the total regional population from 7.2 to 9.3 million by 2035. To house this projected influx, Plan Bay Area calls for 634,000 new housing units, all of which will require additional water.

A42-4

The massive population growth that ABAG is projecting is equivalent to two and a half new cities the size and density of San Francisco (2012 estimated population based on 2010 U.S. Census) added to the Bay Area by 2035. To provide adequate water supplies to such an area would require the equivalent of building and operating two and a half new Hetch Hetchy dams (if such lands and water rights were available). However, the draft EIR for the One Bay Area Plan makes no provision or plans for additional water supplies, nor does it factor in the green house gas emissions that would be generated in the construction and operation of mammoth new water supply sources.

Water is a fundamental and necessary component in actualizing any new planned development scheme. Indeed, S.B. 375, the Sustainable Communities and Climate Protection Act of 2008 -- the legislation giving rise to the Plan Bay Area -- specifically requires a "feasible" Plan Bay Area and defines that term as "...capable of being accomplished in a successful manner within a reasonable period of time, taking into account economic, environmental, legal, social and technological factors". [Sec. 5(b)(2) of S.B. 375]. *Without an additional, long-term source(s) of water for the projected population growth of 2.1 million people, Plan Bay Area is not feasible.*

A42-5

Many in the County value the structure of historic development that has taken place in Marin, resulting in small-scale, walk-able downtown areas, which serve locals' needs. These same residents are logically distressed when an outside agency proposes a mechanism to change this, at a rapid pace, with a 'streamlined' approach to CEQA that could result in very little local control over the outcomes.

In Fairfax, housing and transportation planning has focused on what the residents living here need and want. Previously, the State Office of Housing and Community Development (HCD) had suggested an approach that required changing zoning to allow three-story market rate apartment buildings to be built downtown, with a token few "affordable" units thrown in. This previous approach was soundly rejected as out of scale with the historic scale of our downtown, and has been replaced by our current efforts to allow two-story mixed use buildings at the historic scale of downtown. Interestingly, our current mixed-use and mixed-income small-scale approach is perhaps one that would be acceptable to several of those groups questioning the current SCS, but for the fact of our differing locations.

Because of our location away from the 101 corridor, comparatively low RHNA (housing target) numbers are required, and none of the proposed PDAs are currently in Town limits. Still, Fairfax housing efforts are concentrated in the area along the major Sir Francis Drake Boulevard transportation corridor in town, and seek to serve the two identified groups needing housing in Fairfax - for the workforce and elderly. Likewise, we are making an effort to both legalize existing second units and provide additional second units, as well as explore additional approaches to utilizing existing housing stock in new ways (e.g., allowing HCD credit for the subdivision of larger homes with elderly occupants, with housing caretakers, for instance). We

believe that these strategies will all contribute to reducing our GHG output in keeping with the goals of AB 32.

In summary: Unfortunately, the PBA planning process used to promulgate the plan failed to include local planning commissions which raise real questions about whether informed community input was effectively gathered.

Having said all of this, we do appreciate the opportunity to comment on the Plan Bay Area DEIR. If you need further clarification of our comments please feel free to contact us.

Sincerely,

A handwritten signature in blue ink, appearing to read 'John Reed', with a stylized, looping flourish extending to the right.

John Reed, Mayor
Larry Bragman, Councilmember

cc: Ezra Rapport, Association of Bay Area Governments
Steve Heminger, Metropolitan Transportation Commission
Marin County SCS Ad Hoc Committee
TAM Commissioners

C W



May 9, 2013

Mr. Ezra Rapport
Executive Director
Association of Bay Area Governments
101 8th Street
Oakland, California 94607

RECEIVED
MAY 14 2013
EXECUTIVE DIRECTOR'S OFFICE

RE: Draft Plan Bay Area

Dear Mr. Rapport,

A43-1 Thank you for the opportunity to provide feedback on the draft Sustainable Communities Strategy, Plan Bay Area. The City of Cloverdale appreciates the Association of Bay Area Governments' (ABAG) continuing effort to address regional issues, particularly as they relate to reductions in greenhouse gas (GHG) emissions. In light of the recent release of the draft Plan and Environmental Impact Report, the City provides the following comments.

- The total number of housing units for Cloverdale is incorrectly calculated at 790 units; the number should be 780 units ($4,210 - 3,430 = 780$). The City understands from correspondence with ABAG Staff that the inaccuracy is a result of rounding the figures and that the un-rounded numbers result in a total of 786 housing units. While the City certainly understands the complexity of the process as well as the need for rounding, presenting information that is mathematically incorrect raises concerns about the accuracy of the Plan in general. Similarly a lack of clearly defined terms, as it relates to jobs and housing units, compounds this issue.
- The draft Plan allocates 730 of the 780 new housing units, or 94% of the total units, within the City's PDA. It is the City's understanding that the intention of the Plan was to allocate approximately 70% of the new units to PDAs; through correspondence with ABAG staff we've been informed the 70/30 split was a rule of thumb and that if a PDA could take on all of the growth, then those units were allocated to these areas to push for greater GHG reduction. While the City certainly supports efforts to reduce greenhouse gas emissions, the allocation of 730 units into the limited area identified as the City's PDA is not consistent with the City's plans for growth within its Urban Growth Boundary. Similarly, it is unclear whether the current trend towards densification (particularly within such a limited area as a PDA) will persist into the future especially as demographic and economic changes continue to occur; this question is particularly relevant in more rural communities like Cloverdale. Furthermore, the allocation within the PDA does not appear to take into consideration two of the City's largest projects - Alexander Valley Resort and Riverdale Ranch - both of which are located outside the PDA and are either approved or have initiated the approval process. Given that

Cloverdale Comments on Plan Bay Area, continued**May 9, 2013****Page 2 of 3**

Alexander Valley Resort is entitled for 130 housing units and Riverdale Ranch has initiated the annexation process for approximately 220 housing units, approximately 45% of the total housing units that could be constructed in Cloverdale in the foreseeable future are located outside the PDA. It appears the 94% allocation of units to Cloverdale's PDA does not coincide with our current planning efforts.

- As noted above, the draft Plan does not appear to account for 'pipeline' projects located outside the PDA (i.e. Alexander Valley Resort and Riverdale Ranch) that have either been approved by local jurisdictions or have initiated the approval process. It is anticipated these project are likely to be developed in the near future, pending the return of more favorable economic conditions. Development of the Alexander Valley Resort project alone would result in the construction of 80 additional units, or 160% more units outside the City's PDA, than what is currently planned for under the draft Plan. This calculation does not account for the additional units that will be developed by the Riverdale Ranch project. It also does not appear that vacant lands, particularly those located outside of the PDA but within the City's adopted Urban Growth Boundary, have been considered when developing the housing unit allocation. Pipeline projects as well as existing vacant lands have the potential to impact a jurisdiction's performance, particularly as it relates to buildout of the PDA and any potential transportation funding implications. In order to present a realistic development scenario that aligns with individual jurisdiction's plans for growth, any future update of the draft Plan should account for both pipeline projects and vacant lands.
- Development within the City's PDA will rely heavily upon transit opportunities with frequent transit service; higher density development will be driven in part by the expansion of public transit opportunities to the City, specifically the SMART (Sonoma-Marín Area Rail Transit) Train. While the SMART Train is anticipated to begin providing service within Sonoma County within the next couple of years, it remains unclear when, based on funding availability and construction timelines, the second phase of the project that will bring passenger rail service to the City of Cloverdale will be completed. These transportation improvements are necessary in order to achieve one of the fundamental goals of the draft Plan - to align transportation with housing. It is anticipated the PDA housing allocations contained in the draft Plan will not be achieved until such time greater transit opportunities are made available.
- The methodologies used to allocate jobs and housing within the City's Sphere of Influence appears inconsistent. It is the City's understanding that the housing units allocated to land outside the City limits but within the City's Sphere of Influence have been attributed to the City, not the County. Conversely, it is our understanding that jobs allocated to land outside the City limits but within the City's Sphere of Influence (the area within which the City is presumed to grow within the timeframe of the Plan) have been attributed to the County, not the City. It is also our understanding that the jobs allocation does not account for specific future/proposed development projects. It is unclear why housing units and jobs within the City's Sphere of Influence have been

Cloverdale Comments on Plan Bay Area, continued

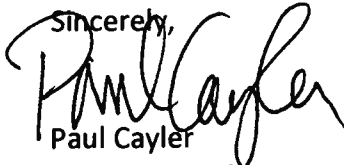
May 9, 2013

Page 3 of 3

treated differently; this is of particular concern to the City as it relates to the pending Casino project which is located outside the current City Limits but within the City's Sphere of Influence.

Thank you again for the opportunity to participate in this important regional planning effort. Should you have any questions please feel free to contact me.

Sincerely,



Paul Cayler
Interim City Manager

cc: Mayor & Councilmembers



DEPARTMENT OF COMMUNITY DEVELOPMENT

330 West 20th Avenue
San Mateo, CA 94403-1388
Web Site: www.cityofsanmateo.org

May 15, 2013

Gillian Adams, Regional Planner
Association of Bay Area Governments
PO Box 2050
Oakland CA 94604

RE: City of San Mateo Comments on the *Draft Bay Area Plan*

Dear Ms. Adams,

Thank you for the opportunity to comment on the *Draft Plan Bay Area* published in March 2103. Our comments remain from our April 13, 2102 comment letter on the Sustainable Communities Strategy (SCS) Preferred Alternative (*Jobs-Housing Connection Scenario*). Overall, the City of San Mateo projections for the period 2010 - 2040 appear to be reasonable given past projections and current City of San Mateo General Plan land use policies. However, in reviewing the material, the percentage of City growth assigned to the Rail Corridor Priority Development Area (PDA) in the City of San Mateo is greater than what would be anticipated.

The report *Draft Forecast of Jobs, Housing and Population*, which provides more detail regarding land use targets, indicates an increase of 5,030 housing units in the Rail Corridor PDA. City of San Mateo staff reviewed this projection, and identified the following areas within this PDA (see attached spreadsheet which includes details regarding Census Tracts that comprise the Rail Corridor PDA):

- Existing Residential Neighborhoods, Commercial Areas and Recently Built Projects which were assumed to remain during the projection period.
- Recently Approved Projects, some of which are presently under construction. These projects were assumed to remain during the projection period.
- Potential Identified Development Sites (assume 50 du/acre)
- The remaining acreage in this area (assumed to be developed at 50 du/acre)

This analysis indicated a maximum of 4,662 housing units could be developed, even with an aggressive development assumption that all further development on all remaining sites would occur with a density of 50 units/acre.

The *Draft Forecast of Jobs, Housing and Population* includes the following note (page 39):

In some cases, the growth distribution challenged certain communities with particularly rich transit options to grow in a more compact form than called for in their general plans in order to meet the region's performance targets. Additional units were distributed to key job centers and locations along the core transit network, including PDAs and non-PDA areas in the following cities: Burlingame, Millbrae, Oakland, Pleasanton, Redwood City, San Francisco, San Jose, San Mateo, San Ramon, Santa Clara, South San Francisco, Sunnyvale, and Walnut Creek.

A44-1 It should also be noted that residential densities, building heights and floor area ratios in the City of San Mateo are fixed by voter initiative, so increasing densities beyond the generally designated maximum of 50 units/acre (other than through the use of State mandated density bonus provisions), and building heights in excess of 55 feet would require a vote of the people. This voter initiative, Measure P, will extend through the year 2020. It should be noted that the original version of this voter initiative, Measure H, was approved by the voters in 1991 and was extended in 2004.

A44-2 Additionally, the *Plan Bay Area Draft Environmental Impact Report* (EIR) indicates that the proposed Plan may result in insufficient water supplies and inadequate wastewater capacity to serve new development (see Executive Summary, Table ES-2: Summary of Impacts and Mitigation - pages ES-65 through ES-69). The EIR identifies these as Significant and Unavoidable Impacts; however, as a practical matter these impacts may limit achievement of land use targets in the *Draft Plan Bay Area*, including development within PDAs.

Finally, as noted in Chapter 6 of the *Draft Plan Bay Area*, in order to make progress towards the plan's land use performance targets, the Association of Bay Area Governments and Metropolitan Transportation Commission have identified four legislative advocacy objectives that seek changes in both federal and state law:

- *Support PDA Development With Locally Controlled Funding*
- *Modernize CEQA*
- *Stabilize Federal Funding Levels*
- *"Defiscalize" Land Use Decision-making*

A44-3

While these measures will certainly assist in the effort to meet land use targets, it cannot be stated with any degree of certainty that these efforts will be successful and therefore may constrain development with San Mateo's three PDAs.

Thank you for considering the City of San Mateo's comments on the *Draft Plan Bay Area*.

Sincerely,



Ronald Munekawa
Chief of Planning

Attachment: Excel Spreadsheet, Census Tracts 6075 and 6076, Rail Corridor PDA.

cc (w/o attachments): Mayor and City Council
Planning Commission
Susan Loftus, City Manager
Lisa Grote, Community Development Director
Larry Patterson, Director of Public Works
Sandy Wong, San Mateo City/County Association of Governments
Duane Bay, San Mateo County Director of Department of Housing



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Board of Supervisors

1195 Third St.
Suite 310
Napa, CA 94559
www.countyofnapa.org

Main: (707) 253-4421
Fax: (707) 253-4176

Brad Wagenknecht
Chairman

Steve Heminger, Executive Director
Metropolitan Transportation Commission
101 8th Street
Oakland, CA 94607

Ezra Rapport, Executive Director
Association of Bay Area Governments
101 8th Street
Oakland, CA 94604-2050

RE: Plan Bay Area Comments – Also Submitted via: info@OneBayArea.org

Mssrs. Heminger & Rapport:

Thank you for the opportunity to review the draft Plan Bay Area and associated Environmental Impact Report (EIR), and congratulations to you and your staff on significant progress towards realizing the objectives of Senate Bill (SB) 375. Napa County is pleased to offer the following comments and questions for your consideration as you finalize both documents and bring them forward for approval.

- A45-1** 1. Napa County supports the "Proposed Plan" Alternative (Alternative 2) and disagrees with the EIR's conclusion that Alternative 5 is "environmentally superior." There is no material difference between the alternatives in terms of their environmental impacts, and the Proposed Plan is more consistent with local plans, and more comprehensive in addressing the needs of all modes and users.
- A45-2** 2. While the plan summarizes and references the methodology adopted for the Regional Housing Needs Allocation (RHNA), it would be helpful if the plan explained aspects of the methodology that respond to the factors in Government Code Section 65584.04(d), such as the absence of sewer or water service and county policies to preserve agricultural land.

Brad Wagenknecht
District 1

Mark Luce
District 2

Diane Dillon
District 3

Bill Dodd
District 4

Keith Caldwell
District 5

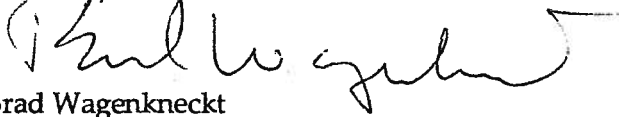
Plan Bay Area Comments

3. We are aware that your agencies have received comments questioning efforts to further fair housing, and suggest that the plan explain the “fair share” component of the adopted RHNA methodology, as well as the use of adjustment factors used to determine the income allocation. The plan’s performance metrics indicate that more needs to be done to decrease the share of low-income and lower-middle income residents’ household income consumed by transportation and housing, and it is clear that the way to do this is not by promoting sprawl!
4. On p. 75, the plan reiterates the Metropolitan Transportation Commission’s (MTC’s) policy requiring an adopted and certified housing element to be eligible for One Bay Area Grant (OBAG) funding. We suggest the text and the policy be modified as follows: “A jurisdiction is required to have its general plan housing element adopted and either certified by the State Department of Housing and Community Development (HCD) or upheld by a court of competent jurisdiction to be eligible for OBAG funding.”
- A45-3 5. The plan appears to meet a performance objective related to agricultural preservation, but the EIR identifies a significant and unavoidable impact related to this issue. This apparent contradiction should be explained. Similarly, the relationship between the
- A45-4 plan’s performance standard of reducing deaths from exposure to fine particulates should be explained in light of the EIR’s conclusions regarding exposure to air pollutants.
- A45-4.5 6. It’s apparent that the plan will meet Green House Gas (GHG) reduction targets because it includes “Climate Protection Strategies” in addition to locating new housing and jobs close to transit. The Climate Protection Strategies could be better explained, specifically as it relates to actions expected of local governments and employers. Are existing employers expected to subsidize shuttles/vanpools/employee use of transit, etc.? Will MTC impose this as a requirement or offer incentives to encourage this outcome? Will local agencies play a role in imposing or monitoring the effectiveness of the Climate Protection Strategies?
- A45-5 7. California Environmental Quality Act (CEQA) streamlining was to be one of the benefits of SB 375 and a Sustainable Community Strategy. On p. 122, the plan should explain how/whether this objective can be realized in a meaningful way. Is it only PDA projects that will benefit, and is it only if they adopt all of the mitigation measures in the EIR?

Plan Bay Area Comments

Thank you again for this opportunity to comment. Please feel free to call me or our planning director Hillary Gitelman at 707-253-4805 if we can answer any questions or be of assistance.

Sincerely,

A handwritten signature in black ink, appearing to read "Brad Wagenknecht", with a stylized flourish at the end.

Brad Wagenknecht
Chairman, Napa County Board of Supervisors

cc. Nancy Watt, County Executive Officer
Minh Tran, County Counsel
Hillary Gitelman, Director of Planning, Building & Environmental Services

MTC info - Comments on the Plan and DEIR

From: "Gitelman, Hillary" <Hillary.Gitelman@countyofnapa.org>
To: "info@onebayarea.org" <info@onebayarea.org>
Date: 5/7/2013 4:26 PM
Subject: Comments on the Plan and DEIR
Attachments: Plan Bay Area Comments - Napa County.pdf

Please find comments attached from the Napa County Board of Supervisors. Thank you!



May 8, 2013

Steve Heminger
Executive Director
Metropolitan Transportation Commission
101 Eight Street
Oakland, CA 94607

Ezra Rapport
Executive Director
Association of Bay Area Governments
101 Eight Street
Oakland, CA 94607

RECEIVED

MAY 13 2013

MTC

Dear Mr. Heminger and Mr. Rapport: *Steve d Ezra*

The Napa County Transportation and Planning Agency (NCTPA) appreciates the opportunity to participate in the development of Plan Bay Area over the past two years, as well as the opportunity to offer comments at this time.

We wish to start by thanking MTC and ABAG for the process they have followed so far in developing the Draft Regional Transportation Plan (RTP), the Bay Area's first Draft Sustainable Communities Strategy (SCS), and associated Draft Environmental Impact Report (DEIR.) The process has involved consultation with both standing and ad-hoc committees and frequent participation from the CMAs. The process of involving the CMAs and advisory committees has resulted in a Draft RTP and SCS that has received a thorough vetting by local officials and staff as well as the public each CMA represents. MTC-to-CMA consultation has been and remains a critical component to developing and implementing the RTP and SCS in a way that best represents the Bay Area electorate.

NCTPA offers the following specific comments on the Draft RTP, SCS, and the DEIR:

A46-1

- It is apparent that the plan will meet Green House Gas (GHG) reduction targets because it includes "Climate Protection Strategies" in addition to locating new housing and jobs close to transit. The Climate Protection Strategies could be better explained, specifically as it relates to actions expected of local governments and employers. What will the role of local agencies be in imposing or monitoring the effectiveness of the Climate Protection Strategies?

A46-1.5

- NCTPA supports the regional population, housing and jobs growth numbers and distribution for use in this RTP and SCS. However, those figures represent a substantial departure from past trends, and we also recognize that there have been challenges to the validity of those projections. This issue is consistent across all of the alternatives examined in the DEIR. NCTPA looks forward to a careful examination of actual development patterns in comparison to the projections over the next four years, and to any necessary adjustments to the projected type and location of growth when the next RTP and SCS are developed.
- NCTPA is particularly concerned that the employment growth projections may be skewed by the apparent robust growth over the past two years. This growth occurred in part because of the unusually large amount of vacant commercial space due to the Great Recession. With constrained land availability in the Bay Area, construction of new buildings to sustain such growth is uncertain, and may result in lower future growth rates. This would in turn impact projected rates and location of residential growth. As with the population projections, the rate, location and type of employment growth will require careful tracking and evaluation before projections are made for the next RTP and SCS. When compared to the Proposed Plan, we note that the Alternatives have specific flaws that make them difficult to view as viable choices from which to choose. Specifically:

A46-2

- Alternative 4 contains growth projections that do not appear to be achievable. Those projections are based upon an assumption that SB 375 requires housing of all Bay Area workers in the 9 counties, and not just that adequate housing be provided for new workers. No other Metropolitan Planning Organization holds this interpretation, and NCTPA does not believe that SB 375 should be interpreted this way. In addition, since Regional Housing Needs Assessment (RHNA) allocations have already been drafted and presented to ABAG for adoption, the Alternative's growth assumptions for the early years of the RTP are already undercut, putting even more unrealistic growth pressures on out years of the Proposed Plan. If ABAG were instead to adopt the growth assumptions in Alternative 4, it would be forced to do so without the sort of detailed public discussion that has occurred for the current draft RHNA numbers.

A46-3

- Alternative 5 is based upon assumptions that are inconsistent with SB 375 regarding the loss of local control related to rezoning. It assumes that unspecified PDAs in rural and exurban areas will be disqualified from upzoning, even though SB 375 expressly denies the region the power to make such a decision. It also assumes OneBayArea Grant (OBAG) funding cannot be spent in these PDAs, even though most CMAs have already made OBAG funding obligations that likely include these areas. Finally, the Alternative assumes a VMT tax whose passage cannot reasonably be anticipated in the timeframe proposed. None of these considerations have received the vetting, either at the local or regional level that the provisions of the Proposed Plan have received. These factors make Alternative 5 unimplementable, and it should receive no further consideration.

- Plan Bay Area clearly lays out the shortfall in resources needed to adequately maintain the region's roadway and transit infrastructure. As such, it can serve as an effective platform from which to advocate for the additional resources needed to bring the system up to an acceptable level.

A46-4

- When the Draft RTP (Proposed Plan) is compared to the Alternatives, the difference in impacts and achievement from the Proposed Plan and Alternative 5 are minimal (1 to 2 percent) in almost every instance. Given this small difference, NCTPA supports the Proposed Plan (Alternative 2) because it is the most vetted and understood by Bay Area residents, the most consistent with local plans, and the most comprehensive in addressing the needs of all modes and users while still environmentally sound and beneficial.

NCTPA looks forward to working with MTC and ABAG as the new RTP is adopted and implemented. An important step will be to further refine the responsibilities of both the CMAs and the regional agencies for implementation of the programs and projects contained in Plan Bay Area.

Sincerely,



Kate Miller
Executive Director

cc: Commissioner Bill Dodd
NCTPA Jurisdictions



CITY OF BRISBANE

50 Park Place
Brisbane, California 94005-1310
(415) 508-2100
Fax (415) 467-4989

May 13, 2012

Gillian Adams
Association of Bay Area Governments
P.O. Box 2050
Oakland, CA 94604-2050

Re: Draft Plan Bay Area and DEIR comments

Dear Ms. Adams:

Thank you for the opportunity to comment on the above-referenced documents. We appreciate the importance of regional efforts to address transportation-related emissions and housing, and recognize the complexity of the task. ABAG's efforts in working in partnership with the City of Brisbane and other local jurisdictions in these efforts are noted and appreciated.

On May 6, 2013 the Brisbane City Council reviewed the above referenced documents and offers the following comments, grouped by document.

Draft Plan Bay Area

While the City understands the legal mandates and requirements of the Draft *Plan Bay Area* pertaining to housing and transportation-based emission reductions, it is widely recognized that environmental sustainability captures a much broader range of topics, including but not limited to solid waste disposal, climate change adaptation, building energy use, water supply and wastewater treatment and disposal. The SCS framework could and should be a powerful platform for defining regional objectives in regard to other aspects of environmental sustainability, and the City strongly encourages ABAG to consider broader environmental sustainability policies and objectives in future updates to *Plan Bay Area*.

A broader approach to environmental sustainability should encourage ABAG to take a harder look at other targets established in future updates of Draft *Plan Bay Area*. For example while the City of Brisbane supports a vibrant regional economy, we question the use of Regional Domestic Product (RDP) as a regional target unless and until the true costs of economic growth pertaining to environmental externalities are captured and quantified. In fact one could argue that RDP is contradictory to a sustainability metric like Genuine Progress Indicator (GPI)*.

In reviewing the demographic projections associated with the draft *Plan Bay Area*, it is unclear how the employment and housing projections align. Specifically, mixed use development typically assumes a certain percentage of trip reduction due to the proximity of employment to housing. Given that regional projections forecast significant employment growth in the service sector, do the projections suggest that service sector wages and housing costs will be aligned in a manner which affords service workers financial access to housing that will be proximate to the newly created jobs? This question underscores the need for ABAG to consider an equity target to reduce income inequality, a pervasive and growing issue with a host of social and environmental implications.

A47-1

* For the RDP increased Greenhouse Gas (GHG) Emissions correlate with RDP growth whereas for the GPI only GHG reduction is a positive

On a local level, Brisbane notes that it is unique in that it is part of a Bi-County Priority Development Area (PDA) with adjacent portions of San Francisco. While the City understands the regional rationale for aggregating and disaggregating data on a county by county basis, this approach creates an artificial division along political boundaries that fails to reflect the nuances of how employment growth and housing will occur within this multi-jurisdictional PDA. While this issue may be at too fine a grain to address specifically in the draft *Plan Bay Area*, it will be important that future growth projections and transit and transportation investments within the PDA take into account the dynamic multi-jurisdictional nature of the PDA, and that such projections and investments are viewed holistically, and not at static, jurisdictional level.

Regional Transportation Plan

The City has previously gone on record requesting that the One Bay Area Grant (OBAG) funding allocation be changed from a 70/30 PDA/Non-PDA split. There are ongoing difficulties in adequately maintaining roadways throughout the region, and these needs will continue to grow in the future. Constraining where funds can be spent will only increase the amount of distressed roadways within the region. Brisbane requests that this 70/30 split be eliminated, or at a minimum be reduced to 50/50 to enhance local flexibility and access to needed funds.

In regard to the RTP, the city strongly endorses Caltrain electrification as a high priority investment that will be of great regional benefit.

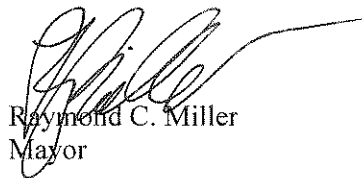
Draft Plan Bay Area DEIR

The air quality analysis identifies several toxic air contaminant (TAC) hotspots in easterly Brisbane. Based on the mapping information and data provided in the Draft EIR, the Brisbane –based sources of TACs are not clearly identified, and staff would recommend that the Final EIR more clearly identify the source and nature of these hotspots.

A47-2

Thank you again for the opportunity to comment on these documents, and we appreciate your attention to the concerns raised in this letter. Please contact John Swiecki, Brisbane Community Development Director at 415.508.2120 should you have any questions regarding these matters.

Sincerely,



Raymond C. Miller
Mayor

c: Sandy Wong, CCAG
Clay Holstine, City Manager
John Swiecki, Community Development Director

Ann Keighran, Mayor
Michael Brownrigg, Vice-Mayor
Cathy Baylock, Council Member
Terry Nagel, Council Member
Jerry Deal, Council Member



City Hall – 501 Primrose Road
Burlingame, California 94010-3997
Telephone: (650) 558-7202
FAX: (650) 556-9281
www.burlingame.org

City of Burlingame

May 7, 2013

Association of Bay Area Governments
c/o Kathleen Cha
Senior Communications Officer
P.O. Box 2050
Oakland, California 94604

Metropolitan Transportation Commission
c/o Ellen Griffin
Principal – Public Participation
101 8th Street
Oakland, California 94607

RE: CITY OF BURLINGAME COMMENTS – Draft Plan Bay Area and Draft Environmental Impact Report

Dear Ms. Cha and Ms. Griffin:

The City of Burlingame appreciates the opportunity to provide commentary regarding the draft *Plan Bay Area* and the accompanying draft Environmental Impact Report (DEIR). Though the City appreciates the overall goal of the Plan to provide a better balance between jobs and housing in an effort to reduce greenhouse gas emissions in the Bay Area, we wish to express the following concerns regarding both the Plan and the DEIR in hopes that both documents may be modified accordingly.

Draft Plan/EIR Comments:

- A48-1

Adopted Plan Bay Area Performance Target: Adequate Housing (Page 19, Table 1) –
The adopted target specifies “House 100 percent of the region’s projected growth (from a 2010 baseline year) by income level (very-low, low, moderate, above-moderate) without displacing current low-income residents (Statutory requirement, per SB 375).” This is a requirement from SB 375 so it may not be up for discussion. However, typically infill projects in Burlingame involve replacing an existing use with a new, slightly more intensive new use. In the past there have been examples of replacing obsolete or substandard, lower income housing with contemporary, market-rate housing. While the City has an inclusionary ordinance to require a certain amount of Moderate Income housing to be included in new developments, past experience has shown that new infill has sometimes involved displacing lower-income units that are not able to be directly replaced in the new development.

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However the EIR acknowledges this dynamic to some degree. Page 102 of the EIR discusses how transportation and housing costs are projected to rise during the Plan Bay Area period, and that these rises "are expected to disproportionately affect those at the lower end of the income spectrum." The EIR notes that "on the plus side, Plan Bay Area policies should help to stabilize the length and duration of commute trips for lower-income residents – which provides benefits in terms of overall quality of life."

2.

A48-2

Priority Development Areas (PDAs) – The El Camino Real corridor in Burlingame is part of the County of San Mateo's PDA for the entire El Camino corridor within the county. In the city, the PDA encompasses the majority of the Downtown area, the California Drive Corridor and significant portions of north Burlingame. The City's historic land use and zoning has long supported the PDA concept by encouraging development at intensive land use densities in these areas. The challenge, however, is that because these areas are already historically the densest development areas in the city, new infill projects only provide incremental increases in land use intensity (including new residential units). While the development standards in the City's PDA have been crafted to be responsive to the opportunities of transit-oriented development, typically buildings being replaced in a new infill development are already built at a relatively high intensity but are obsolete or substandard. The infill development is able to reflect new, contemporary design standards and meets other community objectives but often only represents an incremental increase in overall development intensity compared to the buildings being replaced.

The concern the City of Burlingame has is with the projections for jobs and housing unit growth within its PDA. If reaching a goal of 100% affordable housing is a requirement, it will be difficult for Burlingame and other cities to meet the goal. According to data tables presented by ABAG (most recently at a San Mateo County Planning Directors meeting on March 28, 2013), there are more than 7,000 existing housing units already within the Burlingame El Camino Real PDA. Of these, City staff has determined approximately one-third are existing single family homes and two-thirds are existing multi-family buildings. Many of the multi-family buildings are already built to relatively high densities, so new infill projects are only able to provide incremental increases in density. Similarly, the single-family neighborhoods within the PDA are typically older neighborhoods with compact lots, which provide inherent limitations to intensification. ABAG tables have shown as many as 3,260 new units within the PDA by 2040, which seems exceedingly ambitious (if not infeasible) considering that existing buildings that would be replaced with infill development are already built at relatively high densities. There are similar concerns with projected job growth within the PDA. While the City supports the concept of infill development within the PDA, it believes the net increase in housing units and jobs will be less than what ABAG has shown in its projections.

CITY OF BURLINGAME
Plan Bay Area/EIR Comments

Page 3

3

A48-3

Transit Priority Project (TPP) CEQA Streamlining – Pages 58-59 outline opportunities for CEQA streamlining under SB 375 through the designation of Transit Priority Project (TPP) areas. The map on Page 59 indicates a significant area of Burlingame would be within the TPP area, which could be a significant benefit to new infill projects that meet the City's applicable development standards, design guidelines, and design review criteria. The TPP shown largely corresponds to the City's PDA (discussed in Item 2 above). The potential environmental impacts of infill development within the TPP areas within Burlingame have already been studied as part of various specific plans, and each specific plan has mitigations built into the development standards and design guidelines. The adoption of the TPP illustrated in the Plan Bay Area could provide incentives for infill projects by allowing new projects to benefit from prior planning and environmental review efforts.

While the community may be concerned about CEQA streamlining and the prospect of some infill projects being fully or partially exempt from environmental review, it should be emphasized that in Burlingame:

- Typical project impacts were already reviewed in the environmental review of the Downtown Specific Plan and the North Burlingame/Rollins Road Specific Plan;
- Mitigations for potential environmental impacts have been built into those plans, including standard Conditions of Approval that apply to new projects within the specific plan areas;
- In Burlingame, only projects within its specific plan areas would qualify for CEQA streamlining or exemptions, per criteria outlined in SB 375. Projects not within one of the specific plan areas would not be eligible.
- The design guidelines in the specific plans would apply to eligible infill projects (indeed, the design guidelines have been developed to address potential environmental impacts);
- Infill projects would still be subject to design review, at which time compliance with environmental design standards would be determined.

Finally, it is important to consider that, if not handled sensitively, the CEQA streamlining could cause some cities to inadequately review projects closely enough because of this streamlining capability.

4.

A48-4

Infrastructure Capacity – The EIR indicates that the proposed Plan could result in insufficient water supplies from existing entitlements, inadequate wastewater capacity to serve new development, and could require the construction of new or expanded storm water drainage facilities (Impacts 2.12-1 through 2.12-4, Pages ES-65 through ES-69). While the EIR identifies these as having Significant and Unavoidable Impacts, these issues could potentially serve to constrain infill development in Burlingame.

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CITY OF BURLINGAME
Plan Bay Area/EIR Comments

Page 4

5. General Comments – The following are more general comments and questions related to the content of the Plan:

- Burlingame is unique in comparison to other communities situated along the El Camino Real Corridor. The vision set forth by the Grand Boulevard Initiative has already been implemented by the City of Burlingame throughout its long history resulting in the image of El Camino Real as a tree-lined boulevard that enhances the character of this thoroughfare. The community has been recognized as a part of the *Tree City USA* program for in excess of 30-years. It is notable that the Howard-Ralston Eucalyptus Grove that flanks El Camino Real from the City's southern boundary with San Mateo to just south of Mills-Peninsula Hospital in the northern portion of the City is recognized as an historic resource on both the *California Register of Historic Places* and the *National Register of Historic Places*; this designation was awarded to the grove on March 15, 2012. For this reason, development policies along the El Camino Corridor in Burlingame must necessarily be sensitive to the unique characteristics present in the City and be sensitive to the preservation of this resource. Current land-use policies of the City have been crafted in a manner that promotes the preservation of this resource; future amendments if required by *Plan Bay Area* must also be sensitive to the unique needs of the community in this area.
- Generalizations regarding the greater rate of demand for multi-generational housing for Asian and Latino populations appear to be inappropriate.
- Must all cities "buy-in" to the policies of *Plan Bay Area*? How enforceable are the policies within the plan? Is funding the primary mechanism for enforcement? The Plan needs to discuss the incentives that will be used to enforce the Plan's recommendations. What will occur if the communities cannot produce the housing encouraged in the Plan?
- There should be an analysis provided in the Plan and EIR that speaks to the number of businesses and people that are migrating out of the Bay Area.
- In addition to discussions in the Plan related to multi-family and mixed-use projects, the Plan should include a discussion of the needs and possible policies that will assist individuals requiring assisted living facilities.
- Provide clarification regarding statements in the Plan regarding premature deaths due to particulates. How is this measured as there are many causes for premature death? Greater specificity needs to be provided regarding means of reducing particulate emissions.

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CITY OF BURLINGAME
Plan Bay Area/EIR Comments

Page 5

- The Plan speaks to preserving 95% of the region by encouraging development within the PDAs; therefore, 5% of the area is taking the brunt of development in the region. This will take a toll on the infrastructure of affected communities. How will improvements to needed infrastructure be funded? Will other communities that will not see development assist in funding? Can communities outside of key transit areas still provide increased housing opportunities?

A48-6

- Provide greater clarity regarding the manner in which the CEQA process will be streamlined.

- Is the emphasis going to be on using the existing transit systems, or is there an anticipated expansion of systems? Existing transit systems should be used to maximum utility in advance of future improvements.

- What types of incentives will be offered to developers to build affordable housing, especially in communities where property values are quite high?

A48-7

- The Plan frequently refers to building housing near transportation, employment and schools; but how will this increase in housing affect the schools?

A48-8

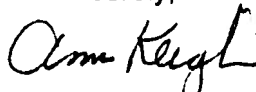
- Some cities will see a significant increase in the number of housing units (e.g. a 25% increase in the City of San Mateo). How will service needs be met?

A48-9

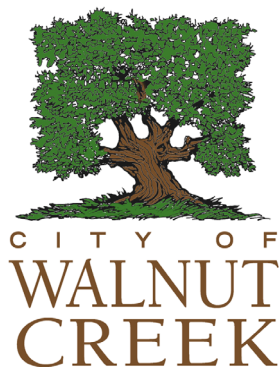
- There is a gap between discussions of housing and transit and the effects upon climate change, particularly to the Bay. How will improvements to "shore-up" the Bay be funded?

We thank you for affording the City of Burlingame the opportunity to provide input regarding Plan Bay area and the accompanying EIR. We look forward to ABAG's and MTC's responses to our and other communities' comments received during the public comment period.

Sincerely,



Ann Keighran
 Mayor



May 14, 2013

Johnny Jaramillo
 Association of Bay Area Governments
 P.O. Box 2050
 Oakland, CA 94604
Delivered via e-mail: JohnnyJ@abag.ca.gov

Subject: Comments on the Draft Forecast of Jobs, Population, and Housing

Dear Mr. Jaramillo,

Thank you for the opportunity to submit comments on the Draft Forecast of Jobs, Population, and Housing that was released concurrent with the Draft Plan Bay Area and associated DEIR. While the forecast document is not part of the Draft Plan Bay Area per se, it is our understanding that the city-level projections contained therein are the basis for the county-level and regional projections contained within the Draft Plan Bay Area.

The Walnut Creek City Council reviewed these documents at its meeting of May 7, 2013, and as a body, did not have any comments to be submitted to ABAG and MTC. This is primarily due to the fact that the projected growth rates contained within the Draft Forecast of Jobs, Population, and Housing for the City as a whole are largely consistent with our City's General Plan, through that document's horizon year of 2025. Staff, however, does have some more technical comments which are as follows. It should also be noted that we have submitted comments similar to these in response to the release of the Draft Preferred Scenario, the Alternatives Scenarios, and the Initial Vision Scenario, and though our requested changes should not have an effect on our City's total projected growth rates, the issues still remain.

A49-1

1. PDA vs. non-PDA growth rates

The Draft Forecast of Jobs, Population, and Housing projects a citywide average per-annum growth rate for new households, housing units, and jobs of 0.79, 0.68, and 0.79 percent respectively. While higher than expected based on our City's historic growth trends over the past two decades, these rates of growth can be accommodated under our existing General Plan through the year 2025. However the draft forecast also projects that 40 percent of the new households and housing units, and 30 percent of the new jobs will be accommodated within our City's sole PDA (comprising approximately two percent of our total land area).

While we do believe a good amount of our future growth will be accommodated within our PDA, the projections contained within the draft forecast specific to our PDA, as opposed to our City as a whole, are too high. Based on our own projections our PDA will only account for approximately 30 percent of the new households and housing units, and approximately 15 percent of the new jobs created within our City through the year 2040. A majority of the remainder will be created elsewhere within the City's downtown Core Area, which like our PDA, surrounds the Walnut Creek BART station. This reduction is also supported by your own Priority Development Area Development Feasibility and Readiness Assessment which was published concurrently with the Draft Plan Bay Area and DEIR.

In summary, the forecast should be revised such that the projected growth of our City's PDA is reduced by approximately 700 fewer new households, approximately 800 fewer new housing units, and approximately 2,400 fewer new jobs. The offsets for these reductions can be absorbed by the remaining non-PDA portions of our City, and consequently our citywide projections need not change.

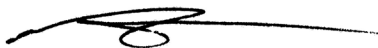
A49-2

2. Existing jobs

The current (2010) employment figures contained within the Draft Forecast of Jobs, Population, and Housing should primarily be based upon the 2010 Census Bureau LEHD employment data. This count, which comes from data reported by the actual employers, indicates that there were approximately 49,000 primary jobs within Walnut Creek in 2010. This is considerably more than the 41,650 jobs indicated in the draft forecast, and is approximately the same as the 50,600 jobs indicated in the five alternative scenarios released in September, 2011 and January, 2012.

Thank you again for the opportunity to comment on the Draft Forecast of Jobs, Population, and Housing. The City of Walnut Creek remains committed to the creation of a successful Sustainable Communities Strategy, and we hope that you find our comments helpful and productive. We will continue to be an active participant in the SCS process, and ask that ABAG and MTC continue to work in collaboration with their constituent cities and counties to provide an adequate amount of time for review and comment for all future phases of the SCS process, particularly in light of local jurisdictions' continually dwindling resources.

Sincerely,



Andrew M. Smith
Senior Planner

Cc: Walnut Creek City Council
Ken Nordhoff, City Manager
Sandra Meyer, Community Development Director
Heather Ballenger, Public Services Director
Laura Simpson, Principal Planner
Rafat Raie, Traffic Engineer



EDMUND G. BROWN JR.
GOVERNOR

STATE OF CALIFORNIA
GOVERNOR'S OFFICE *of* PLANNING AND RESEARCH



KEN ALEX
DIRECTOR

June 12, 2013

Steve Heminger, Executive Director, Metropolitan Transportation Commission
Ezra Rapport, Executive Director, Association of Bay Area Governments
101 Eighth Street
Oakland, CA 94607

Dear Mr. Heminger and Mr. Rapport,

The Governor's Office of Planning and Research (OPR) appreciates this opportunity to provide input on the Draft Plan Bay Area. This letter highlights aspects of the plan that we think could inform other Metropolitan Planning Organizations' (MPOs') Regional Transportation Plans (RTPs), and includes some suggestions for possible improvement. Our comments are provided in the spirit of the State Planning Priorities, adopted by the California Legislature in 2002.

A50-1 We appreciate that the plan is grounded in empirical data, using performance measures to guide investment. By planning for regional growth within a smaller urban footprint, the plan provides for substantial habitat preservation, emissions reduction, and improvements in public health. We commend the Metropolitan Transportation Commission (MTC) and the Association of Bay Area Governments (ABAG) for achieving a 16 percent reduction of greenhouse gas emissions (GHG) by 2035 and an 18 percent reduction by 2040.

Performance-Based Planning

A50-2 We are encouraged by MTC and ABAG's success in developing a plan based on quantitative measures of projected outcomes, or "performance metrics." Improved tools and methods for analysis offer the opportunity to move beyond metrics traditionally used to assess the transportation system narrowly, such as vehicle delay, and refocus attention on our ultimate objectives for transportation investments, including increasing economic activity, reducing GHG emissions, conserving land, improving health, improving safety, and improving equity. Plan Bay Area provides data and discussion that covers a wide range of stakeholder interests, enabling broadly informed decision-making.

A50-3 Performance-Based Project Assessment

In the last several years, state legislation, executive orders, and other policies (e.g. AB 32, SB 375, SB 391, EO S-3-05, EO S-16-2012, EO S-04-10) have provided new direction for California's transportation objectives. New or updated goals associated with transportation planning include reduction of greenhouse gas and other emissions, improved public health, and increased social equity, among others. Projects planned a decade or more ago may not reflect these priorities. Responding to these updated priorities requires reassessing projects in the pipeline that were programmed using old criteria. Failure to reassess projects in light of updated goals may make achieving those goals difficult or impossible.

We commend Plan Bay Area for (1) including project performance reassessment as a part of its plan and (2) developing a process to prioritize projects for inclusion in the plan. Undertaking such reassessments throughout the State of California could hasten progress toward our goals. Plan Bay Area sets an example for other MPOs of how to reassess project priorities. (See Plan Bay Area, at pp. 111-113).

Reducing Vehicle Miles Traveled by Focusing Growth

A50-4 Focused land use planning is the most effective long-term strategy to reduce Vehicle Miles Traveled (VMT), and realize all of the environmental and human health benefits that flow from reducing VMT. Specifically, this means planning homes and destinations in proximity to one another, focusing development where it will be accessible by transit and active transportation modes, and providing a jobs-housing match. We commend MTC and ABAG for their approach to housing distribution. (See Plan Bay Area at pp. 51-53.) We are encouraged to see that the criteria for distribution of new housing include transit services, existing VMT per capita, and jobs-housing match. This approach also reduces consumption of sensitive resources and farmland.

We commend Plan Bay Area for introducing the One Bay Area Grant Program in support of these objectives. The grant program "rewards jurisdictions that focus housing growth in Priority Development Areas (PDAs) through their planning and zoning policies, and actual production of housing units." (See Plan Bay Area at p. 13.) This program allows local jurisdictions the flexibility of local control while advancing the plan's objectives. We are encouraged that the grant program leverages incorporation of complete streets policies, as well as zoning policies that are adequate to provide housing at various income levels (as required by the Regional Housing Need Allocation process), by requiring those policies for eligibility (p. 75.)

A50-5

Tolling, HOT lanes, and Cordon Pricing: Funding Sources with Potential Additional Benefits

Studies suggest that roadway tolling can provide a combination of system performance enhancement, revenue enhancement, human health benefits and environmental benefits by reducing VMT. We therefore appreciate MTC and ABAG's efforts in modeling and evaluating tolling, High Occupancy Toll (HOT) lanes, and cordon pricing strategies as part of the RTP-SCS analysis, and including them as elements of the plan.

Building additional capacity to improve traffic flow is costly and the congestion relief is usually temporary due to induced demand, which increases VMT. MTC and ABAG's consideration of the effects of well-administered tolling lane and cordon-pricing programs, including reducing congestion, and possible co-benefits to human health and the environment (e.g. reducing GHG emissions, improving air quality, and reducing collisions), provides decision-makers with important information and the public with better outcomes. Furthermore, it sets the stage for more comprehensive pricing programs in the future, which could offer even greater benefits.

A50-6

"Fix It First" Policy and System Expansion

In an era of dwindling transportation budgets, some agencies are deferring roadway maintenance. Maintenance is most cost-effective, however, when completed on schedule; deferring maintenance may save money in the short-run but the more serious repairs needed later are more costly than ongoing preventative maintenance would have been. At the same time, adding roadway capacity only increases the amount of roadway that needs to be regularly maintained. Therefore, for long-run fiscal health, it makes sense to fund full upkeep of existing roadway and highway infrastructure before building more capacity.

Maintaining existing transportation infrastructure is named as a top priority in Plan Bay Area. We note that the plan commits a greater share of investment to maintenance and management than any of California's other major MPOs. (See Plan Bay Area at p 67.) However, this level of investment is still not sufficient to cover preventative maintenance. While highway maintenance needs over the life of the plan are forecasted at about \$22 Billion, projected revenues over the same period are expected to cover only \$14 Billion (p. 73). The shortfall results in an expected increase in "distressed lane-miles of state highways" from 27 percent at present to 44 percent in 2040 (p. 105). As the plan describes, failure to maintain pavement incurs steep future costs:

"The typical life cycle of a pavement is about 20 years. Over the first three-quarters of its life, the pavement will deteriorate slowly, resulting in a 40 percent drop in condition. Past that point, pavement will begin to deteriorate rapidly. It costs five to ten times more to rehabilitate or reconstruct a roadway that has been allowed to deteriorate, than it costs to maintain that roadway in good condition. Through the One Bay Area Grant program, Plan Bay Area invests \$10 billion in discretionary funding to maintain the region's existing pavement condition, currently at a regional

average of 66 on a pavement condition index (PCI) scale of 0 to 100. Even with an infusion of discretionary funds, sizable funding gaps remain in each county to bring pavement up to a state of good repair.

"The total amount of funding needed for the Bay Area to achieve a PCI of 75 (performance target, as discussed in chapter 5) over the Plan Bay Area period is \$45 billion. Committed revenues over the same period of time are expected to cover \$15 billion, or about one-third of the need. Add in the \$10 billion in discretionary funds, and the region still falls \$20 billion short of the revenue needed to achieve the plan's performance target..." (p. 72)

A later section of Plan Bay Area provides an agenda for pursuit of additional maintenance funds. Procuring funding from these sources offers an uncertain future for preventative maintenance, leaving the region vulnerable to the additional incurred expense that would result from delaying and deferring maintenance.

Meanwhile, the plan includes funding for additional highway facilities that will increase the region's maintenance obligation. We recommend that MTC examine options for allocating discretionary funds to fully cover maintenance. Doing so would help guarantee system preservation, which is critical to state interests, and avoid additional spending later on rehabilitation.

While we commend MTC and ABAG for considering improving the efficiency of its facilities using High Occupancy Toll lanes, we note that adding rather than converting lanes will induce demand for vehicle travel. Increasing vehicle travel impacts the environment and human health, and makes focused growth more challenging. To avert these consequences, we recommend MTC and ABAG consider converting existing lanes to HOT lanes, which would support focused growth, and avoid creating an additional unfunded maintenance burden.

Public Health and Investment in Active Mode Transportation

A50-7

Improved public health is a key goal for transportation investments. Increasing active mode transportation to "high but achievable levels...would rank among the most notable public health achievements in the modern era, reduce the estimated \$34 billion in California's annual costs from cardiovascular disease and other chronic conditions such as obesity." (Maizlish, 2012) We commend the establishment of targets for increasing biking and walking mode share, although we note the plan falls short of achieving those targets. While the plan does increase active mode share from 9 percent to 10 percent (See Plan Bay Area at p.100) and offers programs that can increase active transportation such as Climate Initiative Innovative Grants (p. 86), OPR recommends MTC consider transportation investments in active mode facilities which take advantage of opportunities to achieve a greater mode shift.

We also commend the plan for establishing a target for reductions in injuries and fatalities (p 99). Though the plan does not achieve its goal of an absolute reduction, we note it does achieve a per-capita reduction. We also note, however, that Bay Area

A50-8

pedestrians and bicyclists experienced 14.9% of fatal and serious road traffic injuries yet traveled only 2.1% of all roadway miles (Maizlish, 2012). Therefore, we recommend investigating opportunities for greater improvement via investment in active mode transportation and transit (transit trips typically include an active transport leg). Such investments offer multiple health benefits, including increased safety resulting from better facilities and safety in numbers for active modes, increased safety from reduced motor vehicle miles traveled, better health resulting from more physical activity, and better health resulting from better air quality and greenhouse gas emissions reductions.

Leveraging the Plan to Implement CEQA Streamlining Benefits for Infill

Plan Bay Area identifies a need to streamline the project entitlement process:

"A major impediment to infill development in the Bay Area is the often lengthy project entitlement process. This further increases Bay Area housing prices, which rank among the highest in the nation, and impedes the region's ability to provide adequate amounts of affordable housing. The amount of time required for planning and environmental review can cause projects to miss the economic cycle when demand exists for new housing or commercial space. ABAG and MTC will work with local jurisdictions to implement proven strategies for advancing infill development in Priority Development Areas (PDAs). Among these strategies are specific plans, neighborhood-appropriate parking requirements, expedited permit processing, and programmatic Environmental Impact Reports (EIRs) that eliminate the need for individual project EIRs." (p. 122)

"The state also should prioritize job creation and speed much-needed housing and transportation projects by updating the 43-year-old California Environmental Quality Act, or CEQA, to provide for more timely review of projects." (p. 129)

The CEQA Guidelines were recently amended to implement a new streamlining tool for infill development in SB 226 (2011) (adding Public Resources Code Section 21094.5). Those amendments complement the streamlining provisions in SB 375. Specifically, new Section 15183.3 provides streamlining benefits not just for residential and mixed-use projects, but also commercial uses, office buildings, transit stations and schools. Moreover, streamlining for such projects may be available even where a prior environmental impact report has determined that impacts may be significant and unavoidable. These amendments to the CEQA Guidelines went into effect on February 14, 2013. ABAG and MTC can enable infill development consistent with the Plan by assisting local governments in implementing the amended CEQA Guidelines. The Sacramento Area Council of Governments, for example, has created a checklist to enable local government's use of SB 375's streamlining provisions, and has created a map illustrating areas that are eligible for streamlining under Section 15183.3.

A50-9

We recommend the plan (1) identify more comprehensively the streamlining options available, and (2) provide focused assistance to local jurisdictions in making use of streamlining and tiering the Plan could leverage. For example, we recommend including a section that describes the streamlining benefits available under SB 226, along with maps of the areas eligible for streamlining for residential, office, and commercial uses.

Implementation Monitoring To Track Results of the Planning Process

A50-10

The RTP anticipates substantial progress toward many goals. Some of the strategies employed are new or evolving, so the exact results of their implementation are not known. We support including innovative strategies in the plan, as they will be needed in order to achieve the State's aggressive goals. Furthermore, we support estimating the outcomes of implementing these strategies using the best available data and research.

In order to verify that expected results are actually achieved, we suggest MTC and ABAG employ an implementation-monitoring program. Such a program would verify the assumptions made in the planning process, especially important for newer TDM strategies included in the plan to reduce GHG emissions. It would allow calibration with empirical results and corrections to future iterations of the plan to ensure it remains on course to meet its targets. Critically, a monitoring program would also assess the extent to which local jurisdictions within the region approve development and implement transportation demand measures in accordance with the plan.

Considering Future Impacts of Climate Change

A50-11

Climate Change impacts will affect infrastructure, natural resources and communities throughout the State. Sea level rise and coastal erosion threaten ports and low lying airports, coastal roads and highways, bridge supports, transit systems, and energy and fueling infrastructure. Climate change is expected to cause both coastal and inland flooding, which may compromise underground storage tanks for fuel and cause fuel delivery interruption, pipe ruptures, and toxic releases. Floods and landslides can also cause road closures, transportation hazards, and significant transportation infrastructure damage. Extreme heat and storm events associated with climate change also threaten highways, railways, and energy and fuel distribution systems; which can in turn impair emergency efforts. If groundwater utilization intensifies in response to climate-induced changes in water availability, there may also be an increase in land subsidence events that threaten roads, railways, bridges, and pipelines. Impending climate impacts have implications not only for decisions regarding the siting of new transportation infrastructure, but also maintenance and operation.

MPOs and RTPAs have a unique role in ensuring regional networks remain viable as the climate changes. Although MPOs have been developing sustainable community strategies for incorporating regional greenhouse gas emission reduction targets in regional transportation plans, we recommend they also include discussions of climate change impacts and efforts to adapt to those changes. The recently released document "Addressing Climate Change Adaptation in Regional Transportation Plans - A Guide for California MPOs and RTPAs" provides guidance on steps to incorporate climate impacts into long-range transportation planning. Given the scale of the risks posed by a changing climate, analysis of appropriate responses is best addressed at a programmatic level—in the RTP-SCS—rather than on a project-by-project basis.

Again, OPR commends MTC and ABAG for developing a high quality RTP-SCS. We appreciate the opportunity to submit these comments, and hope that they are helpful. Due to staffing constraints and the press of unanticipated matters, we are submitting these comments after the official close of the comment period, for which we apologize. We ask, however, that our comments be included in the public record. We will not be submitting additional comments as part of the DEIR review process for the Plan. OPR would, however, like to offer technical and policy assistance in RTP-SCS development and implementation. If you have any questions, please do not hesitate to contact me at 916-324-9236 or chris.ganson@opr.ca.gov.

Sincerely,



Chris Ganson
Senior Planner

For: Ken Alex
Director

cc:

Mike McCoy, SGC
Jonathan Taylor, CARB
Katie Benouar, Caltrans



EDMUND G. BROWN JR.
GOVERNOR

STATE OF CALIFORNIA
GOVERNOR'S OFFICE *of* PLANNING AND RESEARCH



KEN ALEX
DIRECTOR

June 12, 2013

Steve Heminger, Executive Director, Metropolitan Transportation Commission
Ezra Rapport, Executive Director, Association of Bay Area Governments
101 Eighth Street
Oakland, CA 94607

Dear Mr. Heminger and Mr. Rapport,

The Governor's Office of Planning and Research (OPR) appreciates this opportunity to provide input on the Draft Plan Bay Area. This letter highlights aspects of the plan that we think could inform other Metropolitan Planning Organizations' (MPOs') Regional Transportation Plans (RTPs), and includes some suggestions for possible improvement. Our comments are provided in the spirit of the [State Planning Priorities](#), adopted by the California Legislature in 2002.

We appreciate that the plan is grounded in empirical data, using performance measures to guide investment. By planning for regional growth within a smaller urban footprint, the plan provides for substantial habitat preservation, emissions reduction, and improvements in public health. We commend the Metropolitan Transportation Commission (MTC) and the Association of Bay Area Governments (ABAG) for achieving a 16 percent reduction of greenhouse gas emissions (GHG) by 2035 and an 18 percent reduction by 2040.

Performance-Based Planning

We are encouraged by MTC and ABAG's success in developing a plan based on quantitative measures of projected outcomes, or "performance metrics." Improved tools and methods for analysis offer the opportunity to move beyond metrics traditionally used to assess the transportation system narrowly, such as vehicle delay, and refocus attention on our ultimate objectives for transportation investments, including increasing economic activity, reducing GHG emissions, conserving land, improving health, improving safety, and improving equity. Plan Bay Area provides data and discussion that covers a wide range of stakeholder interests, enabling broadly informed decision-making.

Performance-Based Project Assessment

In the last several years, state legislation, executive orders, and other policies (e.g. [AB 32](#), [SB 375](#), [SB 391](#), [EO S-3-05](#), [EO S-16-2012](#), [EO S-04-10](#)) have provided new direction for California's transportation objectives. New or updated goals associated with transportation planning include reduction of greenhouse gas and other emissions, improved public health, and increased social equity, among others. Projects planned a decade or more ago may not reflect these priorities. Responding to these updated priorities requires reassessing projects in the pipeline that were programmed using old criteria. Failure to reassess projects in light of updated goals may make achieving those goals difficult or impossible.

We commend Plan Bay Area for (1) including project performance reassessment as a part of its plan and (2) developing a process to prioritize projects for inclusion in the plan. Undertaking such reassessments throughout the State of California could hasten progress toward our goals. Plan Bay Area sets an example for other MPOs of how to reassess project priorities. (See Plan Bay Area, at pp. 111-113).

Reducing Vehicle Miles Traveled by Focusing Growth

Focused land use planning is the most effective long-term strategy to reduce Vehicle Miles Traveled (VMT), and realize all of the environmental and human health benefits that flow from reducing VMT. Specifically, this means planning homes and destinations in proximity to one another, focusing development where it will be accessible by transit and active transportation modes, and providing a jobs-housing match. We commend MTC and ABAG for their approach to housing distribution. (See Plan Bay Area at pp. 51-53.) We are encouraged to see that the criteria for distribution of new housing include transit services, existing VMT per capita, and jobs-housing match. This approach also reduces consumption of sensitive resources and farmland.

We commend Plan Bay Area for introducing the One Bay Area Grant Program in support of these objectives. The grant program "rewards jurisdictions that focus housing growth in Priority Development Areas (PDAs) through their planning and zoning policies, and actual production of housing units." (See Plan Bay Area at p. 13.) This program allows local jurisdictions the flexibility of local control while advancing the plan's objectives. We are encouraged that the grant program leverages incorporation of complete streets policies, as well as zoning policies that are adequate to provide housing at various income levels (as required by the Regional Housing Need Allocation process), by requiring those policies for eligibility (p. 75.)

Tolling, HOT lanes, and Cordon Pricing: Funding Sources with Potential Additional Benefits

Studies suggest that roadway tolling can provide a combination of system performance enhancement, revenue enhancement, human health benefits and environmental benefits by reducing VMT. We therefore appreciate MTC and ABAG's efforts in modeling and evaluating tolling, High Occupancy Toll (HOT) lanes, and cordon pricing strategies as part of the RTP-SCS analysis, and including them as elements of the plan.

Building additional capacity to improve traffic flow is costly and the congestion relief is usually temporary due to induced demand, which increases VMT. MTC and ABAG's consideration of the effects of well-administered tolling lane and cordon-pricing programs, including reducing congestion, and possible co-benefits to human health and the environment (e.g. reducing GHG emissions, improving air quality, and reducing collisions), provides decision-makers with important information and the public with better outcomes. Furthermore, it sets the stage for more comprehensive pricing programs in the future, which could offer even greater benefits.

“Fix It First” Policy and System Expansion

In an era of dwindling transportation budgets, some agencies are deferring roadway maintenance. Maintenance is most cost-effective, however, when completed on schedule; deferring maintenance may save money in the short-run but the more serious repairs needed later are more costly than ongoing preventative maintenance would have been. At the same time, adding roadway capacity only increases the amount of roadway that needs to be regularly maintained. Therefore, for long-run fiscal health, it makes sense to fund full upkeep of existing roadway and highway infrastructure before building more capacity.

Maintaining existing transportation infrastructure is named as a top priority in Plan Bay Area. We note that the plan commits a greater share of investment to maintenance and management than any of California's other major MPOs. (See Plan Bay Area at p 67.) However, this level of investment is still not sufficient to cover preventative maintenance. While highway maintenance needs over the life of the plan are forecasted at about \$22 Billion, projected revenues over the same period are expected to cover only \$14 Billion (p. 73). The shortfall results in an expected increase in “distressed lane-miles of state highways” from 27 percent at present to 44 percent in 2040 (p. 105). As the plan describes, failure to maintain pavement incurs steep future costs:

“The typical life cycle of a pavement is about 20 years. Over the first three-quarters of its life, the pavement will deteriorate slowly, resulting in a 40 percent drop in condition. Past that point, pavement will begin to deteriorate rapidly. It costs five to ten times more to rehabilitate or reconstruct a roadway that has been allowed to deteriorate, than it costs to maintain that roadway in good condition. Through the One Bay Area Grant program, Plan Bay Area invests \$10 billion in discretionary funding to maintain the region's existing pavement condition, currently at a regional

average of 66 on a pavement condition index (PCI) scale of 0 to 100. Even with an infusion of discretionary funds, sizable funding gaps remain in each county to bring pavement up to a state of good repair.

“The total amount of funding needed for the Bay Area to achieve a PCI of 75 (performance target, as discussed in chapter 5) over the Plan Bay Area period is \$45 billion. Committed revenues over the same period of time are expected to cover \$15 billion, or about one-third of the need. Add in the \$10 billion in discretionary funds, and the region still falls \$20 billion short of the revenue needed to achieve the plan’s performance target...” (p. 72)

A later section of Plan Bay Area provides an agenda for pursuit of additional maintenance funds. Procuring funding from these sources offers an uncertain future for preventative maintenance, leaving the region vulnerable to the additional incurred expense that would result from delaying and deferring maintenance.

Meanwhile, the plan includes funding for additional highway facilities that will increase the region’s maintenance obligation. We recommend that MTC examine options for allocating discretionary funds to fully cover maintenance. Doing so would help guarantee system preservation, which is critical to state interests, and avoid additional spending later on rehabilitation.

While we commend MTC and ABAG for considering improving the efficiency of its facilities using High Occupancy Toll lanes, we note that adding rather than converting lanes will induce demand for vehicle travel. Increasing vehicle travel impacts the environment and human health, and makes focused growth more challenging. To avert these consequences, we recommend MTC and ABAG consider converting existing lanes to HOT lanes, which would support focused growth, and avoid creating an additional unfunded maintenance burden.

Public Health and Investment in Active Mode Transportation

Improved public health is a key goal for transportation investments. Increasing active mode transportation to “high but achievable levels...would rank among the most notable public health achievements in the modern era, reduce the estimated \$34 billion in California’s annual costs from cardiovascular disease and other chronic conditions such as obesity.” ([Maizlish, 2012](#)) We commend the establishment of targets for increasing biking and walking mode share, although we note the plan falls short of achieving those targets. While the plan does increase active mode share from 9 percent to 10 percent (See Plan Bay Area at p.100) and offers programs that can increase active transportation such as Climate Initiative Innovative Grants (p. 86), OPR recommends MTC consider transportation investments in active mode facilities which take advantage of opportunities to achieve a greater mode shift.

We also commend the plan for establishing a target for reductions in injuries and fatalities (p 99). Though the plan does not achieve its goal of an absolute reduction, we note it does achieve a per-capita reduction. We also note, however, that Bay Area

pedestrians and bicyclists experienced 14.9% of fatal and serious road traffic injuries yet traveled only 2.1% of all roadway miles ([Maizlish, 2012](#)). Therefore, we recommend investigating opportunities for greater improvement via investment in active mode transportation and transit (transit trips typically include an active transport leg). Such investments offer multiple health benefits, including increased safety resulting from better facilities and safety in numbers for active modes, increased safety from reduced motor vehicle miles traveled, better health resulting from more physical activity, and better health resulting from better air quality and greenhouse gas emissions reductions.

Leveraging the Plan to Implement CEQA Streamlining Benefits for Infill

Plan Bay Area identifies a need to streamline the project entitlement process:

“A major impediment to infill development in the Bay Area is the often lengthy project entitlement process. This further increases Bay Area housing prices, which rank among the highest in the nation, and impedes the region’s ability to provide adequate amounts of affordable housing. The amount of time required for planning and environmental review can cause projects to miss the economic cycle when demand exists for new housing or commercial space. ABAG and MTC will work with local jurisdictions to implement proven strategies for advancing infill development in Priority Development Areas (PDAs). Among these strategies are specific plans, neighborhood-appropriate parking requirements, expedited permit processing, and programmatic Environmental Impact Reports (EIRs) that eliminate the need for individual project EIRs.” (p. 122)

“The state also should prioritize job creation and speed much-needed housing and transportation projects by updating the 43-year-old California Environmental Quality Act, or CEQA, to provide for more timely review of projects.” (p. 129)

The CEQA Guidelines were recently amended to implement a new streamlining tool for infill development in SB 226 (2011) (adding Public Resources Code Section 21094.5). Those amendments complement the streamlining provisions in SB 375. Specifically, new Section 15183.3 provides streamlining benefits not just for residential and mixed-use projects, but also commercial uses, office buildings, transit stations and schools. Moreover, streamlining for such projects may be available even where a prior environmental impact report has determined that impacts may be significant and unavoidable. These amendments to the CEQA Guidelines went into effect on February 14, 2013. ABAG and MTC can enable infill development consistent with the Plan by assisting local governments in implementing the amended CEQA Guidelines. The Sacramento Area Council of Governments, for example, has created a checklist to enable local government’s use of SB 375’s streamlining provisions, and has created a map illustrating areas that are eligible for streamlining under Section 15183.3.

We recommend the plan (1) identify more comprehensively the streamlining options available, and (2) provide focused assistance to local jurisdictions in making use of streamlining and tiering the Plan could leverage. For example, we recommend including a section that describes the streamlining benefits available under SB 226, along with maps of the areas eligible for streamlining for residential, office, and commercial uses.

Implementation Monitoring To Track Results of the Planning Process

The RTP anticipates substantial progress toward many goals. Some of the strategies employed are new or evolving, so the exact results of their implementation are not known. We support including innovative strategies in the plan, as they will be needed in order to achieve the State's aggressive goals. Furthermore, we support estimating the outcomes of implementing these strategies using the best available data and research.

In order to verify that expected results are actually achieved, we suggest MTC and ABAG employ an implementation-monitoring program. Such a program would verify the assumptions made in the planning process, especially important for newer TDM strategies included in the plan to reduce GHG emissions. It would allow calibration with empirical results and corrections to future iterations of the plan to ensure it remains on course to meet its targets. Critically, a monitoring program would also assess the extent to which local jurisdictions within the region approve development and implement transportation demand measures in accordance with the plan.

Considering Future Impacts of Climate Change

Climate Change impacts will affect infrastructure, natural resources and communities throughout the State. Sea level rise and coastal erosion threaten ports and low lying airports, coastal roads and highways, bridge supports, transit systems, and energy and fueling infrastructure. Climate change is expected to cause both coastal and inland flooding, which may compromise underground storage tanks for fuel and cause fuel delivery interruption, pipe ruptures, and toxic releases. Floods and landslides can also cause road closures, transportation hazards, and significant transportation infrastructure damage. Extreme heat and storm events associated with climate change also threaten highways, railways, and energy and fuel distribution systems; which can in turn impair emergency efforts. If groundwater utilization intensifies in response to climate-induced changes in water availability, there may also be an increase in land subsidence events that threaten roads, railways, bridges, and pipelines. Impending climate impacts have implications not only for decisions regarding the siting of new transportation infrastructure, but also maintenance and operation.

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Sincerely,

Chris Ganson
Senior Planner

For: Ken Alex
Director

cc:

Mike McCoy, SGC
Jonathan Taylor, CARB
Katie Benouar, Caltrans



DELTA STEWARDSHIP COUNCIL

A California State Agency

980 NINTH STREET, SUITE 1500
SACRAMENTO, CALIFORNIA 95814
WWW.DELTACOUNCIL.CA.GOV
(916) 445-5511

May 15, 2013

Carolyn Clevenger, MTC EIR Project Manager
Metropolitan Transportation Commission
101 Eighth St.
Oakland, CA 94607

Via email: eircomments@mtc.ca.gov

Chair
Phil Isenberg

Members
Frank C. Damrell, Jr.
Randy Fiorini
Gloria Gray
Patrick Johnston
Hank Nordhoff
Don Nottoli

Executive Officer
Christopher M. Knopp

Re: Plan Bay Area Regional Transportation Plan/Sustainable Communities Strategy Draft EIR

Dear Ms. Clevenger:

We have reviewed the Draft Environmental Impact Report (EIR) for the Plan Bay Area Regional Transportation Plan/Sustainable Communities Strategy (Plan Bay Area) prepared by the Metropolitan Transportation Commission (MTC) and Association of Bay Area Governments (ABAG). We welcome the opportunity to provide input regarding how to ensure the consistency of Plan Bay Area with the Delta Plan. Because the Delta Plan has not yet been adopted¹, our comments are based on the current draft Delta Plan (May 2013). We appreciate the opportunity to comment on the Draft EIR and look forward to continued coordination between our agencies to further our related efforts. We are particularly interested in working with you to determine how the exemption process (for "covered actions") defined in Water Code Section 85057.5 should work.

As you may know, in 2009 the California Legislature created the Delta Stewardship Council (DSC) to play a synthesizing and coordinating role among the many agencies and interest groups who have a stake in the Delta's future. The DSC was also tasked with developing, adopting and implementing the Delta Plan. The Delta Plan, once adopted, will be an enforceable plan to further the achievement of the coequal goals of providing a more reliable water supply for California and protecting, restoring, and enhancing the Delta ecosystem. The coequal goals are to be achieved in a manner that protects and enhances the unique cultural, recreational, natural resource, and agricultural values of the Delta as an evolving place.

The DSC sets state policy for the Delta through the Delta Plan and coordinates state and local agencies to achieve policy objectives. In addition, the Council was granted specific regulatory and appellate authority over certain actions that take place in whole or in part in the Delta. To do this, the Delta Plan contains a set of regulatory policies with which State and local agencies are required to comply. The Delta Reform Act specifically established a certification process for compliance with the Delta Plan. This means that state and local agencies that propose to carry out, approve, or fund a qualifying action in whole or in part in the Delta, called a "covered action," must certify that this covered action is consistent with the Delta Plan and must file a certification of consistency with the Council that includes detailed findings.

¹ The Delta Plan is anticipated to be adopted in May 2013.

"Coequal goals" means the two goals of providing a more reliable water supply for California and protecting, restoring, and enhancing the Delta ecosystem. The coequal goals shall be achieved in a manner that protects and enhances the unique cultural, recreational, natural resource, and agricultural values of the Delta as an evolving place."

It is important to note that not all actions that occur in whole or in part in the Delta are covered actions. Only certain activities qualify as covered actions, and the Delta Reform Act establishes specific criteria and exclusions. One of these exclusions is for actions within the secondary zone of the Delta that a metropolitan planning organization determines are consistent with its sustainable communities strategy (SCS). Such proposed actions are *not* "covered actions" regulated by the DSC. Water Code Section 85057.5(b)(4) states:

"Covered action" does not include any of the following: ...Any plan, program, project, or activity within the secondary zone of the Delta that the applicable metropolitan planning organization under Section 65080 of the Government Code has determined is consistent with either a sustainable communities strategy or an alternative planning strategy that the State Air Resources Board has determined would, if implemented, achieve the greenhouse gas emission reduction targets established by that board pursuant to subparagraph (A) of paragraph (2) of subdivision (b) of Section 65080 of the Government Code. For purposes of this paragraph, "consistent with" means consistent with the use designation, density, building intensity, transportation plan, and applicable policies specified for the area in the sustainable communities strategy or the alternative planning strategy, as applicable, and any infrastructure necessary to support the plan, program, project, or activity.

The ability to exempt certain actions from the DSC's certification process provides MTC and ABAG with a potentially significant role in shaping how development occurs in the secondary zone of the Delta and the way in which planning for metropolitan areas and the Delta are coordinated.

Pursuant to Water Code Section 85212, the DSC will be required to review Plan Bay Area for consistency with Delta Plan. The law states:

The council shall review and provide timely advice to local and regional planning agencies regarding the consistency of local and regional planning documents, including sustainable communities strategies and alternative planning strategies prepared pursuant to Section 65080 of the Government Code, with the Delta Plan. The council's input shall include, but not be limited to, reviewing the consistency of local and regional planning documents with the ecosystem restoration needs of the Delta and reviewing whether the lands set aside for natural resource protection are sufficient to meet the Delta's ecosystem needs. A metropolitan planning organization preparing a regional transportation plan under Section 65080 of the Government Code that includes land within the primary or secondary zones of the Delta shall consult with the council early in the planning process regarding the issues and policy choices relating to the council's advice. No later than 60 days prior to the adoption of a final regional transportation plan, the metropolitan planning organization shall provide the council with a draft sustainable communities strategy and an alternative planning strategy, if any. Concurrently, the metropolitan planning organization shall provide notice of its submission to the council in the same manner in which agencies file a certificate of consistency pursuant to Section 85225. If the council concludes that the draft sustainable communities strategy or alternative planning strategy is inconsistent with the Delta Plan, the council shall provide written notice of the claimed inconsistency to the metropolitan planning organization no later than 30 days prior to the adoption of the final regional transportation plan. If the council provides timely notice of a claimed inconsistency, the metropolitan planning organization's adoption of the final regional transportation plan shall include a detailed response to the council's notice.

The DSC staff appreciates this opportunity for review in order to outline some of the issues of concern to the Council. Based on the most recent draft of the Delta Plan, our review of the Draft EIR for Plan Bay Area identified the following areas to consider in order to ensure consistency:

- **Urban boundaries.** The urban boundaries identified in Plan Bay Area should be consistent with the Delta Plan for the areas in which the Delta Stewardship Council has concurrent jurisdiction with MTC

and ABAG. The boundaries are described in draft Delta Plan Policy DP P1 (23 CCR Section 5010)². These boundaries are intended to strengthen existing Delta communities while protecting farmland and open space, providing land for ecosystem restoration needs, and reducing flood risk. DP P1 is based on city boundaries and spheres of influence effective as of the date of the Delta Plan's adoption. It states:

23 CCR Section 5010. Locate New Urban Development Wisely

(a) New residential, commercial, and industrial development must be limited to the following areas, as shown in Appendix 6 and Appendix 7:

- (1) Areas that city or county general plans as of the date of the Delta Plan's adoption, designate for residential, commercial, and industrial development in cities or their spheres of influence;
- (2) Areas within Contra Costa County's 2006 voter-approved urban limit line, except no new urban residential, commercial, and industrial development may occur on Bethel Island unless it is consistent with the Contra Costa County general plan effective as of the date of the Delta Plan's adoption;
- (3) Areas within the Mountain House General Plan Community Boundary in San Joaquin County; or,
- (4) The unincorporated Delta towns of Clarksburg, Courtland, Hood, Locke, Ryde, and Walnut Grove.

(b) Notwithstanding subsection (a), new residential, commercial, and industrial development is permitted outside the areas described in subsection (a) if it is consistent with the land uses designated in county general plans as of the date of the Delta Plan's adoption, and is otherwise consistent with this chapter.

(c) For purposes of Water Code Section 85057.5(a)(3) and Section 5001(j)(1)(E) of this Chapter, this policy covers proposed actions that involve new residential, commercial, and industrial development that is not located within the areas described in subsection (a). In addition, this policy covers any such action on Bethel Island that is inconsistent with the Contra Costa County general plan effective as of the date of the Delta Plan's adoption. This policy does not cover commercial recreational visitor-serving uses or facilities for processing of local crops or that provide essential services to local farms, which are otherwise consistent with this chapter.

(d) This policy is not intended in any way to alter the concurrent authority of the Delta Protection Commission to separately regulate development in the Delta's Primary Zone.

The Draft EIR states, "The proposed Plan targets new household and job growth in [priority development areas (PDAs)], which are largely within the urbanized footprint and typically support infill development. However, a relatively small portion of PDA acreage (approximately 7,600 acres) overlaps with agricultural lands, about 80 percent of which is grazing land. The rest is divided between Farmland of Local importance, Farmland of Statewide Importance, Prime Farmland, and Unique Farmland. Additionally, PDA boundaries overlap with approximately 300 acres of lands that are under Williamson Act contract. Most of the overlap between PDA and agricultural land is located in Contra Costa and Solano counties (2,700 and 3,000 acres, respectively). While the PDAs are areas in which growth is focused, PDAs would not be developed in their entirety, and would include diverse land uses in addition to jobs and housing that could include preservation of agricultural land."

A51-1

The map of PDAs (Figure 2.3-5) shows several PDAs in Contra Costa County within the Legal Delta. However, they appear to be within the Contra Costa County Urban Limit Line, which would mean they

² The draft Delta Plan's policies are also proposed regulations that will be submitted to the Office of Administrative Law following the adoption of the Delta Plan. Therefore, the policies are referenced by both their Delta Plan policy number and regulatory section number. Both the proposed regulations and the latest draft Delta Plan are available on the DSC website.

would be exempt from DP P1. Please verify that this is the case. The map also shows PDAs close to, but outside, the border of the Suisun Marsh in Suisun City and Benicia. Please confirm the location of these PDAs.

A51-2

In the Final EIR, please cite draft Delta Plan Policy DP P1, provide an analysis of potential conflict with the policy due to the urbanization of agricultural land and open space within the Legal Delta and the Suisun Marsh, and describe how any conflicts with the policy could be avoided or mitigated.

A51-3

• **Farmland Mitigation.** The Draft EIR lists several measures (2.3(g)) to be considered by implementing agencies and/or project sponsors to mitigate impacts on agriculture. In the Plan Bay Area Final EIR, please consider adding the following agricultural mitigation measures described in the Delta Plan Final EIR:

A51-4

“Design proposed projects to minimize, to the greatest extent feasible, the loss of the highest valued agricultural land.

For projects that will result in permanent conversion of farmland, preserve in perpetuity other farmland through acquisition of an agricultural conservation easement, or contributing funds to a land trust or other entity qualified to preserve Farmland in perpetuity (at a target ratio of 1:1, depending on the nature of the conversion and the characteristics of the farmland to be converted, to compensate for permanent loss).

Redesign project features to minimize fragmenting or isolating farmland. Where a project involves acquiring land or easements, ensure that the remaining nonproject area is of a size sufficient to allow viable farming operations. The project proponents shall be responsible for acquiring easements, making lot line adjustments, and merging affected land parcels into units suitable for continued commercial agricultural management.

Reconnect utilities or infrastructure that serve agricultural uses if these are disturbed by project construction. If a project temporarily or permanently cuts off roadway access or removes utility lines, irrigation features, or other infrastructure, the project proponents shall be responsible for restoring access as necessary to ensure that economically viable farming operations are not interrupted.

Manage project operations to minimize the introduction of invasive species or weeds that may affect agricultural production on adjacent agricultural land.

Establish buffer areas between projects and adjacent agricultural land that are sufficient to protect and maintain land capability and agricultural operation flexibility. Design buffers to protect the feasibility of ongoing agricultural operations and reduce the effects of construction- or operation-related activities (including the potential to introduce special-status species in the agricultural areas) on adjacent or nearby properties. The buffer shall also serve to protect ecological restoration areas from noise, dust, and the application of agricultural chemicals. The width of the buffer shall be determined on a project-by-project basis to account for variations in prevailing winds, crop types, agricultural practices, ecological restoration, or infrastructure. Buffers can function as drainage swales, trails, roads, linear parkways, or other uses compatible with ongoing agricultural operations.”

• **Habitat restoration areas.** Plan Bay Area should set aside land for future habitat restoration needs, consistent with the Delta Plan’s priority habitat restoration areas (PHRAs), for the areas in which the Delta Stewardship Council has concurrent jurisdiction with MTC and ABAG. These include the Suisun Marsh PHRA and the Western Delta/Eastern Contra Costa County PHRA, which includes Dutch Slough, Winter Island and Decker Island (shown in Figure 4-8 of the Draft Delta Plan).

A51-5

A51-6 The Draft EIR states, "Priority Conservation Areas (PCAs) comprise over 100 regionally significant open spaces for which there exists broad consensus for long-term protection but face nearer-term development pressure. The PCAs designated in the proposed Plan will expand a regional greenbelt dedicated for preservation or protected by federal, state, and local policies." The Draft EIR states that Figure 1.2-2 shows the locations of the PDAs and PCAs, but the PCAs do not appear on this map. Please provide the locations of the PCAs in the Final EIR.

Draft Delta Plan Policy ER P3 (23 CCR Section 5007) calls for protecting opportunities to restore habitat in the PHRAs.

23 CCR Section 5007 Protect Opportunities to Restore Habitat

(a) Within the priority habitat restoration areas depicted in Appendix 5, significant adverse impacts to the opportunity to restore habitat as described in Section 5006, must be avoided or mitigated.

(b) Significant impacts referenced in subsection (a) will be deemed to be avoided or mitigated if the project is designed and implemented so that it will not preclude or otherwise interfere with the ability to restore habitat as described in Section 5006.

(c) Mitigation shall be determined, in consultation with the Department of Fish and Wildlife, considering the size of the area impacted by the covered action and the type and value of habitat that could be restored on that area, taking into account existing and proposed restoration plans, landscape attributes, the elevation map shown in Appendix 4 and other relevant information about habitat restoration opportunities of the area.

(d) For purposes of Water Code Section 85057.5(a)(3) and Section 5001(j)(1)(E) of this Chapter, this policy covers proposed actions in the priority habitat restoration areas depicted in Appendix 5. It does not cover proposed actions outside those areas.

At the same time, draft Delta Plan Policy DP P2 (23 CCR Section 5011) calls for respecting local land use when siting water or flood facilities or habitat restoration. For this reason, the priority habitat restoration areas are located in areas not currently designated for urban uses, but rather for agriculture, open space or natural preserve in county general plans.

A51-7 The Draft EIR states that land development and transportation improvement could occur in or near sensitive habitat. It states, "Potential regional effects on special-status species could occur as a result of habitat fragmentation, increased human intrusion into wildland areas, introduction of invasive species, disruption of migratory corridors, and a resulting regional reduction in biological diversity."

The Draft EIR lists three transportation projects (Table 1.2-14, Items 7-9) that could adversely affect habitat in the Suisun Marsh PHRA:

- Widen I-680 in each direction for express lanes from Martinez Bridge to I-80
- Improve I-80/I-680/Route 12 Interchange (Phase 1)
- Widen I-680/I-80 interchange in each direction for express lanes.

A51-8 There do not appear to be any proposed transportation projects in the Western Delta/Eastern Contra Costa County PHRA, but please confirm that this is the case.

A51-9 In the Final EIR, please cite draft Delta Plan Policy ER P3 and describe how any potential conflicts with the policy can be avoided or mitigated. Figure 4-7 of the Draft Delta Plan depicts three examples of how projects can comply with ER P3, two of which may be relevant to the proposed projects:

- Locate structures at the edge of a habitat restoration area, rather than in the middle, to improve opportunities for restoring habitat connectivity.
- Elevate structures so that water can flow underneath to allow for restoration of aquatic habitat dependent on tides or periodic flooding.

A51-10 Also, please consider how Plan Bay Area may need to coordinate with the proposed Bay Delta Conservation Plan, which does not appear to be listed among the natural communities conservation plans cited in the Draft EIR.

A51-10.5 • **Flood risk reduction.** Land use planning for Plan Bay Area should reduce flood risk. The draft Delta Plan contains three policies that are most relevant to ABAG's and MTC's consideration of this issue: Policy RR P2 requires flood protection for residential development in rural areas, Policy RR P3 restricts encroachment in floodways, and Policy RR P4 restricts encroachments in floodplains. Flood risk reduction should be included as a factor when evaluating various land use scenarios.

A51-11 The Draft EIR states, "Impacts on water resources are associated with future land development and with transportation improvements under the proposed Plan that could have the potential to impact water quality, reduce groundwater recharge, alter drainage patterns, create higher erosion rates, increase non-point pollution, increase runoff, and increase exposure to floods."

The DSC staff commends MTC and ABAG for including analysis of potential future inundation due to sea level rise. The Draft EIR states, "Thirty-two of the approximately 700 Plan Bay Area transportation projects under the proposed Plan are located, partially or wholly, within areas projected to be regularly inundated (i.e., inundated multiple times each year) by sea level rise by midcentury....Any increase in transportation investments within the sea level rise inundation zone is considered a significant impact; however, these impacts can be mitigated through careful project-level planning and design that considers long-term sea level rise and includes adaptive strategies that are appropriate to the project type, surrounding land use, and the adjacent Bay shoreline type."

In the Final EIR, please cite draft Delta Plan's flood risk reduction policies and describe how any potential conflicts with the policies can be avoided or mitigated.

We have the following additional recommendations regarding ways in which Plan Bay Area could further promote the achievement of the coequal goals.

- A51-12** • **Transportation investments.** Plan Bay Area should coordinate with the plans of Delta agencies in areas of concurrent jurisdiction. Draft Delta Plan Recommendation DP R5 states, "The California Department of Transportation, local agencies, and utilities should plan infrastructure, such as roads and highways, to meet needs of development consistent with sustainable community strategies, local plans, Delta Protection Commission's *Land Use and Resource Management Plan for the Primary Zone of the Delta*, and the Delta Plan."
- **Water supply reliability.** Plan Bay Area should address the Delta Plan's goal of improving water supply reliability. The draft Delta Plan's legally binding policies and most of its recommendations related to water supply reliability are directed primarily at water suppliers and state and federal agencies. However, there is strong evidence that compact growth reduces per capita water demand, as well as

Carolyn Clevenger
MTC and ABAG
May 15, 2013
Page 7

water supply infrastructure costs,³ and we therefore request that these environmental and economic benefits be included as factors in the evaluation of land use scenarios. In addition, we note that water use efficiency is one of several criteria required for "transit priority projects" as defined by SB 375 to obtain an exemption from the requirements of the California Environmental Quality Act (CEQA).⁴

- **Protecting the Delta as Place.** Because two counties bridge the Bay Area and the Delta (Solano and Contra Costa), Plan Bay Area should contribute, where appropriate, to protecting and enhancing the unique cultural, recreational, natural resource, and agricultural values of the Delta. Several recommendations in the draft Delta Plan provide guidance in this area. DP R8 and DP R9 call for promoting value-added crop processing and agritourism, respectively. DP R17 calls for enhancing opportunities for visitor-serving businesses.

We look forward to working with you and your staff to ensure consistency between Plan Bay Area and the Delta Plan, so that the two plans are complementary and serve to protect the Delta while promoting sustainable growth and economic vitality in the broader region.

If you have any questions, please contact Jessica Davenport at jdavenport@deltacouncil.ca.gov or (916) 445-2168.

Sincerely,



Cindy Messer
Deputy Executive Officer, Delta Plan

cc: Phil Isenberg, Chair, DSC
DSC Council Members
Chris Knopp, Executive Officer
Dan Ray, Chief Deputy Executive Officer
Joe LaClair, San Francisco Bay Conservation and Development Commission

³ U.S. Environmental Protection Agency. 2006. *Growing Toward More Efficient Water Use: Linking Development, Infrastructure, and Drinking Water Policies*. EPA 230-R-06-001. Downloaded on March 5, 2013 from http://www.epa.gov/smartgrowth/pdf/growing_water_use_efficiency.pdf.

⁴ SB 375 provides a total CEQA exemption for transit priority projects that comply with a long list of criteria, including having buildings and landscaping that are 25% more water efficient than average for the community.



May 13, 2013

Mr. Steve Heminger
Executive Director
Metropolitan Transportation Commission
Joseph P. Bort MetroCenter
101 8th Street
Oakland, CA 94607-4756

Mr. Ezra Rapport
Executive Director
Association of Bay Area Governments
Joseph P. Bort MetroCenter
101 8th Street
Oakland, CA 94607-4756

RE: Draft Plan Bay Area Comments

Dear Mr. Heminger and Mr. Rapport:

The City of Livermore appreciates the opportunity to comment on the proposed Plan Bay Area as the Sustainable Communities Strategy for the San Francisco Bay Area. Livermore has participated in the development of the Plan through the Alameda County Transportation Commission and has commented previously on proposed alternatives. Many of the City's concerns remain the same based on the draft Plan and are summarized below. Comments on the draft Plan include the following:

A52-1

Please note that the jobs and housing projections for Livermore are not consistent with the City's General Plan. The City of Livermore General Plan includes about 8,000 new dwelling units and 50,000 new jobs by build out. The draft Plan includes 9,670 new dwelling units and 13,250 new jobs in Livermore by 2040. The majority of future growth is directed to identified Priority Development Areas within Livermore, particularly the East Side and Isabel PDAs. These PDAs encompass the areas surrounding future BART stations as well as future job growth areas. Approximately 97 percent of future housing units and 95 percent of future jobs projected for Livermore are located in these two PDAs. The East Side and Isabel PDAs were identified by the City to acknowledge the future BART extensions and support transit oriented development (TOD), as well as planned job growth. Planning for the Isabel TOD is in the beginning stages and will be

Mr. Heminger & Mr. Rapport

May 13, 2013

Page 2 of 3

coordinated with the BART extension project and EIR. Potential growth in this area could be accommodated within the City's existing General Plan build out numbers. However, development of the East Side TOD and PDA to the level identified in the draft Plan would require additional planning and amendment to the General Plan. The draft Plan's inconsistency with the City's General Plan represents a constraint to Plan build out at the local level and is not reflective of the City's vision for its own build out. It is understood that the Plan will be updated every four years. The City expects that growth forecasts will be evaluated and changes in planning and development at a local level will be taken into account during future updates to the Plan. In order to create a collaborative approach to development in the region, it is critical for Plan Bay Area to accurately incorporate local issues, planning needs, growth patterns and constraints into the Plan.

A52-2

Knowledge-based Jobs Sector, Pages 47 and 48: The Plan indicates that a significant portion of future job growth will be in the knowledge-based jobs sector. This sector includes jobs in the professional services, information and finance sectors, as well as companies specializing in the design and development of new products and information. Map 2 on page 48 indicates that Livermore is rated low regarding the relative strength of locations for knowledge-based jobs growth. Given the City's current and future economic development trends, the City disagrees with this rating.

A52-3

The City of Livermore is the coordinator for i-GATE Innovation Hub. i-GATE operates a non-profit technology commercialization center, an Academic Alliance, and a non-profit facility development corporation. The i-GATE National Energy Systems Technology (NEST) Commercialization Center supports small businesses engaged in green transportation and clean-energy technologies. i-GATE technology and technical assistance partners include Sandia National Laboratories/California, Lawrence Livermore National Laboratory, and the Joint BioEnergy Institute. The i-GATE partnership is supported by economic and workforce development organizations, federal laboratories, universities, the State of California iHub program, and nine regional cities. With i-GATE promoting innovation and jobs, Livermore should be rated at medium, if not high, in strength as a location for future knowledge-based jobs sector growth.

A52-4

Job Growth Distribution, Map 3, page 49 and Map 6, page 145: The majority of future job growth will occur in the City's identified PDAs, particularly the Isabel/BART PDA and the East Side PDA. The figures depicting the location of future jobs growth show increases in jobs of 50 to 1,000 per acre in the northeast area of the City outside of identified PDAs. While the area has some future job growth potential, it should be categorized as very low or not at all in areas of established residential neighborhoods.

A52-5

Household Intensities, Map 4, page 52 and Map 9, page 148: The figures depict a change in households per acre within the City. In the area north of Downtown and in several other established residential areas, the figure indicates a medium change of 10 to 30 households per acre in these areas. It should be noted that many of these areas are developed at densities well below 10 units per acre and the majority of the existing

A52-6

Mr. Heminger & Mr. Rapport

May 13, 2013

Page 3 of 3

housing units are occupied. While some minor infill development is possible, the change in households through the occupation of existing vacant units and development of new units would be in the low (4-10 households per acre) or very low range (0-4 households per acre).

A52-7 Implementation: Funding for planning and infrastructure improvements continues to be a major concern. For example, criteria for the OneBayArea Grant (OBAG) as show in Figure 10 on page 74 places heavy emphasis on population and housing production. This places smaller and moderately sized communities at a substantial disadvantage in competing for limited funding dollars, even when they are being expected to support significant development of transit, jobs and housing.

A52-8 The Plan also does not acknowledge the demands on services that increased growth will create. Public services such as schools, parks, libraries, public safety, social services and many others must also be considered. Updates to the Plan should include the provision of adequate public services and facilities as performance criteria.

The City of Livermore will continue working with ABAG and MTC, as well as the Alameda County Transportation Commission, on addressing and resolving issues relating to implementation of Plan Bay Area. The Livermore City Council will be considering Plan Bay Area at its June 10th meeting and additional comments may be submitted based on Council review.

If you have any questions, please contact Susan Frost, Principal Planner, at (925) 960-4462, or by e-mail at smfrost@cityoflivermore.net.

Sincerely,



Stephan Kiefer
Community Development Director

cc: Mayor John Marchand and City Council Members
Marc Roberts, City Manager
Paul Spence, Planning Manager
Susan Frost, Principal Planner
Ken Kirkey, Planning Director, ABAG
Doug Kimsey, Planning Director, MTC
Beth Walukus, Deputy Director of Planning, Ala. Co. Transportation Commission



June 11, 2013

Mr. Steve Heminger
Executive Director
Metropolitan Transportation Commission
Joseph P. Bort MetroCenter
101 8th Street
Oakland, CA 94607-4756

Mr. Ezra Rapport
Executive Director
Association of Bay Area Governments
Joseph P. Bort MetroCenter
101 8th Street
Oakland, CA 94607-4756

RE: Additional Livermore Comments on Draft Plan Bay Area

Dear Mr. Heminger and Mr. Rapport:

The City of Livermore appreciates additional opportunity to provide comments on the proposed Plan Bay Area. On June 10, the Livermore City Council considered and provided additional input on Plan Bay Area as the Sustainable Communities Strategy for the San Francisco Bay Area. The City would like to submit this additional input to be considered along with our initial comments. The additional input is summarized below.

Impacts of Core Growth on Perimeter Cities

- A53-1** Plan Bay Area emphasizes and incentivizes job and housing growth in core center cities of the Bay Area such as Oakland, San Francisco, and San Jose. This strategy does not take advantage of the excess non-peak capacity of our existing transportation facilities. The more investment that is made in core areas, the more draw there is from outlying areas to that core. The Plan also does not sufficiently acknowledge the transportation
- A53-2** impacts that core city growth will have on outlying edge cities in the East, South, and North Bay Areas.

Mr. Heminger & Mr. Rapport
 June 11, 2013
 Page 2 of 3

A53-3 Livermore is located at the foot of the Altamont Pass along I-580 and as such is a gateway to the Bay Area from the outlying suburban Central Valley communities. Urban edge cities such as Livermore not only have greater commute times, but must also deal with impacts from commute traffic traveling at peak periods through the City from further outlying areas towards core city jobs. The Plan does not offer strategies to address these existing travel and development patterns.

A53-4 The Plan promotes a job growth distribution strategy that will continue to direct future traffic along a few major Bay Area corridors towards central areas, and promotes transportation investments that provide relief to core cities, which promotes longer commutes. It ignores the potential of reverse commute opportunities which would optimize the use of existing infrastructure. For example extending BART to Livermore and focusing on employment opportunities in the Tri-Valley would add new patrons to the existing system in the underutilized non-peak direction. The proposed strategy of enhancing peak direction transportation facilities continues to promote current travel patterns for commuters who choose less dense housing opportunities. This strategy will only increase traffic impacts for surrounding Bay Area suburban and edge cities.

A53-5 Livermore previously commented that the Plan's projected job growth distribution and also type of job growth does not reflect local policy and direction. Future job growth in Livermore will occur primarily in the City's identified Priority Development Areas near services and transit, not in outlying areas northeast of the City. Despite its I-GATE Innovation Hub, existing National Laboratories, and small business Hub for green transportation and clean-energy technologies, the Plan also rates Livermore as low in strength for future growth in the knowledge-based jobs sector. Future job growth in Livermore's Priority Development Areas and also in the knowledge-based jobs sector will provide job opportunities locally that will help reduce vehicle miles traveled through and outside of the City towards centrally located jobs. Incentivizing and increasing jobs in the outlying areas would help to re-balance the use of existing transportation infrastructure.

Local Planning Framework

A53-6 As a member city, Livermore understands the need for regional coordination to address housing, transportation, and climate protection issues that affect the Bay Area. Through locally adopted resource conservation, affordable housing, economic development, and climate protection policies, the City continues to do its part to reduce its carbon footprint and to provide housing and jobs for all income levels. The Draft Plan Bay Area should acknowledge that locally adopted General Plan goals, policies, and objectives still guide local planning decisions and are the established framework for moving forward with regional planning efforts.

Mr. Heminger & Mr. Rapport
June 11, 2013
Page 3 of 3

The City of Livermore will continue working with ABAG and MTC, as well as the Alameda County Transportation Commission, on addressing and resolving issues relating to implementation of Plan Bay Area.

If you have any questions, please contact Susan Frost, Principal Planner, at (925) 960-4462, or by e-mail at smfrost@cityoflivermore.net.

Sincerely,

A handwritten signature in black ink, appearing to read "Stephan Kiefer" followed by a stylized "SK" or similar initials.

Stephan Kiefer
Community Development Director

cc: Mayor John Marchand and City Council Members
Marc Roberts, City Manager
Paul Spence, Planning Manager
Susan Frost, Principal Planner
Miriam Chion, Planning Director, ABAG
Ken Kirkey, Planning Director, MTC
Beth Walukus, Deputy Director of Planning, Ala. Co. Transportation Commission

3.3 Agency Responses

Letter A1 Town of Windsor (5/6/2013)

- A1-1: The comment correctly indicates that 63 percent of housing growth projected for the Town of Windsor (Town) in the Draft Plan is projected to take place in its Priority Development Area (PDA). The distribution of housing units in the Draft Plan takes into account a variety of factors—including input from jurisdictions, level of transit service, vehicle miles traveled by household, in-commuting by low-wage workers, housing values, and projected concentrations of job growth. In some cases, the distribution assumes changes in local conditions over the next three decades, and is not constrained by existing zoning. This approach was a key element of creating a distribution of jobs and housing growth that achieved the region’s greenhouse gas emissions reduction target. See Master Response A.1 regarding local control over land use.
- A1-2: The comment incorrectly states that PDAs are required by ABAG and MTC. ABAG and MTC do not require any jurisdiction to identify and nominate areas as PDAs; instead, jurisdictions voluntarily choose to identify and nominate areas in their communities as PDAs. They are locally-selected. Local communities also select a Place Type for each PDA that approximates the community’s vision for the area in terms of community character as well as the scale and amount of growth. As noted in the comment, one funding program included in the Plan is targeted to PDAs. The One Bay Area Grant program (OBAG) adopted by the MTC directs approximately 4.9 percent of total funding in Plan Bay Area to the Congestion Management Agencies to support implementation of the Plan. In the North Bay, Congestion Management Agencies (CMAs) such as the Sonoma County Transportation Authority are required to direct 50 percent of these OBAG funds to projects in or proximate to PDAs. The process for distributing the remaining regional transportation funding in the Draft Plan is not constrained by whether or not a project is within a PDA. See <http://www.bayareavision.org/initiatives/index.html> for more information on PDAs. See also Master Response I for more information regarding the PDA process.
- A1-3: As noted in Chapter 2.5, Criterion 1, per capita passenger vehicle and light duty truck greenhouse gas (GHG) emissions are projected to go down over the life of the Plan and through 2050 (Draft EIR, pages 2.5-50 through 2.5-60). The proposed Plan meets the SB 375 GHG emissions reduction target. Total GHG emissions (as compared to per capita GHG emissions) from passenger vehicles and light duty trucks, as shown on Table 2.5-7 on page 2.5-50 of the Draft EIR, are anticipated to increase over the life of the proposed Plan due to overall regional growth, if the GHG reductions that are the result of state regulations regarding fuel efficiency and vehicle technology are not taken into account. However, as explained in Master Response D1, Criterion 2.5-1 and the SB 375 targets are on a per capita basis and only account for the impact of land use and transportation planning on GHG emissions. Criterion 2.5-2 evaluates the impact the implementation of the proposed Plan could have on total GHG emissions in 2040 compared to existing conditions. For Criterion 2.5-2, the transportation analysis includes emission reductions from fuel efficiency and

vehicle technology. As demonstrated on pages 2.5-51 through 2.5-57 of the Draft EIR, total GHG emissions are expected to decline from existing conditions to 2040 with the implementation of the proposed Plan.

- A1-4: This comment does not raise environmental issues requiring a response under CEQA. Nonetheless, it should be noted that the proposed Plan follows a fix-it-first approach in its investment strategy that directs 87 percent of all Plan revenues to operations and maintenance of existing transit and roads and bridges. Pavement conditions will improve under the Plan. (See Draft Plan Bay Area, pp. 104-105.)
- A1-5: See response A1-1. The proposed Plan is the preferred regional land use pattern and it puts the Bay Area on track to meet the mandated GHG emissions reduction targets; however local jurisdictions have land use authority and retain the ability to approve or disapprove projects within and outside of PDAs at their discretion. Please see Master Response A.1 regarding local control over land use and Master Response B.2 regarding the feasibility of the land use pattern in the proposed Plan.
- A1-6: These comments do not raise environmental issues requiring a response under CEQA. Nonetheless, it should be noted that MTC and ABAG acknowledge the loss of resources that historically came from Redevelopment agencies. See Master Response H regarding resources and advocacy by MTC and ABAG to replace redevelopment funds. The Street Saver program is separate and distinct from Plan Bay Area. See response A1-4 regarding infrastructure maintenance.
- A1-7: PDAs are locally-identified, infill development areas within existing communities. They are generally areas of at least 100 acres where there is local commitment to developing more housing along with amenities and services to meet the day-to-day needs of residents in a pedestrian-friendly environment served by transit. To be eligible to become a PDA, an area must be within an existing community, within a half mile of existing or planned fixed transit or bus service with peak headways of 20 minutes or less, be planned for more housing, and have an average existing or planned density of 20 dwelling units/acre. PDA boundaries have been voluntarily defined by the corresponding local jurisdiction. The Town may choose to nominate the entire town as a PDA if it meets all applicable requirements. See also Master Response I for more information regarding the PDA process.
- A1-8: See Master Response A.1 on local control over land use.

Letter A2 Alameda County Community Development Agency (5/14/2013)

- A2-1: The commenter's supportive comments are appreciated. Please see Master Response B.2 regarding PDA feasibility
- A2-1.5: MTC and ABAG identified the alternatives as part of a reasonable range of alternatives in an effort to reduce or avoid one or more of the proposed Project's potentially significant and unavoidable impacts as required by CEQA. The comment is correct to note that all alternatives are similar with respect to the amount of growth and GHG reductions; however, there are other important differences that provide a meaningful comparison, including but

not limited to the geographic location of development and concentrating density in urban centers as opposed to more greenfield development.

- A2-2: Support for Alternative 2 (the proposed Plan) and concerns about other alternatives are noted. Decision-makers will weigh the advantages and disadvantages of each alternative in determining which option to adopt.

Letter A3 Alameda County Transportation Commission (5/15/2013)

- A3-1: This comment questions the funding priorities within MTC's Freeway Performance Initiative (FPI). To clarify and respond to this comment, MTC's Freeway Performance Initiative continues the region's efforts to identify cost-effective, systematic operational strategies to mitigate congestion along freeway corridors, including parallel arterials and transit systems. FPI includes a number of program elements, such as freeway ramp metering and other Traffic Operations System (TOS) elements as well as the Program for Arterial Signal Synchronization (PASS). However, as noted by the commenter, the Draft Plan does not state that FPI will place heavier focus on arterial signal timing. Section 2 of this Final EIR modifies the Draft EIR text about FPI.

- A3-2: The comment is correct to specify that details on implementation will involve needed technical guidance and also require adequate funding.

- A3-3: The comments on the alternatives are acknowledged. The alternatives screening process, explained on pg. 3.1-2 of the Draft EIR, identified a reasonable range of alternatives to provide meaningful evaluation in the EIR. The timeframe for the alternatives analysis is the same as the timeframe for the project (2010 to 2040). The near-term GHG reduction targets were one component of the evaluation process; other dimensions also had to be considered and, in their entirety, the alternatives are reasonable for CEQA purposes. See Master Response D.1 for additional information on SB 375 targets and how they are addressed in this EIR.

- A3-4: Your comment on the No Project alternative is noted and correctly points out that the No-Project Alternative fails to meet ARB's GHG reduction targets for the Bay Area.

- A3-5: Your support for the proposed Plan is acknowledged.

Letter A4 Town of Los Altos Hills (5/15/2013)

- A4-1: To respond to this comment, ABAG staff reviewed the National Establishment Times Series (NETS) database employment figures for 2010 for the City of Los Altos Hills (City). Based upon this review, the 2010 employment total for the City in the Draft Plan has been corrected, as explained in Section 2 of this Final EIR, resulting in a change in from 3,580 to 2,060. As a result, the 2040 employment total for the City decreased from 4,440 to 2,540. This minor revision does not change any of the conclusions in the EIR.

Letter A5 Central Valley Flood Protection Board (5/6/2013)

- A5-1: The comment discusses the issue of increased vegetation within waterways that can interfere with flood capacity and requests that the Draft EIR include mitigation. As stated on page 2.8-39 of the Draft EIR, “land development and transportation projects will both be subject to implementation of local, State, and federal floodplain regulations” which would include any requirements that fall under the Central Valley Flood Protection Board to control any revegetation plans that might be associated with proposed improvements. In addition, as stated in Section 2.9, Biological Resources of the Draft EIR, on page 2.9-68, any development that encroaches on or impacts jurisdictional waters would be subject to Army Corps of Engineers, Environmental Protection Agency, United States, Fish and Wildlife Service, Regional Water Quality Control Board, and California Department of Fish and Wildlife guidelines, which first seeks to avoid these resources as much as possible or otherwise implement mitigation in accordance with the aforementioned agencies. Mitigation Measure 2.9(d) also states that when avoidance is not possible that proposed disturbances would be required to adhere to local regulations and policies such as those required by Central Valley Flood Protection Board. Mitigation Measure 2.8(b) requires proposed improvements to “...conduct or require project specific hydrology studies for projects proposed to be constructed within floodplains to demonstrate compliance with Executive Order 11988, the National Flood Insurance Program, National Flood Insurance Act, Caltrans Highway Design Manual, Cobey-Alquist Floodplain Management Act, as well as any further Federal Emergency Management Agency (FEMA) or State requirements that are adopted at the local level. These studies shall identify project design features or mitigation measures that reduce impacts to either floodplains or flood flows.” As such, local requirements such as those from Central Valley Flood Protection Board would be required for all applicable proposed improvements. These existing mitigation measures address the issues raised in the comment. No new mitigation will be added. Project specific mitigation is not appropriate at this time. See Master Response A.3 regarding the level of specificity in the EIR.
- A5-2: The comment recommends that hydraulic impacts that adversely affect flood flows or result in sediment accumulation should be addressed by mitigation. As stated on page 2.8-35 of the Draft EIR, proposed improvements would be required to implement Mitigation Measure 2.8(b) which requires hydraulic evaluations of proposed improvements to any proposed design features which would minimize impacts from flood flows and include adherence to federal, state, and local requirements such as those that fall under the Central Valley Flood Protection Board. In addition, as stated on page 2.8-23 of the Draft EIR, all proposed improvements would be required to adhere to Mitigation Measure 2.8(b) which requires drainage control features to minimize offsite transport of sediments through implementation of LID strategies which reduce offsite flows and retain sediments onsite. Implementation of these two mitigation measures would result in less than significant impacts related to flood flows and sedimentation accumulation. These existing mitigation measures address the issues raised in the comment. No new mitigation will be added. Project-specific mitigation is not appropriate in this EIR as explained in Master Response A.3 regarding the level of specificity in the EIR.

Letter A6 City of Berkeley (5/15/2013)

- A6-1: Environmental review will take place each time the Plan is revised, but is not necessarily required each time Plan components or assumptions change. Thus, when PDAs are modified, additional environmental review of the Plan may not be required.
- A6-2: The environmentally superior alternative is only marginally superior to the proposed Plan and suffers from several additional impacts that MTC and ABAG will take into consideration prior to determining which alternative to approve. (See Draft EIR 3.1-146 to 3.1-148.) The Draft EIR's discussion of mitigation measures is appropriately tailored to the proposed Plan. If MTC and ABAG decide to adopt one of the alternatives analyzed in the EIR, the agencies would be required to ensure that the mitigation measures mitigate the impacts of the chosen alternative to the extent feasible prior to project approval. Implementing agencies will determine the appropriate contours of these measures at the local or site-specific project level. See Master Responses A.1, A.2, and A.3 regarding local control of land use decisions, CEQA streamlining under SB 375, and the level of specificity in the EIR. It is assumed that all alternatives (except for the No Project Alternative) would contain the same mitigation measures as the proposed Plan. MTC and ABAG have not yet selected which approach to adopt; the Draft EIR simply points out that the agency-preferred option – Alternative 2, also called the proposed Plan – is not the environmentally superior alternative, which is Alternative 5.
- A6-3: Project sponsors will be responsible for mitigating impacts for local development projects, and these will be reviewed by the location jurisdictions with approval authority. The mitigation measures outlined in the Draft EIR can be used at the local level to mitigate any similar types of impacts for local projects when warranted. See Master Responses A.1, A.2, and A.3 regarding local control of land use decisions, CEQA streamlining under SB 375, and the level of specificity in the EIR.
- A6-4: Many of the mitigation measures list a set of possible actions to be considered by the project sponsor and note that if more stringent policies are required at a local level that these would supplant the measures listed; for an example see Mitigation Measure 2.12(a) which allows “Complying with existing local regulations and policies that exceed or reasonably replace any of the above measures that reduce demand for potable water.” In addition, please see Master Responses A.1, A.2, and A.3 for more information regarding local land use control and additional environmental analysis, which among other points note that local authorities may find no significant impact for a project – one reason could be stringent local conditions of approval – and then “the lead agency is not required to adopt the mitigation measures set forth in this EIR and/or other relevant plan level EIRs to take advantage of the CEQA streamlining benefits.” In addition, the Draft EIR notes on page 1.1-13 that, “Projects that use the SB 375 CEQA streamlining benefits will still need to obtain discretionary permits or other approvals from the lead agency and the local jurisdiction, in accordance with local codes and procedures, including any agreements related to zoning, design review, use permits, and other local code requirements.” As a result of these CEQA procedures, your request for language that allows a measure to be excluded if a local jurisdiction has a functionally equivalent measure that is substantially similar in effect to be substituted is not necessary. If a listed measure or an equivalent measure has already been incorporated into the project, there will be no need to require it as mitigation. Moreover, if a locally adopted

mitigation measure mitigates an impact in a manner distinct from what is suggested in this EIR, that locally adopted measure can supplant the measure from this EIR.

- A6-5: See the response A6-4 and Master Responses A.1, A.2, and A.3 regarding local control of land use decisions, CEQA streamlining under SB 375, and the level of specificity in the EIR.
- A6-6: Local governments will be responsible for identifying whether mitigation measures in the Draft EIR are feasible and appropriate to their local context. See Master Responses A.1, A.2, and A.3 for more information regarding local control of land use decisions, CEQA streamlining under SB 375, and the level of specificity in the EIR.
- A6-7: The local pollutant analysis identified areas that are expected to house new sensitive receptors where nearby sources of local pollutants could pose a health risk. When a land use project is proposed, the lead agency should evaluate the project's increase in emissions on the local existing land uses and require mitigation if any impacts are considered potentially significant. When new sensitive land uses are proposed and are undergoing environmental review, the lead agency may also evaluate the potential health impacts on future residents from nearby existing sources; however the commenter is correct to point out that such an analysis is not required. (*Ballona Wetlands Land Trust v. City of Los Angeles* (2011) 201 Cal.App.4th 455.) The local pollutant analysis in the Draft EIR has identified areas that would not need to perform a more detailed local pollutant analysis, and areas where potentially significant health impacts should be further evaluated. For most types of local sources of air pollution, standard mitigation measures have been identified that in most cases reduce potential impacts to a less than significant level.
- A6-8: A revision to Draft EIR pages ES-23 and 2.3-41 is provided in Section 2 of this Final EIR to incorporate suggestions in this comment. "Complete Streets", which are a requirement for OBAG funding and included in mitigations in the Draft EIR, describes a comprehensive, integrated transportation network with infrastructure and design that allows safe and convenient travel along and across streets for all users, including pedestrians, bicyclists, persons with disabilities, motorists, movers of commercial goods, users and operators of public transportation, seniors, children, youth, and families.
- A6-9: A revision to Draft EIR page 2.3-31 is provided in Section 2 of this Final EIR to incorporate suggestions in this comment. "Community separation" refers to permanent alterations to an existing neighborhood or community that separate residences from community facilities and services, restrict access to commercial or residential areas, or eliminate community amenities.
- A6-10: See Master Responses A.1, A.2, and A.3 for more information on local land use control, additional environmental review, and CEQA streamlining. Please also refer to the responses A6-4, 5, and 6 in this section.

Letter A7 City of Lafayette (5/16/2013)

- A7-1: See Master Response C regarding the request to extend the public comment period.

A7-2: The City of Lafayette (City) has requested that its Priority Development Area (PDA) be reclassified from the “Transit Town Center” Place Type designation to a “Transit Neighborhood” Place Type, as identified in MTC’s Station Area Planning Manual (see http://www.bayareavision.org/pdaapplication/Station_Area_Planning_Manual_Nov07.pdf). The Place Type designation for PDAs is locally-selected and is intended to help local jurisdiction community members and decision-makers plan for the scale and character of growth they envision for their city’s PDAs. As such, jurisdictions may request a change to their PDA Place Types at any time and the modification requires only ABAG staff review. ABAG staff has reviewed this request and are currently processing the requested Place Type change for the City. It is important to note, however, that a future change in Place Type designation does not affect the housing or job distributions to the City or its PDA in the proposed Plan.

A7-3: This comment addresses the levels of employment and housing growth allocated to the City and the methodology used to distribute housing in the proposed Plan, as well as the 2010 baseline data used in the employment distribution. ABAG staff reviewed the overall housing and employment growth figures for the City and the baseline data used to develop the regional jobs and housing distributions.

With respect to employment, ABAG staff identified an error in the National Establishment Times Series (NETS) database employment figures for 2010 for the City. The 2010 employment total for the City in the proposed Plan has been corrected, resulting in a change in from 10,640 to 9,940, as explained in Section 2.1 of this Final EIR. As a result, the 2040 employment total for the City decreased from 13,230 to 12,430, and the overall employment growth figure for the City’s PDA decreased from 2,590 to 2,490. These minor revisions do not affect any of the impact conclusions in the EIR.

With respect to housing, MTC and ABAG acknowledge that a portion of the housing growth allocated to the PDA could be accommodated elsewhere in the City. Housing unit growth in the City’s PDA was reduced from 940 to 900 and household growth from 990 to 950, as explained in Section 2.1 of this Final EIR. These minor revisions do not affect any of the impact conclusions in the EIR.

MTC and ABAG acknowledge that the City’s expectation for employment and housing growth is still lower than the revised levels in the proposed Plan, noted above. However, the distribution of jobs and housing unit growth in the proposed Plan takes into account a variety of factors—including input from jurisdictions, level of transit service, vehicle miles traveled by household, in-commuting by low-wage workers, housing values, and concentration of knowledge-based economic activity. In some cases, the distribution assumes changes in local conditions over the next three decades, and is not constrained by existing zoning or projections. As such, MTC and ABAG consider the revised levels of growth allocated to the City and its PDA in the proposed Plan appropriate considering the availability of high-frequency transit, and that this level of growth could be reasonably accommodated over the thirty-year time-frame of the Plan.

MTC and ABAG acknowledge that the development capacity issues raised in this comment by the City, including environmental impacts of growth, reflect key implementation challenges to infill development.

- A7-4: This comment relates to the description of Place Types for the region's PDAs, as referenced in the proposed Plan. The Place Types provide general guidelines to local decision-makers and citizens when planning for growth in locations close to transit. MTC and ABAG acknowledge that transit-accessible neighborhoods vary widely in terms of size, geography and other characteristics, and that the ½-mile radius around transit stations guideline utilized in the Place Type description may not be applicable to all transit locations throughout the region. As such, each city self-identifies and nominates its own PDAs, if it chooses, and identifies the specific boundaries of each. MTC and ABAG confirm that the Place Type guidelines, including the "½-mile radius" guideline, in no way supersede local jurisdictions' identification of locations for growth, including the locally-defined boundaries for their PDAs, or zoning and other land use policies.

This comment also relates to the right of the City to conduct environmental review for projects in its PDA. MTC and ABAG staffs confirm that the Plan Bay Area EIR does not usurp the local project environmental review process, pursuant to SB375. See Master Responses A.1 regarding local land use control and A.2 regarding further environmental review.

- A7-5: Plan Bay Area and this EIR do not take away a local jurisdiction's right to assess the environmental impacts of future growth. Rather, many environmental impacts are more appropriately assessed locally, at the project level, and this EIR identifies many impact areas where further review at the local level would likely be required. Moreover, while CEQA encourages lead agencies to use tiering and SB 375 streamlining to comply with CEQA where applicable, lead agencies for future second-tier plans and project-specific development proposals will exercise their discretion in determining the most appropriate manner to comply with CEQA in considering future projects. See Master Response A.1 for more information on local control over land use and A.2 regarding further environmental review.

- A7-6: See Master Responses B.2 on PDA feasibility and I on the process of developing PDAs.

Letter A8 City of Larkspur (5/16/2013)

- A8-1: The comment refers to the validity of the regional growth forecast, specifically the population and housing forecasts. ABAG's population and housing forecasts are reasonable and supported by substantial evidence. ABAG and a team of consultants developed a rigorous and thorough methodology that creates internally-consistent job, population and household projections that are based on credible assumptions about key relationships including job shares, labor force participation rates, and household formation rates, among other critical factors. This regional forecast also reflects changing data regarding national, state, and regional demographic and economic conditions, most notably the recent sustained economic recession.

The regional growth forecast starts with projected regional job growth which is the main determinant of ABAG's regional growth projections and includes population growth as in all major regional forecast modeling in California and around the nation including regional projections produced by SCAG, SANDAG, SACOG, AMBAG, and SBCAG. In addition, job growth is the primary determinant of regional population growth in the models used by the three major national forecasting firms – IHS Global Insight, Regional Economic Models, Inc., and Moody's.

ABAG job growth to 2040 is estimated as a share of U.S. projected job growth, also known as “shift-share” which is a widely used and accepted employment forecasting methodology, based on an assessment of regional competitiveness by major industry sectors. ABAG projections use Department of Finance (DOF) fertility and mortality assumptions to determine the amount of natural increase in the population to develop a population profile. Migration, rather than being tied to recent trends, is a function of job growth. DOF has acknowledged that the ABAG regional growth forecast is reasonable and that they will incorporate portions of our methodology to improve their forecasts for the region in the future.

The final housing forecast of 660,000 new units in the Draft Plan was calculated by incorporating detailed demographic information from the State Department of Finance (DOF) and the 2010 U.S. Census, including:

- Labor force participation rates by age and ethnicity
- Household formation rates by age and ethnicity
- Vacancy assumptions
- Unemployment rates
- In-migration assumptions
- Housing production constraints, including availability of funding to support affordable housing.

The regional employment, population and housing forecast in the Draft Plan was developed through a reasoned, systematic approach to assessing growth, as noted above. Furthermore, the forecast in the Draft Plan has undergone significant scrutiny and has been validated by the California Department of Finance (DOF) and the California Department of Housing and Community Development (HCD).

This comment also addresses the relationship between the Draft Plan job and housing growth projections and recent local trends and local growth projections, specifically for the county of Marin and the City of Larkspur (“City”). The distribution of employment and housing growth across the region in the Draft Plan takes into account a variety of factors—including input from jurisdictions, level of transit service (both existing and future), existing employment base, existing general plans and zoning, Vehicle Miles Travelled by Household, in-commuting by low-wage workers, housing values, and concentration of knowledge-based economic activity. As such, the employment and housing distributions assume that local

conditions will change over the next three decades (e.g. market feasibility, changes in land use, transportation changes, etc.), and are not constrained by existing zoning or past trends.

MTC and ABAG acknowledge that Larkspur does not have any PDAs, but as noted above, the housing and employment distributions do take into account planned levels of growth for the City as a whole (via existing general plans and zoning) as well as both existing and expected future transit. MTC and ABAG also acknowledge that the development constraint issues raised in this comment by the City, including the ability to focus growth in Priority Development Areas, reflect key implementation challenges to infill development

ABAG staff reviewed the employment figures for Marin County and the City and considers the allocations appropriate given the level of population and housing growth anticipated in the county, the level of transit, and the existing base of employment. Likewise, ABAG staff considers the level of housing growth for Marin County and the City appropriate given the levels of employment growth and levels of transit. The growth for the City, in particular, is comparable to similarly sized cities with similar levels of transit. This growth could be reasonably accommodated over the thirty-year time-frame of the Plan given the potential for changes in and intensification of land uses within the county.

The comment also references Planned and Potential PDAs. The distribution of housing and employment do not distinguish between Planned and Potential PDAs. While MTC and ABAG acknowledge that the first type have plans and zoning in place to accommodate growth and the latter do not, it is anticipated that over the thirty-year life of the Plan, Potential PDAs will transition to Planned status and have the development capacity and transit capacity to accommodate the growth anticipated in the Plan. The distinction is an important one, however, and MTC and ABAG will include a reference to this distinction in the text of the Plan.

See Master Response I for more information on the PDA process. See Master Response B.1 for more information on the regional forecast, and the *Draft Forecast of Employment, Population and Housing* for the Draft Plan for more information on the employment distribution methodology

(http://onebayarea.org/pdf/Draft_Plan_Bay_Area/Draft_PBA_Forecast_of_Jobs_Population_and_Housing.pdf).

- A8-1.5: The comment is correct to state that local General Plans do not have to be amended to comply with Plan Bay Area, and that SB 375 does not compel local jurisdictions to build high density, transit-oriented development. MTC and ABAG acknowledge that the Plan contains many incentives to encourage local jurisdictions to adopt components of Plan Bay Area, but we respectfully disagree with the suggestion that any jurisdiction would be penalized for not adopting the Plan. As noted in the comment, one funding program included in the Plan is targeted to PDAs, which were voluntarily nominated by jurisdictions. The One Bay Area Grant program (OBAG) adopted by the MTC directs approximately 4.9 percent of funding in Plan Bay Area to the Congestion Management Agencies to support implementation of the Plan. In the case of North Bay Congestion Management Agencies (CMAs) such as the Transportation Authority of Marin, are required to direct 50 percent of OBAG funds to projects in or proximate to PDAs. The process for distributing the

remaining regional transportation funding in the Draft Plan is not constrained by whether or not a project is within a PDA. See Master Response A.1 and A.2 for more information on local control over land use and CEQA streamlining. See also Master Response I for more information regarding the PDA process.

- A8-2: Your support for efforts to prepare a comprehensive regional strategy to address sea level rise and your endorsement of the Joint Policy Committee are acknowledged. For additional information regarding the analysis of sea level rise in the Draft EIR, please see Master Response E.
- A8-3: Please see Master Responses A.1, A.2, and A.3 regarding local control over land use and additional environmental analysis.
- A8-4: Please see Master Response E regarding the analysis of sea level rise.
- A8-5: MTC and ABAG acknowledge that the map of critical habitat in the North Bay (Figure 2.9-5) was omitted from the Draft EIR in error, and instead repeats Figure 2.9-1 in its place. The correct Figure 2.9-5 is provided in Section 2 of this Final EIR. The figure is a visual aid only and does not alter the impact analysis presented in the Draft EIR.
- A8-6: Please refer to Master Responses A.1, A.2, and A.3 regarding local control of land use decisions, CEQA streamlining under SB 375, and the level of specificity in the EIR.
- A8-7: Please see Master Response C regarding requests for extension of the public comment period.

Letter A9 City of Los Altos (5/16/2013)

- A9-1: This comment addresses the level of housing growth allocated to the City of Los Altos (City) and the methodology used to distribute housing in the proposed Plan. While VMT and GHG emissions reduction are key goals of Plan Bay Area, the proposed Plan's land use distribution strives to achieve not only sustainability goals, but also to achieve a more equitable and prosperous region. As such, the distribution of housing and jobs in the proposed Plan takes into account a variety of factors—including input from jurisdictions, level of transit service, vehicle miles traveled by household, in-commuting by low-wage workers, level of existing jobs, and housing values. In some cases, the distribution assumes changes in local conditions over the next three decades, and, while existing zoning was considered in developing the proposed Plan, the proposed Plan is not constrained by existing zoning. This approach was a key element of creating a distribution of jobs and housing that ensures that growth will occur where transit can be more efficiently utilized, where workers can be better connected to jobs, as well as where residents can access high-quality services.

MTC and ABAG have reviewed the housing figures for the City in the proposed Plan and consider the level of growth consistent with the approach noted above. Additionally, the level of housing growth in the City is comparable to similarly sized cities in the county, and staff considers this level appropriate considering the available Valley Transportation

Authority (VTA) transit service in the City's VTA PDA and its proximate accesses to employment. This level of growth could be reasonably accommodated over the thirty-year time-frame of the Plan given the potential for densification of uses within and around the City's VTA PDA.

- A9-2: While the comment correctly indicates that the proposed Plan encourages land use policies to support more focused growth, implementation of these policies is at the discretion of local jurisdictions. With respect to the location of jobs and housing, the set of investments and distribution of growth in the proposed Plan aims to better connect Bay Area residents with employment opportunities. This strategy is a key part of achieving the region's greenhouse gas emissions reduction target, which the proposed Plan succeeds in doing. See also Master Responses A.1 regarding local land use control.
- A9-3: See Master Responses A.1 regarding local land use control and A.2 regarding CEQA streamlining and further environmental review.

Letter A10 City of Mill Valley (5/15/2013)

- A10-1: See Master Response C regarding the request to extend the public comment period.
- A10-2: MTC and ABAG acknowledge that the map of critical habitat in the North Bay (Figure 2.9-5) was omitted from the Draft EIR in error, and instead repeats Figure 2.9-1 in its place. The correct Figure 2.9-5 is provided in Section 2 of this Final EIR. The figure is a visual aid only and does not alter the impact analysis presented in the Draft EIR.
- A10-3: See Master Response B.1 for information on population projections, including the relationship between ABAG's projections and projections prepared by DOF. The Draft EIR analyzes the impacts of the projected population growth at a level of analysis appropriate for a long-term regional plan. See Master Response A.3 for additional information regarding the level of specificity in the EIR.
- A10-4: A detailed discussion of the role and scope of a Program EIR such as this is provided on page 1.1-4 in Section 1.1 of the Draft EIR and Master Responses A.1, A.2, and A.3. Significant and Unavoidable impacts are identified throughout Part Two of the Draft EIR and summarized in Section 3.2, CEQA Required Conclusions.
- A10-5: See Master Response A.1, A.2, and A.3 for information regarding local control over land use and environmental review, including a discussion of how local jurisdictions may adopt mitigation measures that differ from those identified in this EIR.
- A10-6: See Master Response E for information regarding sea level rise.

Letter A11 City of Oakland (5/16/2013)

- A11-1: This comment primarily addresses the transportation investments included in the proposed Plan.

The “top 10” and most cost-effective projects as shown in the proposed Plan represent just a small proportion of the total funding in the proposed Plan; they do not reflect the share of total funding going towards transportation investments that benefit Oakland residents and businesses. The City should review the Plan Bay Area Project Database (www.bayarea2040.com) to examine the full set of projects that serve Oakland.

Projects included in Plan Bay Area were selected from a larger set of potential projects submitted by Congestion Management Agencies (CMAs) during the Call for Projects in spring 2011. In the case of the City of Oakland, Alameda County Transportation Commission was tasked to work with its constituent cities and identify local priorities for submission in the Call for Projects. While many cities were not able to include every transportation priority in the proposed Plan due to the Plan’s financial constraints, this local collaboration was the appropriate forum for cities to advocate for specific projects’ inclusion in the RTP/SCS.

The proposed Plan does allocate additional OneBayArea Grant (OBAG) funding to support cities (such as Oakland) that are taking on the bulk of the region’s growth. OBAG also requires that the majority of county OBAG funds be expended in focused-growth Priority Development Areas (PDAs). Many of the City’s remaining comments, related to additional funds for transit operations, implementation of a regional VMT tax, and funding shifts from the Regional Express Lane Program, were analyzed as part of Alternatives 3, 4, and 5; impacts of these policies can be examined in Draft EIR Chapter 3.1.

With regards to the specific transportation projects the City is requesting to be added to the Plan:

1. Coliseum City Infrastructure – this project was not submitted during the Call for Projects and thus is ineligible for inclusion in the proposed Plan.
2. East Bay Intermodal Terminal – this project was not submitted during the Call for Projects and thus is ineligible for inclusion in the proposed Plan. Furthermore, the project cost is listed as unknown; as the proposed Plan must be fiscally constrained, this is not allowed.
3. Broadway Streetcar – this project was not submitted during the Call for Projects and thus is ineligible for inclusion in the proposed Plan.
4. I-880 Broadway/Jackson Improvements – this project was included in the proposed Plan under RTPID# 98207.
5. Army Base Phase II Infrastructure – this project was not submitted during the Call for Projects and thus is ineligible for inclusion in the proposed Plan. Note that related Oakland Army Base infrastructure improvements are included under RTPID# 240024.
6. Gateway Park Bike/Pedestrian Bridge – this project was not submitted during the Call for Projects and thus is ineligible for inclusion in the proposed Plan.

7. East Bay Regional Bike-Sharing Program – bike-sharing is funded through the regional Climate Policy Initiatives program; this could be expanded to the East Bay in the future, if feasible.

8. Bay Trail Completion – note that the completion of the Bay Trail within Oakland is already included in the proposed Plan under RTPID# 240227 and within the remainder of Alameda County under RTPID# 240347.

9. Free AC Transit Youth Passes – this project was analyzed as part of Alternative 5. It was not included in Alameda or Contra Costa Counties’ project priority lists for Plan Bay Area, however, and therefore it was not included in the proposed Plan. Regarding a free youth pass, transit fare policy is set by local transit agency boards. It is not known whether all transit agencies would adopt a free youth pass program. One recent example from the Transit Performance Initiative (TPI), which provided regional funds to support agencies implementing performance improvements, is that some transit agencies did designate TPI funds to help offset the cost of pass programs for youth or low income riders.

The City of Oakland is encouraged to actively engage with ACTC during the Plan development process to ensure priority projects are considered.

A11-2: Your support for the Environmentally Superior Alternative (Alternative 5) is acknowledged. Decision-makers will consider the advantages and disadvantages of each alternative in determining which alternative to approve.

A11-3: This comment requests specific changes to the proposed Plan addressing transportation funding and housing policies. ABAG and MTC will take these comments into account in evaluating and updating the proposed Plan. Specific responses are provided below:

- See Master Response F regarding displacement and policies in the proposed Plan to support affordable housing and combat localized displacement.
- The distribution of housing and jobs in the proposed Plan takes into account a variety of factors—including input from jurisdictions, level of transit service, Vehicle Miles Travelled by Household, in-commuting by low-wage workers, level of existing jobs, and housing values.
- Pursuant to SB 375, an SCS must identify “areas within the region sufficient to house all the population of the region, including all economic segments of the population” (Gov. Code § 65080(b)(2)(B)(ii).) The proposed Plan does so by producing a land use pattern that will accommodate HCD’s Regional Housing Needs Determination (RHND) and through ABAG’s and MTC’s efforts to support additional affordable housing production. This includes Chapter 6 of the Plan, which identifies strategies for facilitating greater affordable housing preservation and production in the region. Many of these efforts require policy changes at the state or federal level that are beyond the control of the regional agencies, who will act as advocates for these changes. The regional agencies are providing more direct support for affordable housing through the Transit Oriented Affordable Housing (TOAH) fund, which supports affordable projects

in Priority Development Areas and the identification of Affordable Housing as a potential use for future Cap and Trade funds.

- The Priority Conservation Areas (PCAs) program in the proposed Plan will help conserve and invest in open space and habitat areas.
- The comment requests the Plan include only the most cost effective transit expansion projects. During the development of the proposed Plan, all major capacity-increasing transportation projects were evaluated as part of the Plan Bay Area Project Performance Assessment; this analysis included all of the region’s uncommitted transit expansion projects. This process is described on pages 1.2-51 and 1.2-52 of the Draft EIR; detailed information can be found in the *Plan Bay Area Performance Assessment Report*. This process prioritized the highest-performing projects based on their cost-effectiveness and their support for the regional performance targets (which included a social equity target) – similar to the suggested approach in this comment.
- The comment requests the Plan increase funding for transit and institute a youth pass. The proposed Plan fully covers all transit operating shortfalls, which represents a major funding increase compared to prior RTPs (e.g., Transportation 2035) where the region expected significant operating shortfalls over the coming decades. Furthermore, the proposed Plan funds a 27 percent increase in public transit service as measured by transit vehicle seat-miles; a breakdown of additional transit service supplied under the proposed Plan is shown on page 2.1-27 of the Draft EIR.

Regarding a free youth pass, transit fare policy is set by local transit agency boards. It is not known whether all transit agencies would adopt a free youth pass program. One recent example from the Transit Performance Initiative (TPI), which provided regional funds to support agencies implementing performance improvements, is that some transit agencies did designate TPI funds to help offset the cost of pass programs for youth or low income riders.

- The comment requests the Plan fund more active transportation and complete streets programs. The proposed Plan includes \$4.6 billion in funding dedicated to bicycle and pedestrian improvements over the life of the Plan. OneBayArea Grant funding can also be used to fund additional bicycle and pedestrian projects through “Complete Streets” improvements.
- The comment requests the Plan quantify the construction jobs and ripple economic impact from infrastructure investments. The proposed Plan includes an Economic Impact Analysis for Future Regional Plans and identifies the need to work with regional business interests and stakeholders to make sure the region fosters the condition for a healthy economy for all as part of the Vibrant Economy section of Chapter 6, A Plan to Build On (proposed Plan, pages 122-123).

A11-4: The distribution of job growth in the proposed Plan takes into account a variety of factors—including existing employment base, concentration of knowledge-based economic activity, level of transit service, population growth, and input from jurisdictions. Transit-served locations, particularly within the region’s core, do play a large part in accommodating employment growth in the proposed Plan. Knowledge-based jobs have exhibited the tendency to concentrate in existing centers, particularly in more urban locations around

transit, and are anticipated to continue to do so. Likewise, population-serving employment, such as local retail, health and education jobs, are anticipated to locate closer to housing locations, and as a result are projected to concentrate in the regions' PDAs where the highest levels of housing growth are expected. This concentration of employment around transit in the proposed Plan is expected to reverse past trends of employment sprawl. However, it is reasonable to expect that some employment growth will take place in existing nodes outside the core of the region. MTC and ABAG staff consider the level of employment growth along the region's core transit network and within Oakland and the East Bay reasonable and appropriate.

A11-5: The comment requested that specific legislative changes necessary to implement Plan Bay Area be emphasized.

1. California Environmental Quality Act (CEQA) Reform: Further targeted reforms beyond those in SB 375 to the California Environmental Quality Act (CEQA) could substantially help support infill development consistent with the draft Plan Bay Area. The draft Plan includes a CEQA update as a part of the Platform for Advocacy on page 130.

2. Infrastructure financing districts: These districts can provide additional financial support for infill development consistent with the proposed Plan.

3. Replace redevelopment funding: The proposed Plan includes the need for new, locally controlled funding for affordable housing and infrastructure near transit stations as a part of the Platform for Advocacy on page 129.

4. Support local self-help: The proposed Plan includes local, self-help funding as a part of the Platform for Advocacy on page 131-132.

5. Align future funding with SCS/RTP performance goals and OneBayArea Grants: MTC and ABAG employed a robust analytical framework to develop the proposed Plan as outlined in the Performance Assessment Report. The first phase of OBAG directed \$320 million to the county congestion management agencies to invest. Over the life of Plan Bay Area, the OBAG investment totals \$14.6 billion of \$57 billion in available discretionary funding, approximately 25%. Future rounds of OBAG may be adjusted to ensure they are providing needed support for transit served, infill communities. In addition, the federal transportation law, MAP-21, includes a performance- and outcome-based program (MAP-21 §§1106, 1112-1113, 1201-1203; 23 USC 119, 134-135, 148-150).

A11-6: CEQA streamlining is a function of State law and is beyond the authority of MTC and ABAG to amend. However, MTC and ABAG agree that further legislative action, including revisions to CEQA, could further incentivize infill development. MTC and ABAG intend to work with local jurisdictions within the region to consider future legislation related to CEQA, as outlined in the Draft Plan, Chapter 6. See Master Response A.2 for information regarding CEQA streamlining benefits of this EIR.

A11-7: See Master Response A.2 for information regarding CEQA streamlining benefits.

Letter A12 City of Orinda (5/16/2013)

- A12-1: See Master Response C regarding the request to extend the public comment period.
- A12-2: ABAG has made a minor adjustment to the 2010 housing unit figure for the City of Orinda's PDA to reconcile vacancies and the corresponding number of households and housing units in this PDA. Please note that this correction has no effect on the overall housing growth in the Plan for the City of Orinda, nor did it result in any changes of regional significance finding in the Draft EIR. See Section 2.1 of the Final EIR for more information regarding minor corrections made to the Draft EIR. This minor revision does not change any of the conclusions in the EIR.
- A12-3: See Master Response A.1 regarding local control over land use decisions.

Letter A13 City of San Rafael (5/13/2013)

- A13-1: See Master Response C regarding the request to extend the public comment period.
- A13-2: See Master Response A.1 regarding local land use control. There is no requirement that local agencies adopt Plan Bay Area.
- A13-3: See Master Response B.1 regarding the population projections and their relationship with DOF estimates. The comment incorrectly states that ABAG and DOF will jointly produce the next regional forecast. ABAG and DOF will continue to collaborate to ensure the latest data and methodologies are incorporated into each agencies' respective forecasts.
- A13-4: The distribution of jobs and housing units in the proposed Plan takes into account a variety of factors—including input from jurisdictions, level of transit service, vehicle miles traveled by household, in-commuting by low-wage workers, housing values, and concentration of knowledge-based economic activity. In some cases, the distribution assumes changes in local conditions over the next three decades, and is not constrained by existing zoning and may assume investments appropriate to serve new growth. See Master Response B.1 regarding ABAG's population projections, which took into account projected employment growth in the region.
- A13-5: The reinforcement of Marin County's special characteristics is acknowledged.
- A13-6: See Master responses A.1, A.2, and A.3 regarding local control over land use decisions and future environmental review. Local Agencies are not required to adopt Plan Bay Area.
- A13-7: ABAG and MTC acknowledge the financial and ownership issues regarding the Canalways property that is included in a Marin Priority Conservation Area (PCA). This issue will be addressed as the PCA program is further refined. It is important to note that the boundaries of PCAs, like other elements of Plan Bay Area, do not trump local land use decisions and would need to be adopted by the appropriate local jurisdiction(s); see Master Response A.1 on local land use control for more information.

- A13-8: Plan Bay Area makes no assumptions about specific housing types or tenants in reference to numbers of housing units and typical density ranges (which may account for a wide variety of housing types and tenants) that may occur in locations across the region. Such determinations will be made by local agencies on a project-specific basis. The comment also states that the definition of a housing unit for purposes of compliance with RHNA should be expanded. RHNA is a separate process from the SCS and changes should be considered through HCD, ABAG and the RHNA process.
- A13-9: See Master Response A.1, A.2, and A.3 for further details on local control over land use decisions and SB 375 streamlining under this EIR.
- A13-10: See response A10-2.
- A13-11: The analysis of potential impacts caused by sea level rise is adequate for the purposes of a long-range regional plan. Local planning for sea level rise and project-specific mitigation will be the responsibility of local agencies. See Master Response A.3 regarding the level of specificity in the EIR and see Master Response E for information regarding sea level rise.

Letter A14 City of Santa Clara (5/10/2013)

- A14-1: The distribution of jobs and housing units in the Draft Plan takes into account a variety of factors—including input from jurisdictions, level of transit service, vehicle miles traveled by household, in-commuting by low-wage workers, housing values, and concentration of knowledge-based economic activity. In some cases, the distribution assumes shifts in local conditions over the next three decades (e.g. market feasibility), and is not constrained by existing zoning. ABAG staff reviewed the housing and employment figures for the City of Santa Clara (City) and considers the allocations appropriate in comparison to cities of similar population, base of employment, concentration of knowledge sector activities, and levels of transit.

With respect to the levels of growth in the City's PDAs, the 77 percent figure for future housing growth and 65 percent figure for future job growth within PDAs cited in the comment refers to the regional totals from the Draft Plan document (these figures were since updated to 78 percent of housing unit growth and 62 percent of job growth occurring in PDAs). The concentration of growth in PDAs for each jurisdiction varies based upon locally specific considerations. Some jurisdictions are projected to accommodate very little growth in designated PDAs and others are projected to accommodate nearly all growth in PDAs. In the Draft Plan, only 61 percent and 29 percent of city-wide housing unit and job growth, respectively, are concentrated in the City's PDAs (including growth in the portion of the VTA Cores, Corridors and Station Areas PDA within the City's boundaries). As such, ABAG and MTC do not consider the levels of housing and job growth overly concentrated in the City's PDAs and that these levels of growth are appropriate for the City and consistent with local expectations for growth.

- A14-2: ABAG and MTC acknowledge that the development capacity issues raised in this comment by the City, including the ability to focus growth in PDAs, reflect implementation challenges to infill development. This comment addresses the relationship between the Draft Plan job

growth projections and recent local trends and local growth projections. The distribution of jobs in the Draft Plan takes into account a variety of factors—including input from jurisdictions, level of transit service, existing employment base, population growth, and concentration of knowledge-based economic activity. As such, the jobs distribution assumes changes in local conditions over the next three decades, and is not constrained by existing zoning or past growth trends.

In particular, the overall regional employment forecast for 2040 is based not on past trends, but was estimated as a share of the U.S. Bureau of Labor Statistics' national growth projections, reflecting the difference in 2010 between national and regional labor force participation in various economic sectors, such as the professional services and retail sectors. It is important to note that indicators suggest that the regional economy has been steadily recovering from the 2007-2009 recession.

At the local level, the distribution of jobs to the cities for various employment sectors is in part based on existing concentrations of those jobs, which does reflect past employment growth trends. Please see Master Response B.1 regarding ABAG's population forecast, which is derived in part from the job growth forecast. Please see Master Response B.2 regarding the feasibility of the Plan's concentration of growth in PDAs.

A14-3: The comment notes correctly that Employment Investment Areas (EIA) have been adopted by the ABAG Executive Board., however, they do not affect the environmental analysis in this EIR. The EIAs recognize the unique contribution of communities, including many in the South Bay, to a sustainable regional growth pattern that successfully links jobs and housing by convenient transit service.

A14-4: While the comment is correct to state that the majority of mitigation measures would be the responsibility of local jurisdictions and project sponsors, this is because MTC and ABAG do not exercise control over local land use decision-making, and thus implementation of many aspects of the Plan relies on the voluntary participation of local jurisdictions. Please see Master Response A.1 regarding local control of land use planning and Master Response A.3 regarding the level of specificity in the EIR.

Letter A15 City of Saratoga (5/15/2013)

A15-1: To respond to this comment, ABAG staff reviewed the 2010 total employment figure in the Draft Plan for the City of Saratoga (City). Based upon this review, the 2010 employment total for the City in the Draft Plan was reduced by 1,959. This reflects a correction to the National Establishment Time Series (NETS) dataset used in the Draft Plan. The NETS dataset was used as the basis for all of the 2010 employment figures in the region. This minor revision does not change the impact conclusions in the EIR..

Letter A16 City of Sausalito (5/13/2013)

A16-1: See Master Response C regarding the request to extend the public comment period.

A16-2: See Master Response B.1 for information regarding population projections.

A16-3: See Master Response E for information regarding sea level rise.

A16-4: The capacities of regional and local utility service providers were not a factor in ABAG's determination of growth projections and allocation of growth. See Master Response B.1 for additional information regarding population projections. The Draft EIR does analyze public utilities, facilities, and services in Chapters 2.12 and 2.14 to the extent appropriate for review of a long-term regional plan. See Master Response G for additional information regarding Water Supply. MTC and ABAG acknowledge that in some cases, local conditions not analyzed in this program-level EIR may affect the development forecasted to occur in a given jurisdiction. It will be the responsibility of project-level environmental review to assess the capacity of utility and service providers to serve new growth. Regarding schools, the Draft EIR analyzes school impacts at a level appropriate to a regional, programmatic plan; at the local level, school impact fees will be used by school districts to build new or expand existing schools to accommodate new enrollment.

A16-5: See responses A10-2 and A13-3.

A16-6: The data, methodology, projections, timeframes, and conclusions for the analysis of greenhouse gas emissions are clearly identified in Section 2.5 of the Draft EIR. See Master Response D.1 for additional information regarding greenhouse gas emissions included in the analysis for consistency with the SB 375 target.

Letter A17 BART (5/16/2013)

A17-1: The MTC travel model has a demonstrated, documented ability to accurately forecast BART patronage (see Draft Plan Bay Area, Appendix 1, Travel Model Development: Calibration and Validation Technical Report; Plan Bay Area *Summary of Predicted Traveler Responses* Supplemental Report).

A17-2: See response 17-1 regarding MTC's projections for BART ridership.

Letter A18 City of Sunnyvale (5/14/2013)

A18-1: The comment notes correctly that Employment Investment Areas were adopted by the ABAG Executive Board, which included Moffett Park, Peery Park, and Reamwood in the City of Sunnyvale. The EIAs recognize the unique contribution of communities such as Sunnyvale to a sustainable regional growth pattern that successfully links jobs and housing by convenient transit service.

A18-1.5: The Regional Housing Needs Allocation (RHNA) process is separate from Plan Bay Area. The Plan's forecast and housing distribution do not incorporate previous or current RHNA, and the forecast has a longer time frame than the RHNA eight-year time-frame. As such, the City's 30-year housing growth figures do not change due to the eight-year RHNA adjustment for the City, and the adjustment is not reflected in the Plan. Please see Master Response A.1 regarding local control over land use planning and B.1 regarding population projections, both of which discuss the relationship between RHNA and the Plan.

- A18-2: Please see Master Responses A.1, A.2, and A.3 regarding local control of land use planning, CEQA streamlining, and the level of specificity in the EIR.
- A18-3: The extent to which additional environmental review, mitigation, and monitoring are needed will be determined by jurisdictions responsible for environmental review on a case-by-case basis for projects that may tier off this EIR or may qualify for CEQA streamlining. See the response A18-2 and Master Response A.2 for more details on CEQA streamlining. Realizing the streamlining benefits under SB 375 will be up to lead agencies approving projects that are eligible for such benefits.
- A18-4: The approach to finding a “less-than-significant” effect because project sponsors are obligated under the law to implement certain measures is logical and, in fact, had been used in prior EIRs for MTC. “A condition requiring compliance with environmental regulations is a common and reasonable mitigating measure.” (*Clover Valley Foundation v. City of Rocklin* (2011) 197 Cal.App.4th 200, 236-37 [upholding mitigation measures that required compliance with regulatory permitting], quoting *Sundstrom v. County of Mendocino* (1988) 202 Cal.App.3d 296, 308; see also *Oakland Heritage Alliance v. City of Oakland* (2011) 195 Cal.App.4th 884 [upholding a seismic mitigation measure requiring compliance with all state and local building regulations].)
- A18-5: See the responses to comment A18-2, 3, and 4.

Letter A19 County of Santa Clara (5/13/2013)

- A19-1: This EIR evaluates Plan Bay Area as a single, regional plan and assesses its impacts at a regional level across all nine counties, which is consistent with CEQA provisions regarding program EIRs. The individual projects that may result from the Plan—transportation improvements and land use development—will require their own environmental analyses consistent with CEQA. A county-level evaluation of the proposed Plan and its impacts would be at a greater level of detail than is appropriate at this point in the planning process. Impacts have been assessed with the proper level of detail at a regional level and a conceptual localized level. County level information has been provided in the EIR when feasible solely for informational purposes. Please see Master Response A.3 regarding the level of specificity in the EIR.
- A19-2: Developing a regional, integrated long-range open space plan for the nine Bay Area counties is outside of the scope of the proposed Plan and it would not mitigate any environmental impacts identified by the EIR. The Draft EIR contains a discussion of parks, open space, and trails in Chapter 2.3, Land Use and Physical Development and Chapter 2.14, Public Services and Recreation. The topic has been analyzed at a level of detail appropriate for this programmatic EIR on a regional plan, and it is not within the scope of this EIR to cover the topic in greater detail. Please see Master Response A.3 regarding the level of specificity in the EIR.
- A19-3: Impacts on parks, open space and recreation are analyzed to an appropriate degree in Chapter 2.3, Land Use and Physical Development and Chapter 2.14, Public Services and Recreation. MTC and ABAG acknowledge the efforts of the County to identify

opportunities for partnership between the County and other entities to implement its vision for the regional park system. The recommendation is being considered by MTC and ABAG.

- A19-4: Impacts on recreational resources, open space resources, and public services are addressed in Chapter 2.14, Public Services and Recreation. Analysis is provided at a level of detail appropriate to this regional plan. Please see Master Response A.3 regarding the appropriate level of specificity in the EIR.

Letter A20 East Bay Regional Park District (5/15/2013)

- A20-1: The Draft EIR acknowledges and discusses resource areas and open space using the best available information. In Alameda and Contra Costa counties, the EIR notes that there are 236,000 acres of parks and publicly- and privately-owned open space lands accessible to the public. (See Draft EIR, p. 2.4-5.) Maps illustrating resource areas and open space also are included in Figures 2.3-1, 2.3-2, 2.3-3, and 2.3-4. The geographic data used to assess the impact of Plan Bay Area on open space in the Bay Area was drawn from the Bay Area Protected Area Database, a comprehensive dataset compiled yearly by the Bay Area Open Space Council and GreenInfo Network. This dataset includes all open space lands in the Bay Area, including those owned and operated by the EBRPD. Due to the regional scale of Plan Bay Area and the Draft EIR, it is not within the scope of the Draft EIR to assess the impact on or mitigation potential from individual parks or park districts within the nine-county planning area. However, this EIR does include an analysis of the impact on the need for recreational facilities; see discussion of Impact 2.14-1, which concludes with the observation that “development projects have the potential to produce significant impacts.” Mitigation measures are identified for this potential impact; see p.2.14-14 of the Draft EIR.

- A20-2: MTC and ABAG respectfully disagree with this comment. Plan Bay Area is a regional plan covering all nine Bay Area counties. As such, the impact on open space in the planning area is assessed through a regional lens in Chapter 2.14, Public Services and Recreation, focusing on aggregate, region-wide access to open space acres. A significant impact is identified, and mitigation measures (2.14(a) and 2.14(b)) are identified. It is beyond the scope of the Draft EIR to assess the impact of Plan Bay Area on individual parks or park districts; see Master Response A.3 regarding the level of specificity in a program EIR. In general, the proposed Plan focuses new development into existing urbanized areas, while recognizing localized effects on public services and recreational facilities may occur. As explained in Chapter 2.3 of the Draft EIR, 2,022 acres of protected open space lands are identified as potentially converted by the proposed Plan’s combined land use and transportation projects, which represents 0.6 percent of all open space lands (excluding agricultural land forest land, and timberland, which are addressed separately) in the Bay Area (Section 2.2 of this Final EIR reduces the total open space acreage in the region, which increases this number from 0.5 to 0.6 percent). This is considered a significant impact, but Mitigation Measure 2.3(h) is identified in the Draft EIR in order to minimize conversion of open space lands resulting from the Plan. Ultimately, MTC and ABAG do not have land use authority and must rely on implementing agencies and project sponsors to implement mitigation measures relating to open space conversion. Individual projects must comply with local parkland dedication and Quimby Act requirements, over which MTC and ABAG have no control. See response B6-9 for additional discussion of urban growth boundaries.

A20-3: A detailed U.S. Department of Transportation Act Section 4(f) evaluation applies to federal agency environmental review of individual projects and is beyond the scope of this Draft EIR as MTC and ABAG are not federal agencies. Individual projects subject to federal environmental review compliance under the National Environmental Policy Act (NEPA) would be subject to a Section 4(f) assessment. As the commenter points out, the Draft EIR acknowledges this requirement in the regulatory settings. (Draft EIR, p. 2.14-6.) Regarding the request to address impacts on East Bay Regional Park District lands, this level of detail is not appropriate, given the regional, programmatic scale of this analysis. See Master Response A.3 regarding the level of specificity in the EIR. The effects on the parks and open space resources are, in fact, analyzed in both Chapter 2.3, Land Use and Physical Development and Chapter 2.14, Public Services and Facilities. The Plan Bay Area Draft EIR adequately assesses the impact of the proposed transportation network as a whole, as well as the associated development projected by ABAG.

A20-4: Use of the East Bay Green Transportation and Environmental Maintenance Project as potential mitigation is a good suggestion, fully consistent with the more generalized approach to mitigation embodied in Mitigation Measures 2.14(a) and 2.14(b). As noted in Responses A20-1 and A20-2, since Plan Bay Area is regional in scale, it is beyond the scope of the Draft EIR to propose mitigation measures that address specific parks or park districts.

A20-5: The comment requests 5 percent of total Plan Bay Area revenues be dedicated to natural resource protection. This request is noted and will be considered by MTC and ABAG prior to taking action on adoption of Plan Bay Area. See response A20-6 for more detail.

A20-6: See Response A20-3 regarding compliance with Department of Transportation Act, Section 4(f). MTC and ABAG do not have direct land use authority over local parks and recreation decisions, and resource protection and enhancement would not be an eligible use for the vast majority of revenues available in the Plan.

The proposed Plan does include an innovative program to support Priority Conservation Areas (PCAs). PCAs are areas of regional significance that have broad community support and an urgent need for protection. These areas provide important agricultural, natural resource, historical, scenic, cultural, recreational, and/or ecological values and ecosystem functions. The purpose of designating priority conservation areas is to accelerate protection of key natural lands in the San Francisco Bay Area through purchase or conservation easements. Conservation is promoted through regional designation by:

- Coordinating conservation efforts within a regional framework of near-term priorities
- Providing a strong platform on which to leverage public and private resources
- Building upon prior and existing land protection efforts and investments
- Providing opportunities for forging new partnerships

Furthermore, Plan Bay Area is designed to minimize impacts on open space See Master response A.1 regarding local control over land use decisions. The Draft EIR evaluates impacts of the plan on parks and open space at the appropriate level for a long-term regional

plan and mitigates potential impacts to the extent feasible. See Master Response A.3 regarding the level of specificity in the EIR.

Letter A21 U.S. Environmental Protection Agency (5/17/2013)

- A21-1: Your comments of support are noted.
- A21-2: Support for the air quality mitigation measures is acknowledged. The intent of the measures for localized impacts is, as noted, to address needs in areas having higher pollutant levels and higher associated health risks.
- A21-3: The comment is correct in underscoring the importance of incentives and local agency implementation of mitigation measures for the process to be successful. EPA's support of implementation actions by agencies and project sponsors is appreciated.
- A21-4: The transportation projects identified in the proposed Plan will be subject to project level environmental analysis prior to construction. It is anticipated that the environmental review of any proposed transportation projects that have the potential to cause significant adverse impacts on existing or future sensitive land uses would have to include evaluation of project alternatives and or mitigation measures that could be implemented to reduce any potentially significant impact. The local pollutant analysis in the Draft EIR has identified those areas of the Bay Area where a more detailed air pollutant evaluation should be conducted. Mitigation Measure 2.2.5(d), for Impact Criterion 2.2-5(b) which addresses localized impacts on sensitive receptors, does include use of best management practices for any project that might cause a potential impact and it not limited to development projects. More details will be formulated by implementing agencies and project sponsors based on project- and site-specific conditions. EPA's recommendations of the three mitigation measures are incorporated into the Final EIR. Section 2 of this Final EIR modifies the Draft EIR text to add the following text as an additional bullet under Mitigation Measure 2.2(d): For transportation projects that would result in a higher pollutant load in close proximity to existing sensitive receptors, project sponsors shall consider, as appropriate (1) adjusting project design to avoid sensitive receptors, (2) including vegetation and other barriers between sensitive receptors and the project, and (3) providing air filtration devices for residential and other sensitive receptor uses.

Letter A22 San Francisco County Transportation Authority, San Francisco Planning Department and San Francisco Municipal Transportation Agency (5/16/2013)

- A22-1: The approach to finding a "less-than-significant" effect because project sponsors are obligated under the law to implement certain measures is logical and, in fact, had been used in prior EIRs for MTC. "A condition requiring compliance with environmental regulations is a common and reasonable mitigating measure." (*Clover Valley Foundation v. City of Rocklin* (2011) 197 Cal.App.4th 200, 236-37 [upholding mitigation measures that required compliance with regulatory permitting], quoting *Sundstrom v. County of Mendocino* (1988) 202 Cal.App.3d 296, 308; see also *Oakland Heritage Alliance v. City of Oakland* (2011) 195 Cal.App.4th 884 [upholding a seismic mitigation measure requiring compliance with all state

and local building regulations].) See Master Response A.1 for additional information on local control over land use and A.2 regarding CEQA streamlining.

- A22-2: The Draft EIR includes a discussion of how mitigation measures are to be applied to projects on pg. 1.1-3, which also refers to “Environmental Guidelines of the Metropolitan Transportation Commission.” As no change in these guidelines is proposed by the proposed Project and CEQA Guidelines set forth rules for lead agencies to make determinations, no additional information is needed in this EIR. The EIR also includes substantial detail on the regulatory setting within which lead agencies make their determinations, so the flexibility requested is certainly available when local agencies comply with federal, state or local regulations. The flexibility requested for making determinations about what constitutes meeting the test of implementing “all feasible mitigation measures” is available under SB 375; see Master Response A.2 for additional information on CEQA Streamlining benefits. Project sponsors are to apply the mitigation measures “as feasible” to address site-specific conditions and “MTC and ABAG cannot require location implementing agencies to adopt mitigations, and it is ultimately the responsibility of a lead agency to determine and adopt mitigation” (see pg. 1.1-3).
- A22-3: The comment is correct in stating that where impacts are determined to be less than significant, mitigation cannot be required; see response above on the flexibility that lead agencies have in making such determinations. Accordingly, there are no mitigation measures in the EIR for impacts that are less than significant without mitigation. Impact 2.3-1, referenced specifically by the commenter, is listed as a potentially significant impact and it is appropriate for the EIR to identify mitigation measures for potentially significant impacts.
- A22-4: On May 22, 2013, the Commission adopted MTC Resolution No. 4104, which is the updated Traffic Operations System (TOS) Policy for the San Francisco Bay Area. MTC Resolution No. 4104 does not call for the implementation of ramp metering on all freeway corridors. Instead, the policy states that the Commission requests Caltrans to work with MTC and the Congestion Management Agencies to determine which TOS elements are appropriate for specific major new freeway projects, considering local conditions, congestion level and other factors. Section 2 of this Final EIR modifies the Draft EIR text for mitigation measure 2.1(c) to allow for the same flexibility.
- A22-5: MTC acknowledges your suggested amendments and appreciates your suggested improvements to this analysis for future Plan EIRs.

MTC reaffirms its statement in the Draft EIR that localized operational capacity issues should be addressed when considering individual transportation and land use projects, rather than as part of this program-level EIR. See Master Response A.3 regarding the level of specificity in the EIR. As specified on page 2.0-1 of the Draft EIR, the analysis focuses on regionally significant impacts. As such, impacts on specific highway segments or individual bus lines are not within the scope of the Draft EIR and are more appropriately dealt as part of detailed local analyses. Capacity-constrained transportation facilities, such as the San Francisco-Oakland Bay Bridge and the N-Judah Sunset Tunnel, warrant individual analysis in a project-level or more localized EIR, as, regional travel models are designed to forecast

overall travel patterns and may not be appropriate for use in analysis of localized operational constraints.

MTC maintains that the regional capacity impact analysis, which examined impacts both by transit mode and by time of day, is the most appropriate approach for a regional, program Draft EIR. As shown on page 2.1-37, the Draft Plan does not lead to regional capacity exceedances for any mode or any time of day. Use of the transit capacity metric for impact 2.1-5 allows the Draft EIR to measure systemwide impacts on public transit, similar to the approach taken for systemwide impacts on the highway network under impact 2.1-3.

A22-6: MTC recognizes the importance of public transit services in San Francisco in providing mobility for residents, workers, and visitors. San Francisco Muni, the region's largest transit operator, plays a critical role facilitating local travel within the City of San Francisco. Bay Area Rapid Transit (BART) and Caltrain, the two primary regional rail systems in the Bay Area, link San Francisco to major residential and employment centers across the East Bay, the South Bay, and the Peninsula. In combination with other smaller operators, these transit services are essential to support existing and future development within the City of San Francisco.

In addition to region-wide funding for transit operations and maintenance as a core element of the long-range planning effort, the proposed Plan invests in both local and regional public transit improvements that benefit San Francisco. As noted in the Draft EIR comment, the Draft Plan Bay Area provides support for major transit capital projects including the Central Subway, the Caltrain Downtown Extension, Caltrain Electrification, BART Metro, Van Ness Bus Rapid Transit, Geary Bus Rapid Transit, and Geneva-Harney Bus Rapid Transit.

Furthermore, the Draft Plan includes funding for improvements to address localized transit capacity issues on the San Francisco Muni system through the Transit Effectiveness Project and the Transit Performance Initiative. While these localized constraints on specific Muni bus and light rail lines during peak hours may not represent a regional transportation impact (as described in the response A22-5), they represent a critical local concern that inhibits mobility between the various neighborhoods of San Francisco.

A22-7: The San Francisco CRRP included air dispersion modeling for toxic air contaminants and particulate matter for the entire city. The CRRP identified areas above ambient air quality standards that will be required to implement similar health protection measures to those identified in the Draft EIR local pollutant analysis. It is anticipated that the City/County of San Francisco will amend Article 38 to reflect the new air quality data developed during preparation of the CRRP. The implementation of measures to protect public health can be assured through standard development regulations, like Article 38, as well as an adopted CRRP. Criterion 2.2-5(c) is amended to reflect this change in Section 2 of the Final EIR.

A22-8: The Draft EIR acknowledged and discusses how the proposed Plan could result in disruption or displacement (see Draft EIR pgs. 2.3-35 through 2.3-40). MTC and ABAG welcome the offer to work with the City and County of San Francisco on disruption and displacement issues. See Master Response F for additional information on displacement.

- A22-9: Correction noted; a revision to the Draft EIR is provided in Section 2 of this Final EIR.
- A22-10: The comment is correct; the Communities of Concern shown on the map on page 2.2-25 in the Draft EIR were updated at the end of March 2013. The updated map was not incorporated into the Draft EIR, which was released on April 2, 2013. A revised map has been created and is included in Section 2 of this Final EIR. The figure is a visual aid only and does not alter the impact analysis presented in the Draft EIR.
- A22-11: MTC appreciates your technical clarification regarding RTPID# 240730 (San Francisco Pricing Program: Mobility Improvements). Based on your comment, MTC understands that this project would be contingent on the implementation of the San Francisco congestion pricing programs (RTPID# 240728), as its fully committed funding is dependent on congestion pricing toll revenues. Therefore, even though it is a committed project, it should not be included in the No Project alternative due to this dependency on an uncommitted project. The Plan Bay Area Final EIR corrects this minor technical error in Section 2. This change does not alter the impact analysis of the No Project alternative nor the comparison of alternatives presented in the Draft EIR.

Letter A23 SamTrans (5/16/2013)

- A23-1: Your support for the proposed project is acknowledged.
- A23-2: The information on SamTrans' initiatives is appreciated and your support of AB 32 and SB 375 is acknowledged.

Letter A24 Sonoma County Transportation Authority (5/15/2013)

- A24-1: Your support of Alternative 2, the proposed Plan, is acknowledged. This comment does not raise environmental issues under CEQA. Nonetheless, please see Master Response A.1 regarding local control over land use planning and Master Response B.1 regarding population projection, both of which also discuss the relationship between SB 375 and RHNA.
- A24-2: MTC and ABAG strongly support Sonoma County's Urban Growth Boundaries (UGBs). However, considered as a whole and over the long term, the specific boundaries and policies associated with the Bay Area's UGBs (and similar policies around urban growth restrictions) are uncertain. Local government and popular votes can expand them and some of the older ones have been redrawn, sometimes more than once. In other locations, a failure to pass a future vote lets the UGB lapse. This flexibility, and the lack of consistency throughout the region, makes the modeling assumption that growth boundaries are permanent when conducting long range planning at the regional scale. Instead, in the land use analysis for the No Project alternative, incorporated land was allowed to increase (either through the expansion of existing cities or the incorporation of new ones) at the same rate (in relation to recent population growth) that it has in the past. This newly incorporated land was allocated to flat areas near highways, which tend to remain undeveloped in Solano, Sonoma, and Contra Costa Counties. As the commenter noted, this assumption only affects the No Project alternative; the proposed Plan and all other alternatives direct growth within the

existing urban footprint and retain all existing UGBs, limit lines and related growth management policies across the region. MTC and ABAG, based on historical trends, believe that the real estate market often places pressure on existing UGBs in these locations. The proposed Plan encourages strict enforcement of existing UGBs and their equivalents over the life of the Plan as reflected in the PDA approach.

A24-3: Your opposition to Alternative 4 is acknowledged.

A24-4: Your concerns regarding Alternative 5 are acknowledged.

A24-5: Your support for the proposed Plan is acknowledged.

Letter A25 San Francisco Public Utilities Commission (5/14/2013)

A25-1: Correction noted; a revision to the Draft EIR is provided in Section 2 of this Final EIR. The revision does not affect the analysis or conclusions in the Draft EIR.

A25-2: Correction noted; a revision to the Draft EIR is provided in Section 2 of this Final EIR. The revision does not affect the analysis or conclusions in the Draft EIR.

A25-3: Correction noted; a revision to the Draft EIR is provided in Section 2 of this Final EIR. The revision does not affect the analysis or conclusions in the Draft EIR.

A25-4: Correction noted. As the other columns in the table also show SFPUC's retail demand only, and as we do not have the combined wholesale and retail numbers for those, a footnote has been added to Table 2.12-2 in Section 2 of this Final EIR explaining that the SFPUC numbers are for retail demand and supply only.

A25-5: See Master Response G regarding water supplies. A revision has been made to the Draft EIR in Section 2 of this Final EIR regarding SFPUC's drought planning. The revision does not affect the analysis or conclusions in the Draft EIR.

A25-6: See Master Response G regarding water supplies. A revision has been made to the Draft EIR in Section 2 of this Final EIR regarding the conditions affecting SFPUC's water supply projects. The revision does not affect the analysis or conclusions in the Draft EIR.

A25-7: Correction noted; a revision to the Draft EIR is provided in Section 2 of this Final EIR. The revision does not affect the analysis or conclusions in the Draft EIR.

A25-8: Correction noted; a revision to the Draft EIR is provided in Section 2 of this Final EIR. The revision does not affect the analysis or conclusions in the Draft EIR.

Letter A26 Sonoma-Marin Area Rail Transit (5/16/2013)

A26-1: The reference to SMART's 2006 EIR regarding train vibration is acknowledged. The text of the vibration discussion in Section 2.6 of the Draft EIR has been amended to delete reference to the SMART project (see Section 2 of this Final EIR that shows revisions/corrections to the Draft EIR text). It should be noted that SMART rail vibration

would contribute to the impact, but the impact from SMART is less than significant, per the findings in SMART's 2006 EIR. The SMART Supplemental EIR (2008) determined that freight operations on SMART's rail corridor could result in vibration levels that exceed FTA standards and the cumulative impact could be significant, but SMART's contribution to the impact would not be cumulatively considerable.

- A26-2: The information in the train horn noise analysis is based on the SMART Final EIR and SMART SEIR. Although mitigation for train horn noise was identified in the SMART EIR, pursuant to CEQA guidelines, the SMART EIR determined that the impact remained significant because implementation of the mitigation is the responsibility of another agency and could not be guaranteed. Similarly, the introduction to Section 2 of the PBA Draft EIR states that if MTC and ABAG cannot ensure that a mitigation measure would be implemented in all cases, impacts would be categorized as "significant." We acknowledge that SMART is working closely with local agencies to implement Quiet Zones along the rail corridor and has committed funds to ensuring completion of the Quiet Zones. With implementation of this measure at rail crossings near sensitive receptors, the impact would be less than significant; however, at a regional level the impact remains significant and unavoidable because MTC and ABAG cannot ensure implementation of mitigation measures. References to SMART on pages 2.6-32, 2.6-35, and 3.1-92 of the Draft EIR are removed; see Section 2 of the Final EIR.

Letter A27 Town of Colma (5/16/2013)

- A27-1: To respond to this comment, ABAG staff corrected the 2010 housing unit and household figures for the Town of Colma (Town), per the official statement of correction from the U.S. Census Bureau dated March 7, 2013 (Case Number 90653). The 2010 housing unit total for the Town in the Draft Plan is reduced from 590 to 430 and the 2010 household total from 560 to 410. This minor revision does not change any of the conclusions in the EIR.

The distribution of jobs and housing unit growth in the Draft Plan takes into account a variety of factors—including input from jurisdictions, level of transit service, Vehicle Miles Travelled by Household, in-commuting by low-wage workers, housing values, and concentration of knowledge-based economic activity. In some cases, the distribution assumes changes in local conditions over the next three decades, and is not constrained by existing zoning. ABAG/MTC staff reviewed the overall housing and employment growth figures for the Town. Staff acknowledges that much of the land within the boundaries of the Town's PDA is occupied by cemeteries that cannot be redeveloped. However, staff considers the levels of growth allocated to the Town in the Draft Plan appropriate considering the availability of high-frequency transit and accesses to employment within and around the Town. This level of growth could be reasonably accommodated over the thirty-year time-frame of the Plan given the potential for densification of existing non-cemetery land uses. Please note that due to modifications of the overall regional employment distribution, the 2040 employment total for the Town decreased from 3,210 to 3,200. This minor revision does not change any of the conclusions in the EIR.

Letter A28 Town of Corte Madera (5/16/2013)

- A28-1: See Master Response B.1 on the population and job projections.
- A28-1.5: See Master Response D.2 on the connection between high-density housing near transit and reduced greenhouse gas emissions.
- A28-2: In order to qualify for streamlining or exemptions, projects must meet specific criteria, enumerated in Chapter 1.1 in the Draft EIR, beginning on page 14 and Master Response A.2. MTC and ABAG affirm that local jurisdictions retain the authority over development projects; please refer to Master Response A.1 for more information regarding local land use control and A.2 regarding CEQA streamlining options.
- A28-2.3: Plan Bay Area makes no assumptions about specific housing types or tenants in reference to numbers of housing units and typical density ranges (which may account for a wide variety of housing types and tenants) that may occur in locations across the region. Such determinations will be made by local agencies on a project-specific basis.
- A28-2.7: The issue of increased urbanization in suburban communities is addressed in Chapter 2.3, Land Use; Chapter 2.10, Visual Resources; and Chapter 2.11, Cultural Resources. The evaluation of impacts on visual resources is addressed at a level appropriate to a programmatic EIR for a regional plan. A local-level evaluation of the proposed Plan and its potential visual resources impacts is not required and would be highly speculative. Impacts on specific local visual resources should be assessed by project proponents at the local level as appropriate. See Master Response A.3 regarding the level of specificity in the EIR.
- A28-3: See Master Response B.1 for additional information regarding population projections and Master Response G for additional information regarding Water Supply, as well as Chapters 2.12 and 2.14 of the Draft EIR regarding a regional-level assessment of public utilities and services, respectively. As specified on page 2.0-1 of the Draft EIR, the analysis focuses on regionally significant impacts. MTC and ABAG acknowledge that in some cases, existing local conditions not analyzed in this program-level EIR may preclude in the short-term the level of development forecast to occur in a given jurisdiction. It will be the responsibility of project-level environmental review to assess the capacity of local utility and service providers to serve new growth.
- A28-4: Chapter 2.2, Air Quality, provides an extensive assessment and impact analysis of Toxic Air Contaminants (TACs) and other air pollutants associated with vehicle exhaust. The methodology and significance thresholds used in the Draft EIR to assess public health effects related to air pollutants are consistent with those recommended by the Bay Area Air Quality Management District and other State and federal regulatory agencies. The Draft EIR conducted dispersion modeling for all major transportation corridors within the Bay Area to identify areas that are exposed to levels of toxic air contaminants/particulate matter above the stated threshold of significance.
- Specifically, Criterion 4 in this section analyzes whether the Plan would “Cause a cumulative net increase in emissions of diesel PM, 1,3-butadiene, and benzene (TACs) from on-road mobile sources compared to existing conditions” and Criterion 5 analyzes whether the Plan would “Cause a localized net increase in sensitive receptors located in Transit Priority

Project (TPP) corridors where: (a) TACs or fine particulate matter (PM_{2.5}) concentrations result in a cancer risk greater than 100/million or a concentration of PM_{2.5} greater than 0.8 µg/m³ of PM_{2.5}; or (b) sensitive receptors are located within set distances (Table 2.2-10) to mobile or stationary sources of TAC or PM_{2.5} emissions; or (c) TACs or fine particulate matter (PM_{2.5}) concentrations result in noncompliance with an adopted Community Risk Reduction Plan.” When sensitive land uses are proposed in these areas, lead agencies should conduct a more detailed local air pollutant analysis to determine if project alternatives or mitigation measures exist to lessen any potentially significant impact to public health. The local pollutant analysis was conducted specifically because of epidemiological studies linking an individual’s close proximity to sources of air pollution and an increased risk of autism, asthma or other health concerns.

- A28-5: Hazardous materials are addressed in Chapter 2.13, Hazards. Public Services and Recreation are addressed in Chapter 2.14, Public Services and Recreation. The decision to exclude Mineral Resources from the impact analysis is described on page 3.2-18 of the Draft EIR and is proper with no additional justification. Please see Master Response A.3 regarding the level of specificity in the EIR.
- A28-6: Analysis of Public Services and Recreation was included in the Draft EIR, see chapter 2.14. The analysis of the impact of Alternative 5 (Environment, Equity and Jobs Alternative), as well as the other alternatives, on Public Services and Recreation is included in the Draft EIR Alternatives analysis. Please see pages 3.1-117 through 3.1-120 of the Draft EIR. The analysis finds that at a regional level the impacts of Alternative 5 on Public Services and Recreation would be similar to that of the Proposed Plan.
- A28-7: Given that adoption of Plan policies is voluntary and relies on local action, there is no CEQA impact regarding a conflict with local plans and policies. Please see the analysis under Impact 2.3-3 in Chapter 2.3 of the Draft EIR regarding conflicts with local plans, which was found to be less than significant for the reasons outlined here, as well as Master Response A.1 for more information regarding local control over land use and Master Response I regarding the PDA process.
- A28-8: Plan Bay Area makes no assumptions about the precise location of housing types or tenants (e.g., assisted living units, Section 8 units, starter condominiums, etc. that the comment suggests) that will occupy housing that may develop in local jurisdictions under implementation of the Plan. The Plan makes reference to numbers of housing units and typical density ranges (which may account for a wide variety of housing types and tenants) that may occur in locations across the region. The precise type and nature of housing developed in a given jurisdiction remains under the local control of that jurisdiction (see Master Response A.1 regarding local control). Jurisdictions’ only obligation to provide for the range of housing types specified in the comment falls under the requirements of Housing Elements, which are separate from Plan Bay Area. Moreover, the Regional Housing Needs Allocation (RHNA) assigned to each jurisdiction is required to be consistent with Plan Bay Area under SB 375, so no conflict in housing provision is anticipated. See Master Response F for additional information about regional displacement.

- A28-9: Alternatives 3, 4 and 5 evaluated in the Draft EIR are all financially constrained to the estimated \$292 billion of revenues anticipated to be available over the life of the Plan. Alternative 4 assumes the Preferred Transportation Investment Strategy (TIS), exactly the same as in the proposed Plan. Alternative 5 does not use the Preferred TIS, but the package of transportation investments and programs proposed would fall within the anticipated budget as required by federal law. Only Alternative 1, the No Project alternative, invests a different amount of revenues in the transportation system over the life of the Plan. The No Project alternative, as described in the Draft EIR in Chapter 3.1, page 3.1-5, only includes those projects and programs that are identified as “committed” in MTC Resolution No 4006, Committed Projects and Programs Policy, and would invest approximately \$91 billion in the transportation system over the life of the Plan.
- A28-10: The Proposed Project and alternatives, other than Alternative 4, were analyzed using the same growth forecasts, as outlined in the Draft EIR on page 3.1-11. The comment also questions the lack of detailed demographic and economic forecasts in the Draft EIR. The demographic and economic forecasts are documented in detail in the Supplemental Reports *Summary of Predicted Traveler Responses* and *Forecast of Jobs, Population and Housing*. The Draft EIR does not evaluate the validity of those forecasts; the Draft EIR evaluates the environmental impacts of the Proposed Project and alternatives. Therefore, the detailed forecasts were not included in the body of the Draft EIR itself but were instead summarized and reference was provided to the documents for those readers seeking additional information on forecasts. See Master Response B.1 regarding the forecasts.
- A28-11: Please refer to Master Response C regarding requests for extensions to the public comment period. Your support for the No Project alternative is acknowledged.

Letter A29 Town of Los Gatos (5/16/2013)

- A29-1: The comment indicates that the Town of Los Gatos (Town) requested in June 2012 that references to previously adopted PDAs in the Town be removed, specifically the portion of the VTA Cores, Corridors, and Station Areas PDA within the Town. PDAs are locally nominated. As such, the Town is able to request that a Priority Development Designation be removed or modified. MTC and ABAG have updated the referenced Draft EIR and Plan maps and figures to remove all reference to this PDA within the Town. This change would not alter the impact analysis presented in the Draft EIR. This change is reflected in Section 2 of the Final EIR. See also Master Response A.1 regarding local land use controls and Master Response I regarding the PDA process.
- A29-2: See response A29-1.
- A29-3: The changes requested in this comment have been made in Section 2 of this Final EIR.
- A29-4: This comment addresses the relationship between the Draft Plan job growth projections and recent local trends and local growth projections. The distribution of jobs in the Draft Plan takes into account a variety of factors—including input from jurisdictions, level of transit service, existing employment base, population growth, and concentration of knowledge-based economic activity. As such, the jobs distribution assumes changes in local conditions

over the next three decades, and is not constrained by existing zoning or projections. ABAG and MTC staff reviewed the employment figures for the Town and consider the employment growth forecasted for the Town, though higher than past projections, appropriate given the size of the existing employment base in comparison with similar sized cities in the county, as well as the base of knowledge-sector employment, which is expected to further concentrate around existing nodes. ABAG and MTC acknowledge that the development capacity issues raised in this comment by the Town of Los Gatos reflect key implementation challenges to infill development.

Letter A30 Santa Clara Valley Transportation Authority (5/16/2013)

- A30-1: The Climate Initiatives Program is an innovative new program that includes numerous elements, most of which are new and promising strategies MTC and ABAG seek to implement either for the first time or at a larger scale than currently exists. The off-model techniques that were used to evaluate the program provide a more robust and precise estimate of GHG emission reductions than could have been done within the confines of MTC's travel models. The analysis of greenhouse gas reductions associated with the elements of the Climate Initiatives Program is included in the Supplemental Report, *Draft Summary Predicted Traveler Responses* in appendix 1 to the Plan. The analysis details the assumptions and calculations used to estimate the GHG reduction anticipated due to the Climate Initiatives Program. The analysis was based on the best available information, including existing regulations and current research. For additional information on GHG modeling and assumptions, see Master Response D.2 and Master Response H.
- A30-2: MTC and ABAG are not proposing the implementation of a Vehicle Miles Traveled (VMT) tax as part of the proposed Plan. The VMT tax was included in Alternative 5, the Environment, Equity and Jobs Alternative, as per the direction of the stakeholders who developed that alternative. In a statistically valid telephone survey of 2,500 Bay Area residents conducted during the spring of 2013, the least popular proposed strategy to reduce greenhouse gas emissions was charging drivers a new fee based on the number of miles driven. 64 percent of respondents said they oppose the idea, with nearly half (46 percent) strongly opposing. Funding strategies to incentivize the land development pattern of Plan Bay Area, such as OneBayArea Grants, are included in the Draft Plan, and future updates of the RTP/SCS could add additional funding strategies to advance implementation of the Plan and achievement of the GHG emissions reduction target.
- A30-3: Projects with less than 50 percent residential use are not eligible for SB 375/CEQA streamlining benefits. The comment suggests that strictly commercial projects should be eligible for streamlining under the Plan. MTC and ABAG have no control over the types of projects eligible for streamlining under SB 375, as SB 375 is a State law. Commercial projects may, however, be able to take advantage of streamlining provisions under SB 226 and its implementing guidelines. (See Public Resources Code Section 21094.5; CEQA Guidelines Section 15183.3.) See Master Response A.2 for more details about streamlining under SB 375 and SB 226.
- A30-4: The UrbanSim model was used to (a) create a reasonable range of Draft EIR alternatives and (b) model sub-travel-analysis-zone details for the Proposed Plan and "Enhanced"

Alternatives. It is unclear what evidence VTA seeks to demonstrate that UrbanSim is “ready for” this task; MTC and ABAG believe UrbanSim was the best available planning tool for this work. Please see the Supplemental Report *Summary of Predicted Land Use Responses* for additional information regarding UrbanSim modeling.

- A30-5: The distributions of housing and employment for alternatives are provided in the Draft EIR, pages 3.1-11 through 3.1-16. They include breakdowns by county and by percentages within PDAs. MTC and ABAG believe this level of detail is appropriate for a regional program EIR. EIRs must contain sufficient information about the each alternative to allow for meaningful evaluation, analysis, and comparison; however, CEQA does not require lead agencies to describe alternatives with the same level of detail as the proposed project. (CEQA Guidelines Section 15126.6.) "No ironclad rules can be imposed regarding the level of detail in required in considering alternatives." (*Al Larson Boat Shop, Inc. v. Board of Harbor Commissioners* (1993) 18 Cal.App.4th 729, 745; see also *N. Coast Rivers Alliance v. Marin Municipal Water District Bd. of Dirs.* (2013) 216 Cal.App.4th 614.) The alternatives analysis in the Draft EIR provides adequate detail of each alternative to allow for meaningful analysis, including quantitative analyses across several key impact areas. (See Draft EIR, Chapter 3.1.) The detailed descriptions and comparisons of the alternatives exceeds CEQA's requirements for plan level environmental review. (*Al Larson Boat Shop, Inc. v. Board of Harbor Commissioners* (1993) 18 Cal.App.4th 729, 745.
- A30-6: The comment refers to the validity of the regional growth forecast. The regional growth forecast starts with projected regional job growth which is the main determinant of ABAG's regional growth projections and includes population growth as in all major regional forecast modeling in California and around the nation including regional projections produced by Southern California Association of Governments, San Diego Association of Governments, Sacramento Area Council of Governments, Association of Monterey Bay Area Governments, and Santa Barbara County Association of Governments. In addition, job growth is the primary determinant of regional population growth in the models used by the three major national forecasting firms – IHS Global Insight, Regional Economic Models, Inc., and Moody's. ABAG job growth to 2040 is estimated as a share of U.S. projected job growth, also known as “shift-share” which is a widely used and accepted employment forecasting methodology, based on an assessment of regional competitiveness by major industry sectors. ABAG projections use Department of Finance (DOF) fertility and mortality assumptions to determine the amount of natural increase in the population to develop a population profile. Migration, rather than being tied to recent trends, is a function of job growth. DOF has acknowledged that the ABAG regional growth forecast is reasonable and that they will incorporate portions of our methodology to improve their forecasts for the region in the future. See Master Response B.1 regarding population projections.
- A30-7: Three main assumptions inform levels of regional employment growth in the forecast: the Bay Area's share of national jobs, labor force participation rates, and unemployment rates.
- Bay Area jobs are expected to increase from 2.4 percent of the national total in 2010 to 2.5 percent of the national total in 2040.

- The Bay Area labor force participation rate is calculated from age-specific rates provided by the US Bureau of Labor Statistics. (The labor force participation represents the percent of the total population in the labor force, whether employed or not.) The overall Bay Area labor force participation rate is expected to increase from 51.6 percent in 2010 to 52.5 percent in 2020, and then due to the aging population, is expected to slowly decrease to 49.8 percent in 2040.
- The unemployment rate in 2010 was reported as 10.6 percent. As a long term forecast, the unemployment rate is then assumed to decrease to 5.1 percent by 2020 and remain at the same overall rate, factoring in fluctuations due to business cycles, through 2040.

The ABAG population forecast assumes a relatively constant annual growth rate of 0.88 percent for the forecast period between 2010 and 2040. Again, population growth will fluctuate year to year, but for the purposes of long term forecasting we are assuming an overall rate that takes such fluctuations into account. ABAG's job forecast assumes an annual growth rate of 1.63 percent for the period between 2010 and 2020, and a lower annual growth rate of 0.61 percent for the period between 2020 and 2040. The higher job growth rate in the earlier years represents roughly 200,000 workers unemployed in 2010 who become re-employed by 2020. For more information on job growth assumptions see Master Response B.1 and see: http://onebayarea.org/pdf/Draft_Plan_Bay_Area/Draft_PBA_Forecast_of_Jobs_Population_and_Housing.pdf

A30-8: MTC and ABAG acknowledge this observation about the alternatives analysis. The alternatives contain key policy distinctions that provide for a meaningful comparison of a reasonable range of alternatives; however, the Draft EIR shows that the environmental impact differences among the alternatives ended up being relatively small. Again, your support for the proposed Plan is acknowledged.

A30-9: Commenter asserts that Alternative 4 contains growth projections that do not appear to be achievable because the projections are based upon an assumption that SB 375 requires housing of all Bay Area workers within the Bay Area counties, not just that adequate housing be provided for new workers. Commenter asserts no other MPO shares this interpretation and SB 375 should not be interpreted in this way.

MTC and ABAG agree. Neither CEQA nor SB 375 requires an RTP/SCS to eliminate the existing ratio of in-commuters. The Plan and Draft EIR make the reasonable assumption that a certain portion of the Bay Area's workforce will continue to in-commute from surrounding areas into the nine county Bay Area region covered by the Plan. It is unreasonable to assert that workforce migration would simply stop at the boundaries of the Plan if a certain amount of residential units were constructed within the region. Regardless of the number of residential units in the area covered by the Plan, a certain portion of the population will still choose, for various reasons, to live in places such as Davis, Sacramento, Stockton, Tracy, Salinas, Santa Cruz, and Monterey.

The Plan complies with SB 375's requirement to house "all the population" by planning for enough residential units within the region for all new growth, which keeps the current proportion of in-commuters constant. Other metropolitan planning organizations share the

commenter's and ABAG's interpretation of SB 375's requirement to house all of the population. See also Response B7.

Commenter also asserts that because the RHNA allocations have already been drafted, Alternative 4's growth assumptions for the early years of the RTP are undercut and ABAG should not adopt the growth assumptions without the detailed public discussion that has occurred for the current RHNA numbers.

See Master Response B regarding population projections and the relationship between RHNA and SB 375.

A30-10: Commenter states Alternative 5 is based upon assumptions that are inconsistent with SB 375 regarding loss of local control related to rezoning. Commenter also asserts that OBAG funding obligations likely exist within PDAs, that additional low income housing will presumably require large subsidies, and that the VMT tax cannot be assumed to be in place within a reasonable time frame, and concludes that Alternative 5 should not be considered. In a statistically valid telephone survey of 2,500 Bay Area residents conducted during the spring of 2013, there least popular proposed strategy to reduce greenhouse gas emissions was charging drivers a new fee based on the number of miles driven. 64 percent of respondents said they oppose the idea, with nearly half (46 percent) strongly opposing.

Alternative 5 includes policies that differ from the other alternatives in important respects and provides MTC and ABAG with a valuable comparison. The concerns raised in the comment regarding difficulties in implementing Alternative 5 and its feasibility will be considered by MTC and ABAG. Please also see Master Response A.1 regarding local land use controls.

A30-11: Please see response A22-4. In addition, MTC Resolution No. 4104 continues to facilitate consultation between MTC, Caltrans, Congestion Management Agencies (CMAs), and local jurisdictions on ramp metering and TOS through the ramp metering technical committee discussions. It does not nullify existing Ramp Metering Memorandum of Understandings with Caltrans, but it does negate the need for new ones because the ramp metering operating principles are included in the policy.

A30-12: Mitigation 2.5(c), as currently drafted, includes local jurisdictions and other transportation agencies as those agencies project sponsors and implementing agencies shall coordinate with in developing Transportation Asset Management Plans. See Master Response E for additional information on Sea Level Rise.

A30-13: The consistency analysis in the Draft EIR referenced by this comment is the Bay Area Air Quality Management District's 2010 Clean Air Plan. A separate consistency analysis of local jurisdiction Climate Action Plans was not included in the Draft EIR.

A30-14: Your support for Alternative 2, the proposed Plan, is acknowledged.

Letter A31 Alameda County Health Care Services Agency Public Health Department (5/16/2013)

- A31-1: Your support for Alternative 5 is acknowledged.
- A31-2: Your comment about Alternative 5 and its public health effects is acknowledged. See response B25-80 regarding the Draft EIR's air quality analysis as it relates to health impacts.
- A31-3: Your comment about Alternative 5 and its air quality effects is acknowledged and consistent with the findings of the Draft EIR.
- A31-4: Your support for Alternative 5 and its effects on housing affordability is acknowledged. See Master Response F for more information about potential displacement impacts and the Plan's measures to address the issue.
- A31-5: Your comments about the One Bay Area Grant requirements are acknowledged; the program will help address displacement under the proposed Plan. See Master Response F for additional information on displacement.
- A31-6: Your support for Alternative 5 is acknowledged.

Letter A32 City of Santa Rosa (5/14/2013)

- A32-1: The comment suggests inconsistencies between the level of housing growth in the proposed Plan for the City of Santa Rosa's (City) Priority Development Areas (PDAs) in comparison to the total housing growth for the City as a whole, noting that the reported growth in the PDAs is greater than the total for the City. MTC and ABAG staff reviewed the data in question and have identified that what appears to be an inconsistency in the proposed Plan housing growth tables, is actually the result of overlapping PDAs. In particular, the geographic boundaries of the following Santa Rosa PDAs overlap: Downtown Station Area, Mendocino Avenue/Santa Rosa Avenue Corridor, and Sebastopol Road. In the growth allocation, overlapping PDAs were divided into individual sub-areas. Growth was calculated separately for each PDA sub-area. The total housing unit growth for the City of Santa Rosa's PDAs is 12,240, the sum of each individual PDA sub-area, less than the total housing unit growth for the City of 16,030. The growth totals that appeared in the Draft Plan (see *Draft Forecast of Jobs, Population, and Housing*; http://onebayarea.org/pdf/Draft_Plan_Bay_Area/Draft_PBA_Forecast_of_Jobs_Population_and_Housing.pdf) for the City's PDAs, however, summed the sub-areas for each PDA and therefore double-counted the overlap areas. As such, the growth total for the PDAs appeared higher than the total for the City. MTC and ABAG staff will update the employment and housing tables in the Plan and supplemental *Forecast of Jobs, Population and Housing* document ensuring that employment and housing totals for overlapping PDAs are assigned to one PDA only with no duplicate counts.
- A32-2: MTC and ABAG recognize the importance of the comprehensive approach to greenhouse gas emissions reduction pursued by the City. This complements the mandate of the proposed Plan, which is to reduce GHG emissions from automobiles and light trucks.
- A32-3: MTC and ABAG consider the level of growth in the Downtown Station Area PDA indicated in the proposed Plan reasonable and achievable over a 28-year time-frame given

long-term opportunities for densification and intensification within the PDA. However, MTC and ABAG recognize that implementation of the proposed Plan relies on discretionary actions by local jurisdictions. See Master Response A.1 regarding local land use control. The comment also states that growth for the Sebastopol Road Corridor PDA is overstated. As noted, the growth allocations for the City's PDAs were done at the sub-area level for overlapping PDAs, based proportionally on the size of each sub-area. Based on the City's comment, it seems that a greater portion of the Sebastopol Road Corridor PDA's growth should be contained in an area that overlaps with another of the City's PDAs. MTC and ABAG have modified the growth in each PDA sub-area to better reflect the City's vision for growth in these PDAs, as noted in response A32-1.

A32-4: The comment notes concern for how transit funds are linked to the Regional Housing Needs Allocation. Transit funding is not linked to RHNA.

Letter A33 City of Novato (5/16/2013)

A33-1: The comment is correct to say that implementation of the Plan will depend upon the voluntary actions of local agencies, and that the Plan forecasts are advisory and not mandatory (with the exception of the State-mandated requirement for jurisdictions to demonstrate their ability to achieve their Regional Housing Needs Allocation as part of the Housing Element process). Please see Master Response A.1 for more information on local control over land use.

A33-2: See Master Response B.1 regarding growth projections.

A33-3: The PDA and PCA program, or "FOCUS", is a regional development and conservation strategy developed by ABAG and MTC in 2007 in partnership with BAAQMD and BCDC. The program promotes a more compact land use pattern for the Bay Area. It unites the efforts of four regional agencies into a single program that links land use and transportation by encouraging the development of complete, livable communities in areas served by transit, and promotes conservation of the region's most significant resource lands. These programs are key building blocks of Plan Bay Area. See Master Response B.2 regarding PDA feasibility. See also Master Response I regarding the PDA process.

A33-4: Please see response A13-8.

A33-5: See Master Response E for information regarding sea level rise.

A33-6: See Master Response G for information regarding water supply.

A33-7: The commenter asks MTC and ABAG to identify additional sources of funding for police, fire, recreation, school, and other services. The Draft EIR analyzes impacts to public services and facilities to the extent appropriate for a long-term regional land use and transportation plan. See Master Response A.3 for the level of specificity in the EIR.

Letter A34 Caltrans (4/16/2013)

- A34-1: Your request for changes to the proposed Plan will be considered by MTC and ABAG prior to taking action to adopt Plan Bay Area.
- A34-2: The reference to Caltrans has been added to the pages cited, as listed in Section 2 of this Final EIR.
- A34-3: MTC recognizes the importance of freight transportation on the region's highways and railroads, as well as at regional airports and seaports. A description of the San Francisco Bay Area highway system, used by the region's freight trucks, is on pages 2.1-1 and 2.1-2. A description of the freight rail, seaport, and airport facilities can be found on page 2.1-9. The proposed Plan's overall emphasis on passenger vehicles is primarily the result of California Senate Bill 375 (SB 375). SB 375 specifically required MTC and ABAG to achieve greenhouse gas reduction targets for cars and light-duty trucks as part of the RTP/SCS planning process. The target, as established by the California Air Resources Board, did not include GHG reductions from typical freight vehicles, such as heavy-duty trucks or freight railroads. Therefore, transportation and land use strategies were developed to maximize greenhouse gas emission reductions from passenger vehicle sources. See Master Response D.1 for additional information on GHG reductions under SB 375.
- A34-4: Criterion 3, per-capita vehicle miles traveled (VMT) under level of service (LOS) F conditions, appropriately captures the level of traffic congestion. In particular, the criterion selected for the Draft EIR best captures the impacts of traffic congestion on an individual traveler, as it is measured on a per-capita basis. Overall delay measures would instead primarily reflect the region's population growth and would provide an exaggerated estimate of traffic congestion impacts. Table 2.1-12 (Bay Area Travel Behavior, 2010-2040) in the Draft EIR provides the results for the "more traditional metrics of vehicle-hours of delay" as requested by Caltrans.
- A34-5: All of the trip forecasts in Table 2.1-3 in the Draft EIR are from the 2012 Metropolitan Transportation Commission Travel Demand Forecasts.
- A34-6: MTC appreciates your suggestion for revision of Table 2.1-3; however, we elect to preserve the table in its current state in order to maximize readability, given that the suggested revision does not provide any significant additional information for the Draft EIR reader.
- A34-7: The baseline year for the Draft EIR is the year 2010, as specified on page 2.0-1 (except for the GHG analysis, which used a 2005 baseline as discussed in Master Response D.1). As such, all of the data under Existing Regional Environmental Conditions reflects travel model output for year 2010 conditions (or United States Census data, if available). The comment incorrectly suggests that the data in Table 2.1-3 comes from U.S. Census data; instead, these metrics on regional travel behavior for year 2010 came from MTC Travel Demand Forecasts.
- A34-8: Wildland fires are mentioned in the Public Health bullet. The idea here is that fires may affect ecosystems by burning wildland habitat which, in turn, would have an impact on biodiversity.

A34-9: While color would be more readable, MTC and ABAG also are concerned about reproduction costs and decided that the sequence of information, shown in the legend and the labels, makes the content readable. The slope of the line, in the trend graph, also enables someone to discern quickly which elements are growing faster, and which have growth rates that are relatively evenly correlated. No change will be made because the information being depicted is discernible in black and white.

A34-10: Comment noted; a correction is included in Section 2 of this Final EIR.

Letter A35 City of American Canyon (5/16/2013)

A35-1: Your support for the proposed Plan is acknowledged.

A35-2: Your opposition to Alternative 3 is acknowledged.

A35-3: Your opposition to Alternative 4 is acknowledged. See response A30-9.

A35-4: Your opposition to Alternative 5 is acknowledged. See response A30-10.

Letter A36 City of Belvedere (5/16/2013)

A36-1: The latest Urban Water Management Plan (UWMP) of the Marin Municipal Water District (MMWD) indicated that it has adequate water supplies for projected growth through the year 2035, the time horizon for the UWMP, with additional supply capacity remaining unused. The proposed Plan would result in essentially the same year 2040 population as under the No Project alternative - a three percent increase, with the proposed Plan resulting in 500 more households in Marin County than under the No Project scenario. Given the water supplies indicated by MMWD, it is unlikely that additional water supplies will need to be acquired due to growth under the proposed Plan. It is not the responsibility of MTC and ABAG to require MMWD to ensure that its UWMP takes changes in climate into account. Please see Master Response G for additional information.

A36-2: The distribution of jobs in the Draft Plan takes into account a variety of factors—including input from jurisdictions, level of transit service, existing employment base, population growth, and concentration of knowledge-based economic activity. As such, the jobs distribution assumes changes in local conditions over the next three decades, and is not constrained by existing zoning or projections. While the proposed Plan anticipates job growth in the City of Belvedere, its growth rate (12 percent) is below the overall Marin County growth rate of 17 percent, and well below the regional average of 33 percent. The City's lower growth rate reflects in part its lower concentration of knowledge-based activities compared to cities such as San Rafael, as well as many other parts of the Bay Area. See Master Response B.1 for additional information on population projections.

Letter A37 City of Hayward (5/15/2013)

A37-1: To respond to this comment, ABAG staff reviewed the National Establishment Times Series (NETS) database employment figures for 2010 for the City of Hayward (City). Based

upon this review, the 2010 employment total for the City in the Draft Plan has been corrected, resulting in a change in from 69,100 to 68,140, as explained in Section 2.1 of this Final EIR. As a result, the 2040 employment total for the City decreased from 89,900 to 87,820. This change does not alter the impact findings in the Draft EIR.

Letter A38 City of Palo Alto (5/13/2013)

- A38-1: As discussed in detail in Master Response B.1, ABAG arrived at reasonable and supportable population forecast for the Bay Area over the life of the proposed Plan. The Plan, in turn, is designed to accommodate future growth in a manner that achieves the requisite GHG reductions and houses all the population, as required by SB 375. MTC's and ABAG's policies in the proposed Plan do not determine growth, they accommodate it. Therefore, it would be unreasonable for MTC and ABAG to arrive at a population forecast, and then evaluate an alternative in the EIR that fails to accommodate the forecasted growth, as the commenter suggests should be done. A reduced population alternative may have environmental benefits, but those benefits would be due to an artificially low growth projection, not a result of potentially feasible policy considerations that could reduce the potential impacts of the actual population that ABAG anticipates.
- A38-2: Please see Master Response B.1 for more information concerning population projections. SB 375 requires the RTPC/SCS to demonstrate the ability to accommodate all of the population projected for the region; an alternative that used lower growth than projected would not comply with State law. Furthermore, the alternatives must present a range of feasible options for accomplishing the project goals over the time frame. The process that MTC and ABAG undertook to develop the alternatives is described in Chapters 1.1 and 3.1 of the Draft EIR. MTC and ABAG respectfully disagrees that none of the alternatives would lessen the environmental impacts identified; Alternative 5 is identified as the Environmentally Superior Alternative, albeit marginally so. The reasonable range of alternatives evaluated in the Draft EIR provide a meaningful comparison of different approaches to regional planning; each of which offer environmental advantages and disadvantages. The range of alternatives is constrained; however, by SB 375's requirements to house all the population and achieve GHG reduction targets. Thus, while the alternatives provide different environmental trade-offs, it is not surprising that in the end, the overall environmental impacts were relatively similar.
- Regarding alternative means of reducing GHG emissions, see Master Response D.1 regarding SB 375's GHG reduction requirements for regional planning agencies.
- A38-3: The commenter's opposition to Alternatives 3, 4, and 5 is noted. See responses A38-1 and A38-2 regarding the alternatives analysis, and responses A30-9 and A30-10 regarding alternatives 4 and 5, respectively. See Master Response B.1 regarding the population projections.
- A38-4: The comment is correct to specify that in many cases, impacts are identified as Significant and Unavoidable in the Draft EIR where mitigation is assumed to be the responsibility of the local project sponsor, with review by the local jurisdiction in which the project is proposed. This is due to the fact that (1) MTC and ABAG have no jurisdiction over local

land use decision-making, so mitigation for project-level impacts must be identified by the local agency and implemented by the project sponsor, regardless of whether they use measures posed in this Draft EIR or not; and (2) many significant impacts must be identified as unavoidable precisely because MTC and ABAG cannot guarantee that appropriate mitigation will occur in all cases at the project level. MTC and ABAG have identified appropriate mitigation measures for impact areas where best practices are acknowledged and widely applicable. In issues pertaining to land use character and compatibility, appropriate mitigation measures are best determined by the local jurisdiction, and MTC and ABAG recognizes jurisdictions' right to local control over land use decisions and issues of compatibility at the individual project level. See Master Response A.1 regarding local control over land use, and Master Response A.3 regarding the level of specificity in the EIR.

Regarding alternatives with a lesser growth projection, please refer to the response A38-2.

- A38-5: Please refer to the response A38-2, and refer to Master Response B.1 for more information on the difference between DOF and ABAG population projections.
- A38-6: The comment incorrectly assumes that Plan Bay Area and the associated EIR do not allow flexibility for cities to reduce greenhouse gas emissions at a local level. Rather, cities may prepare their own plans for greenhouse gas reductions and are not required to implement the policies or recommended mitigation measures proposed in the Plan. Please also refer to Master Responses A.1, A.2, and A.3 for more information on local control over land use, CEQA streamlining benefits, and the appropriate level of specificity in this EIR. See also the response A38-2.
- A38-7: Your opposition to all alternatives to the proposed Plan is acknowledged.
- A38-8: See Master Responses A.1, A.2, and A.3 for more information on local control over land use, CEQA streamlining benefits, and the appropriate level of specificity in this EIR. Providing regional or state funding for implementation of project specific mitigation measures is beyond the scope of this EIR.
- A38-9: The stakeholders that developed alternatives 4 and 5 selected the titles for the alternatives. MTC developed the title for Alternative 3. MTC and ABAG respectfully disagree that the titles of the alternatives resulted in any bias.

Letter A39 Contra Costa Transportation Authority (1/0/1900)

- A39-1: Your support for the proposed Plan is acknowledged.
- A39-2: The Draft EIR acknowledges that while some of the differences among alternatives are small, overall the alternatives represent different land use patterns and approaches to accommodating new growth that allow for a meaningful comparison. The Draft EIR also notes that there are trade-offs among the alternatives and that the proposed Plan offers some environmental advantages over other alternatives. Decision-makers will weigh the relative advantages and disadvantages of the alternatives in taking action on the project.

- A39-3: Commenter's observations about Alternative 3 and the potential consequences are acknowledged. This comment does not raise significant environmental issues that require a response, but rather speaks to the tradeoffs among alternatives, which will be considered by decision-makers as part of the EIR certification process and action on the proposed Plan.
- A39-4: Commenter's concerns regarding Alternative 4 are noted. See Master Response B.1 for additional information on population projections. See response A30-9 regarding Alternative 4.
- A39-5: Commenter's concerns regarding Alternative 5 are noted. See Master Response A.1 for additional information on local control over land use. This EIR acknowledges in a number of places (see p.3.1-48 of the Draft EIR, for example) that "local jurisdictions would retain ultimate land use authority." The disqualification cited would be in relation to discretionary funding.
- A39-6: This comment incorrectly states that OBAG funding cannot be spent in PDAs in rural and ex-urban areas under Alternative 5. The OBAG program would be modified under Alternative 5 to change eligibility criteria, rendering some PDAs ineligible if the local agency "upzones" the area. No change in pre-existing CMA obligations is implied or expected should this alternative be selected for implementation.
- A39-7: The VMT tax is a component of Alternative 5, which was examined through the alternatives screening process described on page 3.1-2 of the Draft EIR. The Draft EIR, on p.3.1-148, acknowledges that there are potential issues with the feasibility of Alternative 5 regarding the implementation of the VMT tax. However, it does provide a valuable comparison to the proposed Plan. See response A30-10 for additional information on Alternative 5.

Letter A40 City of Brentwood (5/16/2013)

- A40-1: See responses to CCTA's comments, Letter A39.

Letter A41 Solano Transportation Authority (5/16/2013)

- A41-1: Your support of prioritizing SB 375-mandated goals is acknowledged.
- A41-2: See Master Response B.1 for additional information on population projections.
- A41-3: See Master Response B.1 for additional information on population projections, including commentary on job growth. MTC and ABAG will revisit these projections prior to adopting the next Bay Area RTP/SCS in 2017 and local consultation will be part of the process as it has been in the past.
- A41-4: The alternatives screening process, explained on pg. 3.1-2 of the Draft EIR, was intended to identify a reasonable range of alternatives for full evaluation in the EIR. See response A30-9.
- A41-5: See responses A39-5 regarding local control, A39-6 regarding OBAG under Alternative 5, and A39-7 and A30-10 regarding the reasonableness of a VMT tax.

A41-6: Your support for the proposed Plan is acknowledged.

Letter A42 Town of Fairfax (5/16/2013)

A42-1: See Master Responses D.1, and D.2 regarding the Draft EIR's GHG analysis. See Master Response B.2 regarding the collaborative development process and feasibility of PDAs.

A42-2: See Master Responses A.1 and A.3 regarding local authority and the level of specificity in a long-term regional plan level EIR. See response B25-8 regarding health issues associated with air quality impacts and see Master Response E regarding sea level rise. The EIR evaluates each of the issue areas raised in the comment to the extent required by CEQA.

A42-3: See Master Response G for information regarding water supply. In addition, as discussed under Impact 2.12-1 of the Draft EIR, the Urban Water Management Plans (UWMPs) for the major water suppliers of the region indicate adequate water supplies for the amount of the region's projected growth, at a regional level. This amount of population growth and development projected for the region is expected to occur regardless of the proposed Plan.

A42-4: See response A42-1. In addition, this issue is analyzed under Impact 2.12-4, which found that mitigation measures 2.12(a) through (h), adopted and implemented by an individual project as feasible, would reduce the impact to less than significant, but found the impact significant and unavoidable since MTC and ABAG cannot require local implementing agencies to adopt the mitigation measures, and it is ultimately the responsibility of local agencies to determine and adopt mitigation. This amount of population growth and development projected for the region is expected to occur regardless of the proposed Plan and would be the actual cause of any impacts from expansions of water supply - these impacts will occur with or without Plan Bay Area, as shown in Chapter 3.1 of the Draft EIR.

A42-5: Please see Master Response A.1 for information on local control over land use and Master Response A.2 for information on CEQA streamlining benefits.

Letter A43 City of Cloverdale (5/9/2013)

A43-1: The comment accurately notes that the figure for the City of Cloverdale (City) reported in the Draft Plan is rounded. Calculating the housing growth based on the rounded 2010 and 2040 figures across all jurisdictions will result in inaccuracies in reporting regional totals. MTC and ABAG staff will update the employment and housing tables in the Plan noting that the growth figures may appear inaccurate due to rounding. The rounding does not affect the conclusions in the EIR.

This comment also addresses the concentration of projected housing units in the City's Priority Development Area (PDA). The 70% figure for future housing growth within PDAs refers to the regional total. The figure for each jurisdiction varies based upon locally specific considerations. Some jurisdictions did not nominate PDAs, and there for are not projected to accommodate growth in PDAs, while others are projected to accommodate less than half of all growth in designated PDAs and others are projected to accommodate nearly all growth in PDAs. The distribution of housing units in the Draft Plan takes into account a variety of

factors—including input from jurisdictions, level of transit service, vehicle miles traveled by household, in-commuting by low-wage workers, housing values, and projected concentrations of job growth. In some cases, the distribution assumes changes in local conditions over the next three decades, and is not constrained by existing zoning. This approach was a key element of creating a distribution of jobs and housing growth that achieved the region’s Greenhouse Gas Emissions reduction target.

Letter A44 City of San Mateo (5/15/2013)

- A44-1: MTC and ABAG acknowledge that in some cases, existing conditions can limit development potential. The distribution of housing units in the Draft Plan takes into account a variety of factors—including input from jurisdictions, level of transit service, vehicle miles traveled by household, in-commuting by low-wage workers, housing values, and projected concentrations of job growth. In some cases, the distribution assumes changes in local conditions over the next three decades, and is not constrained by existing zoning. This approach was a key element of creating a distribution of jobs and housing growth that achieved the region’s greenhouse gas emissions reduction target.
- A44-2: The Draft EIR proposes numerous mitigation measures that may reduce project-specific impacts regarding water supply, wastewater capacity, and other areas of utility provision. However, because MTC and ABAG cannot require local implementing agencies to adopt the mitigation measures recommended in the Draft EIR, and because local conditions may preclude adoption of these mitigation measures for at least some future land use development projects, the Draft EIR concludes that these impacts may be significant and unavoidable. Please see Master Response G for more information regarding analysis of water supply. See also Master Response A.1 regarding local control over land use planning.
- A44-3: The Plan outlines a legislative advocacy platform; however, neither the Plan nor the Draft EIR rely on legislative advocacy to achieve the Plan’s targets or to reduce environmental impacts.

Letter A45 County of Napa (5/7/2013)

- A45-1: Your support for the proposed Plan is acknowledged.
- A45-2: This comment about methodology concerns the substance of Plan Bay Area itself, not the Draft EIR, which provides environmental review of the Plan. However, please refer to Chapter 2.3 of the Draft EIR regarding impacts of agricultural land conversion and Chapter 2.12 regarding public utilities impacts, including water and sewer service, as well as Master Response G regarding water supply analysis requirements for the EIR.
- A45-3: The comment is correct to specify that while Plan Bay Area achieves a performance objective with regards to agricultural preservation, the Draft EIR identifies a significant and unavoidable impact. This is the case for several reasons. First, MTC and ABAG have no local land use authority and cannot require local governments to control growth in such a manner that would limit conversion of agricultural land to urban uses. See Master Response A.1 for more information on local control over land use. Second, significance thresholds

state that conversion of any Important Farmland to urban uses constitutes a significant impact. The proposed Plan concentrates new household and job growth in PDAs, which are largely within the urbanized footprint and typically support infill development. However, a relatively small portion of PDA acreage (approximately 7,600 acres) overlaps with agricultural lands, about 80 percent of which is grazing land. The rest is divided between Farmland of Local importance, Farmland of Statewide Importance, Prime Farmland, and Unique Farmland. In addition, Transportation projects in the proposed Plan have the potential to impact 1,529 acres of farmland, assuming the worst-case disturbance. Mitigation measures that would help reduce the impacts on agricultural land are identified in Section 2.3 of the Draft EIR, but MTC and ABAG cannot require local implementing agencies to adopt these mitigation measures, and it is ultimately the responsibility of local agencies to determine and adopt mitigation.

A45-4: This comment requests that the relationship between the Plan's performance standard of reducing premature deaths from exposure to fine particulates be explained in light of the EIR's conclusions regarding exposure to air pollutants. The *Plan Bay Area Draft Performance Assessment Report*, published by MTC in March 2013, found that in comparison to the project objective of a 10 percent decrease in such deaths, the proposed Plan would accomplish a 71 percent decrease, far exceeding the target. This performance standard is not an adopted criterion of significance for this EIR, which is why the Draft EIR and the Plan include different analyses.

For many metrics, including air quality, the numeric or percentage results may differ between the Plan Bay Area performance targets and the EIR analysis results. This is primarily due to (1) different base years for analysis and (2) different methodologies.

Different base years are the primary reason for different percent reductions between the target results and the EIR analysis. Per MTC Resolution 3978, the performance targets have a 2005 base year unless specifically specified for the individual target. This is partially due to the SB 375 GHG target base year, but it is also due to the performance targets being developed in 2010-2011 at the beginning of the planning process. At that time, 2010 model runs were not available and therefore all scenarios were assessed using a 2005 base year. In order to ensure consistency with past target results, the target analyses completed on the proposed Plan and the alternatives from the EIR also used the 2005 base year consistent with Res. 3978. In contrast, the EIR generally used a 2010 base year; it should be noted that economic conditions were significantly different between these two base years, accounting for the majority of the differences in the results.

Different methodologies were also used for the targets analysis and for the EIR analysis. Because the performance targets were used for assessments as early as spring 2011, methodologies were developed several years ago by stakeholders and were used in a relatively consistent manner throughout the process. EIR analysis methodologies were developed in late 2012 and often sought to capture slight variations on the same measures. For example, the coarse particulate matter performance target in the Plan does not include road dust, as based on consultation with the Bay Area Air Quality Management District, updated emissions factors were anticipated to be released by CARB and EPA during the timeframe of the analysis that would reduce anticipated emissions estimates, but the

reduction levels were unknown at the time. In addition, that segment of coarse PM was considered potentially less harmful to public health (which was the goal area for that particular target). Road dust was included in the EIR's analysis of particulate matter based on input from the Air District, as the revised emissions factors were released and readily available (EMFAC2011). These minor methodology differences serve different purposes and lead to different results.

The Draft EIR found that the proposed Plan could cause compared to existing conditions a net increase in emissions of PM₁₀ from on-road mobile sources (Impact 2.2-3(b)) as well as localized net increases in sensitive receptors located in Transit Priority Project corridors where TACs or fine particulate matter (PM_{2.5}) concentrations result in a cancer risk greater than 100/million or a concentration of PM_{2.5} greater than 0.8 µg/m³ (Impact 2.2-5(a)) or within set distances to mobile or stationary sources of TAC or PM_{2.5} emissions (Impact 2.2-5(b)). While the first of these impacts, the increase in PM₁₀ emissions, was found to be significant and unavoidable regardless of mitigation, the sensitive receptor impacts are expected to be less than significant in most instances as long as Mitigation Measure 2.2(d) is implemented by local jurisdictions. Furthermore, the Draft EIR found that the proposed Plan would have no adverse impact regarding a cumulative net increase in emissions of diesel PM, 1,3-butadiene, and benzene (toxic air contaminants) from on-road mobile sources (Impact 2.2-4), noncompliance with an adopted Community Risk Reduction Plan (Impact 2.2-5(c)).

A45-4.5 The level of detail and analysis in the "Climate Protection Strategies" is appropriate for a long-term regional plan.

A45-5: See Master Response A.2 for more information on CEQA streamlining benefits.

Letter A46 Napa County Transportation and Planning Agency/Napa Valley Transportation Authority (5/8/2013)

A46-1: The level of detail and analysis in the "Climate Protection Strategies" is appropriate for a long-term regional plan.

A46-1.5: Your support of the regional population, housing and jobs growth numbers and distribution is acknowledged. MTC and ABAG will revisit these projections prior to adopting the next Bay Area RTP/SCS in 2017 and local consultation will be part of the process as it has been in the past. Your interest in participating in this process is appreciated. See Master Response B.1 for additional information regarding population projections.

A46-2: Your concern about the growth projections in alternative 4 is acknowledged. The alternatives screening process, explained on pg. 3.1-2 of the Draft EIR, identifies a reasonable range of alternatives for full evaluation in the EIR. As noted above, MTC and ABAG will revisit these projections prior to adopting the next Bay Area RTP/SCS in 2017. See also response A30-9.

A46-3: See responses A39-5 and Master Response A.1 regarding local control, A39-6 regarding OBAG under Alternative 5, and A39-7 regarding the reasonableness of a VMT tax. See also response A30-10.

Letter A47 City of Brisbane (5/13/2012)

A47-1: See Master Response B.1 regarding job growth and population projections. See Master Response F regarding regional displacement impacts.

A47-2: The air pollution emission sources identified in the local pollutant analysis include Highway 101, Caltrain, diesel backup generators, gas stations, landfill methane collection system and flares, and a recycling center with rock crushers, sand screens, painting booth, solvent stations and cleaning pads. Please go to the Bay Area Air Quality Management District's webpage for more specific information on the exact sources with the City of Brisbane.

Letter A48 City of Burlingame (5/7/2013)

A48-1: MTC and ABAG appreciate the comment's acknowledgement of the problem of potential occurrence of displacement of lower-income units by new development. For more information on the assessment of displacement associated with the Plan, please refer to Master Response F.

A48-2: In response to this comment, the number of housing units allocated to the portion of the El Camino Real Priority Development Area in the City of Burlingame (City) was reduced by 844. These units were re-distributed to other cities and towns within the region where they are more appropriately located. These insignificant revisions do not alter the conclusions of the Draft EIR and do not constitute "substantial" new information as defined under Section 15088.5 of the CEQA Guidelines because these minor revisions do not deprive the public of a meaningful opportunity to comment upon a substantial adverse environmental effect or a feasible mitigation or avoidance measure.

A48-3: The comment relates to CEQA streamlining opportunities and notes that Burlingame has already completed a significant amount of environmental review of infill development as part of various specific plans and other efforts. See Master Response A.2 for more information regarding CEQA streamlining.

A48-4: MTC and ABAG appreciate the detail that the comment provides with regards to the level of environmental review required by the City of Burlingame for infill projects and/or those located in specific plan areas. For more information regarding local land use control and CEQA streamlining, please see Master Responses A.1, A.2, and A.3. It will be the responsibility of project-level environmental review to assess the capacity of utility and service providers to serve new growth. See Master response G regarding the EIR's water supply analysis and Master Response A.3 regarding the level of specificity in the EIR.

A48-5: Master Response B.1, regarding population projections, contains detailed information on job and population migration information for the Bay Area and how these factors were considered in the development of growth projections.

- A48-5.5 See the Performance Assessment Report, included in Appendix 1 of Plan Bay Area, for a detailed description of the Plans targets and methodology analysis.
- A48-6: See Master Response A.2 for more information regarding CEQA streamlining.
- A48-7: Impacts on schools as a result of growth are discussed in Chapter 2.14, Public Services and Recreation. Although the California public school system is under the policy direction of the Legislature, the California Department of Education relies on local control for the management of school districts. School district governing boards and district administrators allocate resources among the schools of the district. Regional growth, which is anticipated to occur regardless of the implementation of the proposed Plan, will require the expansion of public school facilities throughout the region. Because standards for both public schools are determined at the local level, and because impacts on existing facilities would vary substantially throughout the region, it is infeasible for this EIR at the regional scale to determine the exact scale and location of impacts on school districts region-wide. At the local level, school impact fees will be used by local school districts to build new or expand existing schools to accommodate new enrollment.
- A48-8: While the proposed Plan presents a scenario and policies for distributing and accommodating future growth region-wide in accordance with the requirements of SB 375, all development is still subject to approval of the local jurisdiction in which it is proposed. All local development impact fees and other locally established means for paying for facility and service expansion will not be affected by the Plan.
- A48-9: Please see Master Response D.2 for more information regarding the connection between high density housing near transit and reduced greenhouse gas emissions. Impacts on the Bay that may result from climate change, and mitigation measures that may lessen these impacts, are discussed in Chapter 2.5, Climate Change. Identifying funding sources for improvements to the Bay that could help mitigate the effects of climate change/sea level rise is outside of this scope of the EIR. See Master Response E for more information on the impacts of Sea Level Rise.

Letter A49 City of Walnut Creek (5/14/2013)

- A49-1: As the comment notes, the total growth projected for the City over the course of the Plan can be accommodated under its existing general plan. The comment indicates that a significant proportion of this growth is expected to take place in the City's downtown core, which is adjacent to the West Downtown PDA and the Walnut Creek BART station. Given the small size of the City's PDA in relation to the surrounding downtown core, MTC and ABAG acknowledge that a portion of the housing growth allocated to the PDA could be accommodated in the transit-accessible areas adjacent to the PDA. In response to this comment, 430 housing units were shifted from the West Downtown Priority Development Area in the City of Walnut Creek (City) to the remainder of the City. This minor revision does not change the impact conclusions in the EIR.
- A49-2: The comment incorrectly states that the 2010 employment figures for jurisdictions within the Draft Plan are based on the 2010 Longitudinal Employment and Household Dynamics

(LEHD) dataset from the U.S. Census Bureau. The Draft Plan does not utilize the 2010 LEHD dataset to develop the 2010 employment figures for each jurisdiction. As noted in the *Draft Forecast of Jobs, Population and Housing* (http://onebayarea.org/pdf/Draft_Plan_Bay_Area/Draft_PBA_Forecast_of_Jobs_Population_and_Housing.pdf), at the regional level, current employment was based on total jobs by sector as detailed in *Bay Area Job Growth to 2040: Projections and Analysis*, prepared by Stephen Levy at the Center for Continuing Study of the California Economy (CCSCE). This is derived from California Employment Development Department (EDD) wage and salary job estimates plus estimates for self-employed workers developed from the 1990 and 2000 Census and American Community Survey annual estimates. The distribution of jobs to the counties is then based upon 2010 sector totals by county from the Caltrans forecast. Finally, the National Establishment Time-Series (NETS) data is used to determine shares of 2010 employment by sector for each city and PDA. These shares are then applied to the 2010 county totals by sector to arrive at jobs by PDA and jurisdiction for each sector within each county. ABAG and MTC acknowledge that there may be some discrepancies between the LEHD dataset and the 2010 employment dataset used in the Plan, derived as noted above. ABAG did not modify its 2010 data for Walnut Creek using the LEHD dataset as this would create inconsistencies in the employment figures region-wide.

Letter A50 Governor's Office of Planning and Research (6/12/2013)

- A50-1: MTC and ABAG agree with the commenter that the proposed Plan is grounded in empirical data and that implementation of the proposed Plan would provide for substantial habitat preservation, emissions reductions, and improvements in public health. MTC and ABAG also appreciate the support the proposed Plan's ability to achieve a 16 percent reduction in greenhouse gas emissions by 2035 and 18 percent reduction by 2040.
- A50-2: MTC and ABAG appreciate the commenter's support for the quantitative measures of projected outcomes, or "performance metrics", utilized in preparing the proposed Plan. MTC and ABAG agree with the commenter that the proposed Plan provides data and discussion that covers a wide range of stakeholders interests, enabling broad informed decision-making.
- A50-3: Commenter commends MTC and ABAG for (1) including project performance reassessment as a part of the proposed Plan and (2) developing a process to prioritize projects for inclusion in the proposed Plan. Commenter concludes that by doing so, the proposed Plan sets an example for other metropolitan planning organizations regarding how to reassess project priorities. MTC and ABAG thank the commenter for these comments. MTC and ABAG agree with the commenter regarding the importance of reassessing and prioritizing transportation projects.
- A50-4: Commenter commends the proposed Plan's approach to housing distribution and the manner in which the One Bay Area Grant (OBAG) Program is utilized to allow local jurisdictions the flexibility of local control while advancing the proposed Plan's objectives. MTC and ABAG thank the commenter for these comments. Incentivizing implementation of the proposed Plan without interfering with local land use authority is one of the purposes behind the OBAG program.

A50-5: Commenter states that roadway tolling can provide a combination of system performance enhancement, revenue enhancement, human health benefits and environmental benefits by reducing VMT. Commenter concludes that MTC and ABAG's consideration of the effects of well-administered tolling lane and cordon-pricing programs, including reducing congestion, and possible co-benefits to human health and the environment (e.g. reducing GHG emissions, improving air quality, and reducing collisions), provides decision-makers with important information and the public with better outcomes. MTC and ABAG agree with the commenter and thank the commenter for these comments.

A50-6: MTC and ABAG will take commenters roadway maintenance comments into consideration during the process of finalizing and adopting Plan Bay Area.

The letter refers to a system of HOT lanes, which presumably is the Regional Express Lane Network. This Network represents only a modest increase in the region's freeway capacity. Table 3.1-7 of the Draft EIR shows only a 4 percent difference in freeway lane-miles between the No Project Alternative, which includes only committed express lanes, and the proposed Project, which includes the full Network. This is because approximately half of the Network is composed of existing HOV lanes that will be converted to express lanes. Only the remaining half of the Network would be developed by building new express lanes. Furthermore, express lane mileage is managed capacity, which gives priority to transit and buses and is subject to Federal requirements to maintain speeds of 45 miles per hour or better 90 percent of the time express lanes are in operation. This effectively limits the number of vehicles to approximately 1,600 vehicles per hour per lane, which is less than the typical capacity of an unmanaged lane (2,200 vehicles per hour per lane).

A50-7: The commenter commends MTC for including targets for increasing biking and walking mode share, although notes that the proposed Plan does not achieve the targets MTC set for the region. The commenter recommends MTC consider transportation investments in active mode facilities which take advantage of opportunities to achieve greater mode shift. MTC and ABAG will take these comments into consideration during the process of finalizing and adopting Plan Bay Area.

A50-8: Commenter notes that the proposed Plan achieves a per-capita reduction in roadway injuries and fatalities. To further reduce potential pedestrian and bicyclist road traffic injuries, the commenter recommends increases investments in active mode transportation and transit. MTC and ABAG will take these suggestions regarding active transport into consideration during the process of finalizing and adopting Plan Bay Area.

A50-9: Table 1.1-1 of the Draft EIR lays out the CEQA streamlining options under SB 375 and also please see Master Response A.2 regarding CEQA streamlining. As part of the implementation of the Plan, MTC and ABAG will be developing materials to assist local jurisdictions utilizing streamlining consistent with the Plan.

A50-10: MTC and ABAG agree with this comment and will work to do so during the administration of Plan Bay Area, and if the proposed Plan is adopted, MTC and ABAG will execute a Mitigation Monitoring Program that will accompany the certification of this EIR. In addition, MTC and ABAG will develop an overall "state of the region" report to monitor

implementation of the Plan in the years between Plan cycles. In addition, the Plan itself will be updated every four years.

- A50-11: MTC and ABAG agree with the comment that an RTP/SCS is an appropriate forum for discussing and addressing sea level rise issues. Chapter 2.5 of the Draft EIR does so, and Mitigation Measures 2.5(a), (b), (c), and (d) have MTC and ABAG working on regional coordination of sea level rise impact assessments and adaptation strategies that can be applied at the project-specific level. The Draft Plan highlights sea level rise adaptation as a key work item coming out of the Plan. See also Master Response E regarding sea level rise.

Letter A51 Delta Stewardship Council (5/15/2013)

- A51-1: The commenter is correct that all the Contra Costa County PDAs are located within the Contra Costa County Urban Limit Line. Therefore, the Contra Costa County PDAs are consistent with Bay Delta Plan Policy DP P1 (23 CCR Section 5010) which allows for new residential, commercial, and industrial development within Contra Costa County's 2006 voter-approved urban limit line, with the exception of new residential, commercial, and industrial development on Bethel Island unless it is consistent with the Contra Costa County general plan effective as of the date of the Delta Plan's adoption.

- A51-2: ABAG and MTC confirm that the boundaries of the Priority Development Areas in Benicia and Suisun City are outside of the Suisun Marsh.

- A51-3: The proposed Plan has been revised to clarify that "any activity proposed in the primary or secondary zones of the Delta as defined in the Final Delta Plan adopted by the Delta Stewardship Council (DSC) on May 16, 2013 should be reviewed by the implementing agency in consultation with DSC to confirm consistency with the Delta Plan." Therefore, for a project in the secondary zone of the Delta to be consistent with the proposed Plan, Delta Plan consistency must be considered by the implementing agency in consultation with DSC. If the implementing agency determines after consultation with DSC that a specific project proposed in the secondary zone of the Delta is not consistent with the Delta Plan including Delta Plan policies, such as DP P1, then the project would not be exempt from the definition of a "covered project" pursuant to Water Code section 85057.5(b)(4) based on consistency with the sustainable communities strategy. Additionally, per the analysis of conflict of land use plans under Impact 2.3-3 of the Draft EIR and the analysis of conflicts with adopted local conservation policies under Impact 2.9-4, development under the proposed Plan must comply with existing land use plans with legal authority, including adopted conservation plans.

However, in order to provide additional assurance that projects will be consistent with the Delta Plan, Section 2 of this Final EIR updates Mitigation Measure 2.9(h) to include the Delta Plan as a specific program to be reviewed by implementing agencies and/or project sponsors.

- A51-4: The Draft EIR has been updated to include the listed mitigation measures to be considered by implementing agencies and/or project sponsors; items in the comment that substantially duplicated existing measures are not included. See Section 2 of this Final EIR for this change

to Mitigation Measure 2.3(g). These changes do not affect the conclusions of the EIR. Please also see response A51-3 regarding Delta Plan consistency generally.

A51-5: This comment will be considered by MTC and ABAG prior to taking action on Plan Bay Area. Additionally, the proposed Plan would not supersede the land use authority of local jurisdictions. Therefore, it will be up to the local agencies with land use authority to “set aside land for future habitat restoration needs.” See Master Response A.1 regarding local control over land use.

A51-6: In 2008, MTC and ABAG created a regional initiative called FOCUS to support efforts by local jurisdictions and regional agencies to encourage the growth of jobs and production of housing in areas with amenities and existing infrastructure. Through FOCUS, local governments identified Priority Development Areas (PDAs) and Priority Conservation Areas (PCAs). The purpose of identifying PCAs as part of FOCUS is to highlight near-term opportunities for land conservation in the Bay Area that have consensus from local agencies for protection. These areas provide important agricultural, natural resource, historical, scenic, cultural, recreational, and/or ecological values and ecosystem functions.

The purpose of designating priority conservation areas is to accelerate protection of key natural lands in the San Francisco Bay Area through purchase or conservation easements. Conservation is promoted through regional designation by:

- Coordinating conservation efforts within a regional framework of near-term priorities
- Providing a strong platform on which to leverage public and private resources
- Building upon prior and existing land protection efforts and investments
- Providing opportunities for forging new partnerships

In the fall of 2007, local governments, public agencies, and nonprofit organizations nominated over 100 areas for consideration as Priority Conservation Areas. Nominations were reviewed by staff, and a review panel of land conservation experts, regional committee and local government representatives. Recommendations were based on three nomination criteria: level of consensus, regional significance, and urgency for protection. The ABAG Executive Board adopted a set of Priority Conservation Areas on July 17, 2008.

The commenter is correct that Figure 1.2-2 did not depict the PCAs. A new map has been added to the Draft EIR, Figure 1.2-2B, showing PCA locations. See Section 2 of this Final EIR for this figure.

A51-7: The Commenter is correct that three transportation projects included in the proposed Plan have the potential to adversely affect habitat in the Suisun Marsh PHRA. The EIR concludes that through implementation of mitigation measures identified in the EIR, these potentially significant impacts normally could be reduced to a less than significant level. (Draft EIR, pp. 2.9-56 to 2.9-80.) However, the EIR concludes, there may be instances in which site-specific or project-specific conditions preclude the reduction of such impacts to less than significant levels. Additionally, MTC and ABAG cannot require local implementing agencies to adopt the above mitigation measures, and it is ultimately the responsibility of a lead agency to

determine and adopt mitigation. Therefore it cannot be ensured that this mitigation measure would be implemented in all cases. Please also see response A51-3 regarding Delta Plan consistency generally.

- A51-8: Staff reviewed the transportation project list and the Figure 4-8 of the Draft Delta Plan referenced in the comment letter regarding the Western Delta/Eastern Contra Costa PHRA. It does not appear that there are any projects that were mapped for the Plan in the PHRA. However, not all projects are mapped. Many counties submit programmatic categories that cover small projects such as local streets and roads maintenance, or arterials programs. In Contra Costa County, there is a programmatic project, RTP # 22607, Widen and Extend Major Streets and Improve Interchanges in east Contra Costa County. The location of projects funded through programmatic categories is not known at this time.
- A51-9: Section 2 of this Final EIR adds the two measures proposed to the list of measures to be considered in Mitigation Measure 2.9(e) which regards interference with the movement of native resident or migratory fish or wildlife species or with an established native resident or migratory wildlife corridor. Please also see response A51-3 regarding Delta Plan consistency generally.
- A51-10: Per the analysis of conflict of land use plans under Impact 2.3-3 of the Draft EIR and the analysis of conflicts with adopted local conservation policies under Impact 2.9-4, future projects are required to be developed in a manner that is consistent with the Bay Delta Conservation Plan (BDCP) to the maximum extent feasible. Local land use authorities (cities and counties) are ultimately responsible for the review and approval of land use development projects and transportation projects, which must undergo project-level environmental review; it is during these processes that any conflicts with the BDCP would be identified and resolved. See also Master Response A.1 regarding local control over land use.
- A51-10.5: Potential flooding risks are analyzed in Chapters 2.5 (Climate Change) and 2.8 (Water Resources) of the Draft EIR and mitigation measures 2.5(a) through (d) and 2.8-7 are required to address these impacts. Policies included in the Delta Plan to address flood risk will also be considered by implementing agencies in evaluating whether specific projects are consistent with the Delta Plan. Please also see response A51-3 regarding Delta Plan consistency generally.
- A51-11: Section 2 of this Final EIR adds the Delta Plan to the list of programs included in Mitigation Measure 2.8(b) to address flood hazards.. Please also see response A51-3 regarding Delta Plan consistency generally.
- A51-12: Commenter's policy recommendations regarding coordination of transportation investments with other agencies, water supply reliability, and protection of the Delta are noted. The decision-makers will consider these comments before adopting the proposed Plan or one of the other alternatives included in the EIR. Please also see response A51-3 regarding Delta Plan consistency generally.

Letter A52 City of Livermore (5/13/2013)

- A52-1: The commenter indicates that the number and location of housing units and jobs allocated in the Draft Plan is inconsistent with the City of Livermore's current General Plan. The distribution of employment and housing growth across the region in the Draft Plan takes into account a variety of factors—including input from jurisdictions, level of transit service (both existing and future), existing employment base, existing general plans and zoning, vehicle miles traveled by household, in-commuting by low-wage workers, housing values, and concentration of knowledge-based economic activity. As such, in some cases the employment and housing distributions assume that local conditions will change over the next three decades (e.g. market feasibility, changes in land use, transportation changes, etc.), and are not constrained by existing plans or past trends.
- A52-2: ABAG and MTC acknowledge the commenter's concern about the regional forecast. See Master Response B.1 regarding population and job growth projections.
- A52-3: In response to this comment, ABAG staff reviewed the allocation of jobs to the City of Livermore in the Draft Plan. Upon review, the number of jobs forecast for Livermore in 2040 was increased from 51,620 to 53,210. Staff found that the employment distribution methodology is slightly under-allocating certain sectors of employment growth in Livermore given that the methodology bases growth largely on cities' existing jobs base and does not account well for current and anticipated employment growth rates. Livermore is currently a small job center, but has growing jobs in the knowledge-based sector. Livermore was assigned proportionately fewer jobs than cities with larger current job bases but less capacity and slower expected rates of growth, such as Hayward and Unincorporated Alameda County. This minor revision does not change any of the conclusions in the EIR.
- A52-4: See response A52-3 above.
- A52-5: See responses A52-1 and A52-2 above. In addition, the comment questions the level of job growth forecast for areas outside of the City's identified PDAs. The City retains jurisdiction over all local land use decisions. See Master Response A.1 regarding local control.
- A52-6: As noted in response A52-5, the City retains jurisdiction over all local land use decisions. See Master Response A.1 regarding local control.
- A52-7: The comment raises concerns about the OneBayArea Grant (OBAG) program tying a portion of funds to housing production, and if that places smaller and moderately sized communities at a substantial disadvantage. The OBAG program is 4.9 percent of the total funds included in the Draft Plan. In Alameda County, 70 percent of the County's OBAG funds are to be spent in or proximate to PDAs. The OBAG policies are designed to reward those jurisdictions that are accommodating growth in a focused manner. OBAG is the only funding program in the proposed Plan directly linked to investments in PDAs.
- A52-8: MTC and ABAG acknowledge the commenter's concern regarding the future capacity of local services. See Chapters 2.12 and 2.14 of the Draft EIR regarding a regional-level assessment of public utilities and services, respectively. See Master Response G for additional information regarding Water Supply. As specified on page 2.0-1 of the Draft EIR,

the analysis focuses on regionally significant impacts. See Master Responses A.1 regarding local control over land use planning and A.3 regarding the level of specificity in the EIR.

Letter A53 City of Livermore (6/11/2013)

- A53-1: MTC and ABAG acknowledge that Plan Bay Area focuses a substantial amount of the regional job and housing growth into the urban core of the Bay Area. Refer to the response A53-4 regarding the drawbacks associated with “taking advantage of excess non-peak capacity” by encouraging reverse commuting. By emphasizing both housing and job growth in core urban areas, the Proposed Plan works to reduce long-distance commuting that is often responsible for traffic congestion in outlying areas.
- A53-2: As noted in the response A53-1, the Proposed Plan focuses growth in the urban core in order to reduce impacts (related to both transportation and land use) for other Bay Area communities. By emphasizing growth in Priority Development Areas, rather than in outlying greenfield locations, the Proposed Plan will help to preserve the unique characteristics of these communities by minimizing any adverse impacts of regional growth.
- A53-3: MTC and ABAG acknowledge the unique characteristics of the City of Livermore, given its geographical location in the Bay Area. Contrary to this comment’s suggestion that the Proposed Plan does not offer strategies to address in-commuting traffic impacts and longer travel times from suburban edge cities, the Proposed Plan is specifically designed to address these very issues.

First, pursuant to SB 375, an SCS must identify “areas within the region sufficient to house all the population of the region, including all economic segments of the population” (Gov. Code § 65080(b)(2)(B)(ii).) The proposed Plan does so by producing a land use pattern that will accommodate HCD’s Regional Housing Needs Determination (RHND) and through ABAG’s and MTC’s efforts to support additional affordable housing production. This includes Chapter 6 of the Plan, which identifies strategies for facilitating greater affordable housing preservation and production in the region. Many of these efforts require policy changes at the state or federal level that are beyond the control of the regional agencies, who will act as advocates for these changes. The regional agencies are providing more direct support for affordable housing through the Transit Oriented Affordable Housing (TOAH) fund, which supports affordable projects in Priority Development Areas and the identification of Affordable Housing as an allowable use for future Cap and Trade funds.. See Master Response F for more information regarding displacement. The proposed Plan meets the requirement to house the population and therefore eliminates growth in the share of interregional commuting. By emphasizing sufficient housing growth within the region, future impacts on edge communities will be minimized as regional transportation gateways (such as the Altamont Pass) will experience only limited growth in traffic volumes.

Second, the Plan’s emphasis on focused growth – connecting housing and employment opportunities – helps to reduce commute distances across the region and decrease vehicle miles traveled per capita. As shown on page 2.1-31, the Proposed Plan successfully reduces commute travel times for auto modes from year 2010 levels, while at the same time preventing significant growth in commute travel times for public transit – both of these

results are partially attributable to the Proposed Plan's emphasis on housing growth in the urban core, given its greater proximity to major regional employment centers.

A53-4: Refer to page 1.2-37 of the Draft EIR for further discussion of the job growth distribution across the region. Refer to page 1.2-57 of the Draft EIR for a map of transportation projects in Alameda County; as that map demonstrates, transportation projects funded in Plan Bay Area emphasize improvements across the entire region, with a focus towards investments that support growth in Priority Development Areas.

The comment's suggestion that additional reverse commuting should be encouraged (to take advantage of excess transportation capacity) is not an effective strategy to address the primary goal of the Proposed Plan: to reduce per-capita greenhouse gas emissions. From a transportation perspective, greenhouse gas emissions reductions can be achieved using three primary types of strategies – improving vehicle technologies (e.g. by incentivizing electric vehicles), reducing driving distances (e.g. by bringing housing and jobs closer together) and/or reducing auto trips (e.g. by encouraging utilization of non-auto modes).

- Reverse commuting has no effect on the first strategy of improving vehicle technologies, as it emphasizes changes in travel patterns rather than technological improvements.
- In general, reverse commuting does not reduce driving distances as it relies on urban residents to travel to suburban worksites, albeit in the off-peak direction in less congested conditions.
- Unfortunately, reverse commuting actually increases the modal share of auto trips compared to a traditional commute pattern, as suburban locations are generally less attractive places to access by transit. With lower parking costs, fewer transit options, and less traffic congestion, reverse commuters have fewer incentives to use transit when compared to traditional commuters heading to urban worksites (which generally feature higher parking costs, robust transit services, and significant traffic congestion).

Given that reverse commuting's primary impact is reducing non-auto commute mode share, this strategy leads to greater auto VMT per capita and greater GHG emissions per capita. Therefore, in order to achieve GHG emission reductions mandated under SB 375, the Proposed Plan does not emphasize this strategy; instead, it focuses the bulk of regional job growth in the transit-served urban core, in addition to suburban centers where individuals would be able to live and work in the same city. These strategies are more effective to achieve the stated goals of Plan Bay Area.

A53-5: The commenter also reiterates a concern regarding the level of knowledge sector job growth in the City expressed in Letter A52. Please see response A52- 3.

A53-6: The commenter indicates that the City has adopted policies and made planning decisions supportive of the objectives of Draft Plan and requests that the Plan acknowledge these local policies and planning decisions. ABAG and MTC acknowledge this comment.

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3.4 Organization Comments

From: Myesha Williams <mwilliams@rosefdn.org>
To: <eircomments@mtc.ca.gov>
Date: 4/17/2013 11:43 AM
Subject: Comments on Plan Bay Area EIR

My name is Myesha Williams of the New Voices Are Rising project-a project of the Rose Foundation for Communities and the Environment. In New Voices Are Rising, we work with high school students to develop skills and gain experience advocating for themselves and their communities' interests-essentially mentoring the next generation of environmental leaders. So thank you for the opportunity to comment on the Environmental Impact Report. It is clear that a lot of work has gone into preparing this and we really appreciate that. Even though the draft EIR identifies the EEJ alternative 5 as environmentally superior, we believe that the draft EIR does not adequately analyze the VMT and GHG reductions this alternative would offer as compared with the proposed plan.

I would like to state my support for Alternative 5: The Equity, Jobs and Environment alternative for several reasons:

1. The EEJ alternative funds significant investments in frequency improvements for high demand systems like AC Transit, which many of the students and communities we work with depend on for daily access to opportunities and necessities. According to the Bus Access Health Impact Assessment conducted by the Alameda County Public Health Department, more investment in transit service, especially bus service, can improve health and vitality for riders, their communities and the transit system overall. Currently, youth, seniors and transit dependent people's health is suffering as a result of the disinvestment in public transportation. The HIA found that reductions in bus service negatively affects the physical and mental health, safety, and well being of the most vulnerable riders. In order to reduce VMT, we MUST restore local transit to a reasonable baseline of service by committing an additional \$70 million per year to restore bus service cuts made over the past five years.

2. The EEJ alternative 5 fares the best in reducing Vehicle Miles Traveled, which in turn helps us reach our goal of reducing Green House Gas Emissions. As the alternative with the strongest ridership, the EEJ will ensure that public transportation remains accessible, affordable, and will help to improve health and reduce health disparities. Alternative 5 prioritizes Bus, BART and plans for a free youth bus pass program. This proposal is especially significant for those of us who work with youth who experience negative health impacts and critical barriers to opportunity due to rising transit costs, service cuts and route changes.

3. Lastly, the EEJ alternative has the lowest combined housing and transportation costs as a share of income for low income households. In order to reduce displacement, affordable housing should be planned in all High opportunity areas, including PDA's and PDA like places. With a projected increase in population of more than 2 million people, the EEJ is our best chance at preventing the continuing displacement of vulnerable residents from their homes and communities.

Thank you!

If you would like a copy of the Health Impact Assessment referenced in the comments, I'd be happy to provide that for you.

~~~~~  
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20 Years of Growing the Grassroots  
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Click here  
<[http://rosefdn.org/downloads/Sponsor\\_Auction%20Packet%202013.pdf](http://rosefdn.org/downloads/Sponsor_Auction%20Packet%202013.pdf)> to learn

more about sponsorship and silent auction opportunities

Myesha Williams, MSW  
New Voices Are Rising Project  
Rose Foundation for Communities and the Environment  
6008 College Avenue, Suite 10  
Oakland, Ca 94618  
Voice: (510) 658-0702 ext. 305 / Fax (510) 658-0732  
mwilliams@rosefdn.org  
<http://www.rosefdn.org>  
<http://www.facebook.com/pages/New-Voices-Are-Rising/111448838878606>

<sup>3</sup>I am who I am doing what I came to do.<sup>2</sup> -Audre Lorde



May 2, 2013

Carolyn Clevenger  
MTC EIR Project Manager  
Metropolitan Transportation Commission  
101 Eighth Street  
Oakland, CA 94607

RE: Recommendations on Open Space Maps, Policy Measures and Findings  
in Plan Bay Area and its Draft Environmental Impact Report

Dear Ms. Clevenger,

Thank you for all your work at MTC. The Bay Area Open Space Council, Greenbelt Alliance and The Nature Conservancy have worked closely with the Metropolitan Transportation Commission and the Association of Bay Area Governments throughout the planning process and look forward to supporting implementation of the Bay Area's Sustainable Community Strategy. To this end, below, we provide comments on the Plan Bay Area Draft and its Draft Environmental Impact Report.

Map Modifications

**Draft Environmental Impact Report, Plan Bay Area**

B2-1

**Figure 2.9-1 (p.645)**

- Incorrect map placement, should instead be the Critical Habitat: North Bay.

B2-2

**Table 2.14-2 (p. 861)**

- Incorrect acreage figures. In order to convey lands that are open to the public for recreation, the figure in this table should be calculated based on "Open" or "Restricted" access in the Bay Area Protected Areas Database.
- Confirm the report utilizes use most recent version of Bay Area Protected Areas Database, the 2012 version. The database can be downloaded [here](#).
- Update title of table 2.14-2 to "Bay Area Parks and Open Space Open to the Public"

**Plan Bay Area Draft**

**Include Appendix of Data Sources**

- Include a list of data sources used for creating the document's maps, tables and charts.
- Distinguish between urban foot print, city limits and urban growth boundaries citing sources to ensure boundaries are up-to-date and accurate.

**San Francisco Bay Area: Transportation and Lands Uses map (p.6)**

- Legend mislabels protected lands from Bay Area Protected Areas Database as “Open Space”. Open space goes beyond the constrained definition of protected lands by fee or easement. Recommend relabeling “Protected Lands”.

**Map 1: SF Bay Area Resource Lands (p.51)**

- Resource Lands map is limited in its scope of fully illustrating the array of important resources provided by open space. Only farmland is included, while the other map layers are policy based measures or protected lands by ownership which do not exhibit the natural resources. It is important to consider and reference other resource areas found in [Regional Policy Background Paper: DRAFT - Conservation and Open Space](#) or in the [Greenbelt Mapper](#) including wildlife habitat, watersheds and wetlands, and agricultural lands.
- Map 1 should not call lands enrolled in the Williamson Act “Protected Open Space”. The map should show areas legally protected (under fee ownership or easements) as one color thereby distinguishing other short-term and temporary protective status, such as policy protected areas.
- Designated “Critical Habitat” is an insufficient proxy for priority natural habitats for conservation as it is a policy measure, not a comprehensive biodiversity analysis. The main document should reference the [Conservation and Open Space issue paper](#) as a way of acknowledging the multiple important areas and values in the region related to biodiversity, agriculture and open space.
- Include the research from [Conservation Lands Network](#) and [Critical Linkages](#) for highlighting important upland wildlife areas that have been prioritized for some form of conservation management to ensure ecological sustainability.
- The map symbology limits viewing the relationship between protected and unprotected agricultural lands.
- Recommend creating two maps from the existing SF Bay Resource Lands map. This is supported by SB 375 language which states “The sustainable communities strategy shall...(v) gather and consider best practically available scientific information regarding resources areas and farmland in the region” (SB 375, Section 4b2Av, Ch. 728 p. 7). One map exhibits the relationship between agricultural areas designated by FMMP, policy protected and permanently protected areas. The second map illustrates important wildlife areas (Conservation Lands Network, Critical Linkages), as well as water resource areas (groundwater recharge areas, reservoir catchment areas, wetlands and vernal pools).

**Urban Growth Boundaries: Appendix 2 Maps (p.146-160)**

- Acknowledge the distinction between Plan Bay Area’s Target #6 of directing all new development with the 2010 urban footprint (cited in Plan Bay Area as existing urban development or urban growth boundaries) versus what was actually analyzed in Plan Bay Area’s urban footprint used in scenario modeling (city limits or urban growth boundaries).
- For the purposes of our analysis of Plan Bay Area Draft, we interpreted Target #6 into mapping terms as existing urban growth boundary, and if that city does not have one, its city limits.
- With this assumption, Appendix 1 maps show urban growth boundaries with different extents than those found through Greenbelt Alliance’s At Risk 2012 research of the Bay Area’s 101 cities’ growth boundary policies.



- Attached is an analysis of this evaluation of the region's cities' current planning boundaries according to the Appendix 2 maps. The jobs and home projections map are overlaid by existing city limits if it has not adopted an urban growth boundary. These maps demonstrate areas in gray that exceed the known urban growth boundary extent for that city or county.
- Consistent standards of what defines an Urban Growth Boundary across the 9-county Bay Area must be clearly expressed to avoid inaccurate modeling of cities boundaries that are different from its current city limits or urban growth boundary. This would include using a city's sphere of influence as an inappropriate planning boundary.
- **Failure to use the most current urban growth boundaries in the Plan Bay Area should be reflected in failing to meet the Target #6. This should be measured by the amount of land projected for urban development outside of existing city and county urban growth boundaries.**

## New Map Recommendations

### **Draft Environmental Impact Report, Plan Bay Area**

#### **Migratory Corridors and Linkages**

B2-3

- Consider replacing Essential Connectivity Areas map with or adding an additional map of the Bay Area Critical Linkages & Conservation Lands Network (CLN) at 2.9-35 (p.653) as a scientifically based analysis that focused on biodiversity and local migratory conditions previously unavailable for the Bay Area.
- CA Essential Connectivity Areas is incomplete at the local level.
  - o According the data's [Use Constraints](#): "It is a decision-support tool to be refined by finer-scale analyses and local linkage designs."
  - o In the dEIR it states "ECAs were mapped on a state-wide level and should be considered coarse-scale polygons that can inform land planning efforts, but that should eventually be replaced by more detailed linkage designs, developed at finer resolution at the regional and ultimately local scale based on the needs of particular species and ecological processes."
  - o **Critical Linkages and the CLN provide that refined analysis.**

#### **Conservation Lands Network**

B2-4

- The CLN is a scientifically credible regional conservation plan designed to identify the most essential lands needed to sustain biological diversity. Consider adding a small section describing the plan and then a map showing the CLN. This could go at the beginning or the end of section 2.9.

#### **Wetlands**

B2-5

- Include map of Bay Area's wetlands at 2.9-11(p.629)
- San Francisco Estuary Institute maintains the Bay Area's wetland GIS resources
  - o Appropriate to use SFEI's data in this report as they are the local source for regional agencies on tidal and non-tidal wetland data, though their jurisdiction falls inside the full extent of the Bay Area's nine counties.
  - o [Bay Area Aquatic Resource Inventory](#) is recommended to supplement state and federal wetland mapping resources.

- Furthermore, important vernal pools mapped from California's Department of Fish and Game California Central Valley Vernal Pool Habitat [GIS Data](#) expands the research of critical wetland areas and should be included in the wetlands map.

B2-6

### **Reservoir Catchment Areas**

- Include map of Bay Area's lands that drain into reservoirs for public drinking water at 2.12-12 (p.764), called "Surface Water Storage Watersheds" from the 2010 Forest and Range Assessment [GIS data](#).
- This map expands the scope of valuable watershed lands that are upstream in the hills and mountains to compliment the Figure 2.12-3 (p.763) Bay Area Groundwater Basins.
- Combined, these two maps portray a more comprehensive perspective of important watershed lands.

## **Plan Bay Area Draft**

### **Policy Protection**

- Include map of Bay Area's significant open space policy protections after Map 1 on p.52
  - Distinguish between open space protection by purchase through fee or easement compared to state and local measures passed by voters and elected officials
  - Include voter approved open space protections, urban growth boundaries and Williamson Act properties
    - Napa Measure P – Voter-approved agricultural and watershed protection
    - Solano Orderly Growth Initiative – Voter-approved agricultural protection
    - Current urban growth boundaries
      - Voter and council-approved
      - City and County-level
    - Properties enrolled in a Williamson Act contract
    - Wildlife Policies
      - FWS Critical Habitat
      - Habitat Conservation Plans/Natural Community Conservation Planning
  - Consider additional open space policy protection measures including hillside, riparian, and flood zone protection areas as well as jurisdictions with regulatory authority including Bay Conservation and Development Commission and in the Coastal Zone.

The Bay Area Open Space Council, Greenbelt Alliance and The Nature Conservancy greatly appreciate being a part of Plan Bay Area and believe the Plan is on the right track towards meeting mandated emissions reduction by SB 375 as well as our conservation goals. We are committed to ensuring this Plan is implemented according to a vision for a sustainable, equitable and healthy Bay Area. We recognize that this will not be easy, and look forward to finding ways to support the MTC, ABAG, the counties and cities of the Bay Area as we collectively move towards a goal of housing a growing population, reducing greenhouse gas emissions and protecting our natural resources.

Sincerely,

Bay Area Open Space Council

Greenbelt Alliance

The Nature Conservancy

**Urban Growth Boundary Analysis for Maps in Plan Bay Area and Draft EIR**  
**Measuring the accuracy of map boundaries identified as current Urban Growth Boundaries**  
**Submitted 5/2/2013 as Public Comment to Plan Bay Area by Greenbelt Alliance**

| <u>City</u> | <u>County</u> | <u>Current Urban Growth Boundary</u> | <u>In/Correct</u> | <u>Description</u>                                                                                  | <u>Boundary Mapped in Plan Bay Area</u> |
|-------------|---------------|--------------------------------------|-------------------|-----------------------------------------------------------------------------------------------------|-----------------------------------------|
| Alameda     | Alameda       |                                      | Correct           |                                                                                                     | City Limit                              |
| Berkeley    | Alameda       |                                      | Correct           |                                                                                                     | City Limit                              |
| Dublin      | Alameda       | Urban Limit Line                     | Correct           | Uses city's western UGB, plus shows County's extended UGB, uses city limits on eastern side of city | UGB / City Limit                        |
| Emeryville  | Alameda       |                                      | Correct           |                                                                                                     | City Limit                              |
| Fremont     | Alameda       | Urban Growth Boundary                | Incorrect         | Uses city limits rather than existing UGB. Area east of existing urbanized extent is outside UGB.   | City Limit                              |
| Hayward     | Alameda       | Urban Limit Line                     | Incorrect         | Uses City Limit instead of existing UGB                                                             | City Limit                              |
| Livermore   | Alameda       | Urban Growth Boundary                | Incorrect         | Uses City Limit instead of existing UGB                                                             | City Limit                              |
| Newark      | Alameda       |                                      | Correct           |                                                                                                     | City Limit                              |
| Oakland     | Alameda       |                                      | Incorrect         | Unknown boundary extending into the hills east of city limits and SOI                               | Unknown                                 |
| Piedmont    | Alameda       |                                      | Correct           |                                                                                                     | City Limit                              |
| Pleasanton  | Alameda       | Urban Growth Boundary                | Incorrect         | Uses city limits rather than existing UGB                                                           | City Limit                              |
| San Leandro | Alameda       |                                      | Incorrect         | Unknown boundary extending into the hills east of city limits and SOI                               | Unknown                                 |
| Union City  | Alameda       |                                      | Correct           | Uses City Limit                                                                                     | City Limit                              |
| Albany      | Contra Costa  | Urban Limit Line                     | Correct           |                                                                                                     | UGB                                     |
| Antioch     | Contra Costa  | Urban Limit Line                     | Correct           |                                                                                                     | UGB                                     |
| Brentwood   | Contra Costa  | Urban Limit Line                     | Correct           |                                                                                                     | UGB                                     |
| Clayton     | Contra Costa  | Urban Limit Line                     | Correct           |                                                                                                     | UGB                                     |
| Concord     | Contra Costa  | Urban Limit Line                     | Correct           |                                                                                                     | UGB                                     |
| Danville    | Contra Costa  | Urban Limit Line                     | Correct           |                                                                                                     | UGB                                     |
| El Cerrito  | Contra Costa  | Urban Limit Line                     | Correct           |                                                                                                     | UGB                                     |
| Hercules    | Contra Costa  | Urban Limit Line                     | Correct           |                                                                                                     | UGB                                     |

Plan Bay Area 2040 Final Environmental Impact Report

|                 |              |                       |           |                                                                                                                         |            |
|-----------------|--------------|-----------------------|-----------|-------------------------------------------------------------------------------------------------------------------------|------------|
| Lafayette       | Contra Costa | Urban Limit Line      | Correct   |                                                                                                                         | UGB        |
| Martinez        | Contra Costa | Urban Limit Line      | Correct   |                                                                                                                         | UGB        |
| Moraga          | Contra Costa | Urban Limit Line      | Correct   |                                                                                                                         | UGB        |
| Oakley          | Contra Costa | Urban Limit Line      | Correct   |                                                                                                                         | UGB        |
| Orinda          | Contra Costa | Urban Limit Line      | Correct   |                                                                                                                         | UGB        |
| Pinole          | Contra Costa | Urban Limit Line      | Correct   |                                                                                                                         | UGB        |
| Pittsburg       | Contra Costa | Urban Limit Line      | Correct   |                                                                                                                         | UGB        |
| Pleasant Hill   | Contra Costa | Urban Limit Line      | Correct   |                                                                                                                         | UGB        |
| Richmond        | Contra Costa | Urban Limit Line      | Correct   |                                                                                                                         | UGB        |
| San Pablo       | Contra Costa | Urban Limit Line      | Correct   |                                                                                                                         | UGB        |
| San Ramon       | Contra Costa | Urban Limit Line      | Correct   | Uses city's UGB                                                                                                         | UGB        |
| Walnut Creek    | Contra Costa | Urban Limit Line      | Correct   |                                                                                                                         | UGB        |
| Belvedere       | Marin        |                       | Correct   |                                                                                                                         | City Limit |
| Corte Madera    | Marin        |                       | Correct   |                                                                                                                         | City Limit |
| Fairfax         | Marin        |                       | Correct   |                                                                                                                         | City Limit |
| Larkspur        | Marin        |                       | Incorrect | Unknown boundary to the west of city limits and south of Ross                                                           | Unknown    |
| Mill Valley     | Marin        |                       | Correct   |                                                                                                                         | City Limit |
| Novato          | Marin        | Urban Growth Boundary | Incorrect | Unknown boundary extending S & SW of city limits. Non-conforming to existing UGB, city limits, SOI, or County corridor. | Unknown    |
| Ross            | Marin        |                       | Correct   |                                                                                                                         | City Limit |
| San Anselmo     | Marin        |                       | Incorrect | Includes areas of SOI in the north of the city, NW of San Rafael                                                        | SOI        |
| San Rafael      | Marin        |                       | Incorrect | Includes area of SOI to the east of the city, outside of city limits and County's urban corridor                        | SOI        |
| Sausalito       | Marin        |                       | Correct   | Area is smaller than existing city limits                                                                               | Unknown    |
| Tiburon         | Marin        |                       | Correct   |                                                                                                                         | City Limit |
| American Canyon | Napa         | Urban Limit Line      | Incorrect | Uses old UGB boundary. Unknown UGB identified around Napa airport north of American Canyon and South of Napa.           | Older UGB  |

Plan Bay Area 2040 Final Environmental Impact Report

|                     |               |                           |           |                                                                                                                                        |                        |
|---------------------|---------------|---------------------------|-----------|----------------------------------------------------------------------------------------------------------------------------------------|------------------------|
| Calistoga           | Napa          |                           | Correct   |                                                                                                                                        | City Limit             |
| Napa                | Napa          | Rural Urban Limit         | Incorrect | Includes areas of SOI in NW and SE corner of city. Additional area identified as UGB in far NE section outside of city limits and UGB. | Unknown                |
| St. Helena          | Napa          | Urban Limit Line          | Incorrect | Mapped UGB to City Limit, not existing UGB                                                                                             | City Limit             |
| Yountville          | Napa          | City Limit                | Correct   |                                                                                                                                        | City Limit             |
| San Francisco       | San Francisco |                           | Correct   |                                                                                                                                        | City Limit             |
| Atherton            | San Mateo     | Urban Rural Boundary      | Correct   |                                                                                                                                        | Rural Urban Limit Line |
| Belmont             | San Mateo     | Urban Rural Boundary      | Correct   |                                                                                                                                        | Rural Urban Limit Line |
| Brisbane            | San Mateo     | Urban Rural Boundary      | Correct   |                                                                                                                                        | Rural Urban Limit Line |
| Burlingame          | San Mateo     | Urban Rural Boundary      | Correct   |                                                                                                                                        | Rural Urban Limit Line |
| Colma               | San Mateo     | Urban Rural Boundary      | Correct   |                                                                                                                                        | Rural Urban Limit Line |
| Daly City           | San Mateo     | Urban Rural Boundary      | Correct   |                                                                                                                                        | Rural Urban Limit Line |
| East Palo Alto      | San Mateo     | Urban Rural Boundary      | Correct   |                                                                                                                                        | Rural Urban Limit Line |
| Foster City         | San Mateo     | Urban Rural Boundary      | Correct   |                                                                                                                                        | Rural Urban Limit Line |
| Half Moon Bay       | San Mateo     | Urban Rural Boundary      | Correct   |                                                                                                                                        | Rural Urban Limit Line |
| Hillsborough        | San Mateo     | Urban Rural Boundary      | Correct   |                                                                                                                                        | Rural Urban Limit Line |
| Menlo Park          | San Mateo     | Urban Rural Boundary      | Correct   |                                                                                                                                        | Rural Urban Limit Line |
| Millbrae            | San Mateo     | Urban Rural Boundary      | Correct   |                                                                                                                                        | Rural Urban Limit Line |
| Pacifica            | San Mateo     | Urban Rural Boundary      | Correct   |                                                                                                                                        | Rural Urban Limit Line |
| Portola Valley      | San Mateo     | Urban Rural Boundary      | Correct   |                                                                                                                                        | Rural Urban Limit Line |
| Redwood City        | San Mateo     | Urban Rural Boundary      | Correct   |                                                                                                                                        | Rural Urban Limit Line |
| San Bruno           | San Mateo     | Urban Rural Boundary      | Correct   |                                                                                                                                        | Rural Urban Limit Line |
| San Carlos          | San Mateo     | Urban Rural Boundary      | Correct   |                                                                                                                                        | Rural Urban Limit Line |
| San Mateo           | San Mateo     | Urban Rural Boundary      | Correct   |                                                                                                                                        | Rural Urban Limit Line |
| South San Francisco | San Mateo     | Urban Rural Boundary      | Correct   |                                                                                                                                        | Rural Urban Limit Line |
| Woodside            | San Mateo     | Urban Rural Boundary      | Correct   |                                                                                                                                        | Rural Urban Limit Line |
| Campbell            | Santa Clara   |                           | Correct   |                                                                                                                                        | City Limit             |
| Cupertino           | Santa Clara   | Urban Service Area        | Correct   |                                                                                                                                        | City Limit             |
| Gilroy              | Santa Clara   | 20 Year Planning Boundary | Incorrect | Uses city limits rather than existing UGB                                                                                              | City Limit             |
| Los Altos           | Santa Clara   |                           | Correct   |                                                                                                                                        | City Limit             |
| Los Altos Hills     | Santa Clara   |                           | Correct   |                                                                                                                                        | City Limit             |
| Los Gatos           | Santa Clara   |                           | Correct   | Uses smaller UGB footprint in map and their existing city limits                                                                       | Unknown                |

Plan Bay Area 2040 Final Environmental Impact Report

|               |             |                               |           |                                                                                                |            |
|---------------|-------------|-------------------------------|-----------|------------------------------------------------------------------------------------------------|------------|
| Milpitas      | Santa Clara | Urban Growth Boundary         | Correct   |                                                                                                | City Limit |
| Monte Sereno  | Santa Clara |                               | Correct   |                                                                                                | City Limit |
| Morgan Hill   | Santa Clara | Urban Growth Boundary         | Incorrect | Uses city limits rather than existing UGB                                                      | City Limit |
| Mountain View | Santa Clara |                               | Correct   |                                                                                                | City Limit |
| Palo Alto     | Santa Clara | City Limit                    | Correct   | Boundary extent obscured by legend, but assumed to be correct                                  | City Limit |
| San Jose      | Santa Clara | Urban Growth Boundary         | Incorrect | Uses city limits rather than existing UGB                                                      | City Limit |
| Santa Clara   | Santa Clara |                               | Correct   |                                                                                                | City Limit |
| Saratoga      | Santa Clara |                               | Correct   |                                                                                                | City Limit |
| Sunnyvale     | Santa Clara |                               | Correct   |                                                                                                | City Limit |
| Benicia       | Solano      | Urban Growth Boundary         | Incorrect | Uses SOI                                                                                       | SOI        |
| Dixon         | Solano      |                               | Incorrect | Uses SOI                                                                                       | SOI        |
| Fairfield     | Solano      | Urban Limit Line              | Incorrect | Uses SOI. Existing UGB includes additional open space in north west of city limits.            | SOI        |
| Rio Vista     | Solano      |                               | Incorrect | Uses SOI                                                                                       | SOI        |
| Suisun City   | Solano      |                               | Incorrect | Uses SOI                                                                                       | SOI        |
| Vacaville     | Solano      | Growth Boundary               | Incorrect | Uses old UGB boundary. Additional open space land on east side of the city within updated UGB. | Older UGB  |
| Vallejo       | Solano      |                               | Incorrect | Uses SOI                                                                                       | SOI        |
| Cloverdale    | Sonoma      | Urban Growth Boundary         | Correct   |                                                                                                | UGB        |
| Cotati        | Sonoma      | Urban Growth Boundary         | Correct   |                                                                                                | UGB        |
| Healdsburg    | Sonoma      | SOI / UGB                     | Correct   |                                                                                                | UGB        |
| Petaluma      | Sonoma      | Urban Growth Boundary         | Incorrect | Isolated area SE of city with square urbanized area is not part of UGB                         | City Limit |
| Rohnert Park  | Sonoma      | 20 Year Urban Growth Boundary | Incorrect | Square area missing from SE corner of UGB                                                      | Older UGB  |
| Santa Rosa    | Sonoma      | Urban Growth Boundary         | Correct   |                                                                                                | UGB        |

Plan Bay Area 2040 Final Environmental Impact Report

|            |        |                       |           |                                                                                                       |         |
|------------|--------|-----------------------|-----------|-------------------------------------------------------------------------------------------------------|---------|
| Sebastopol | Sonoma | Urban Growth Boundary | Correct   |                                                                                                       | UGB     |
| Sonoma     | Sonoma | SOI / UGB             | Incorrect | Appears dark areas are continuing north of City of Sonoma, mixed with urbanized area. Outside of UGB. | Unknown |
| Windsor    | Sonoma | Urban Growth Boundary | Incorrect | Large area SW of city not in UGB labeled as such                                                      | Unknown |



**SAN MATEO COUNTY**  
**BUILDING & CONSTRUCTION TRADES COUNCIL**  
1153 Chess Drive #206 • Foster City, CA 94404 • Tel. (650) 358-9977 • Fax (650) 358-9979

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May 7, 2013

Steve Heminger, Executive Director  
Commissioners, Metropolitan Transportation Commission  
Ezra Rapport, Executive Director  
Board Members, Association of Bay Area Governments  
101 Eighth Street  
Oakland, CA 94607

Re: Comments to the Draft EIR of Plan Bay Area

Dear Mr. Heminger, Mr. Rapport, and Commissioners and Board Members:

As the Draft EIR notes, there is much to recommend about the proposed alternative and we are generally supportive of it. However, there are significant impacts around Increased transportation (Impact 2.1-3), Air quality and residential/business disruptions as a result of construction projects (Impacts 2.2-2--2.3-1), Significant and unavoidable impacts from temporary construction noise levels (Impacts 2.6-1) and Impacts on water resources as a result of construction waste water (2.8-1).

**B3-1** First, while there will be some negative impacts from construction as a result of this plan, the draft EIR and the Plan itself have missed a critical positive impact as a result of the Proposed Alternative.

With \$256 billion to be invested in transportation projects alone between now and 2040, there will be approximately 7,680,000 jobs created.<sup>1</sup> Commercial and high-density residential construction in Transit Oriented Development projects will have similar multiplier effects.

**B3-2** Second, the EIR in its mitigation measures should make policy recommendations, encouraging (or requiring) project sponsors to pay their workers Area Standard Wages and require local apprentices who are enrolled in State of California approved Apprenticeship Programs to be part of the construction team. (Local hire could be defined as residents who live within 25 or 30 miles of the job sites).

<sup>1</sup> The Federal Highway Administration (FHWA) estimates of jobs supported by federal highway investments indicates that a \$1 billion expenditure on highway construction in 2007 supported a total of 30,000 jobs: 10,300 construction-oriented jobs (i.e., jobs at construction firms working on the projects and at firms providing direct inputs to the projects, such as guard rails); 4,675 jobs in supporting industries (i.e., jobs at companies providing inputs to the firms directly supplying materials and equipment used in highway construction, such as sheet metal producers who supply guard rail manufacturers); and 15,094 induced jobs (i.e., jobs dependent on consumer expenditures from the wages of workers in "construction-oriented" and "industry-supporting" jobs). (<http://www.fas.org/sgp/crs/misc/R42018.pdf>)



Steve Heminger, Executive Director  
Ezra Rapport, Executive Director  
Comments-Draft EIR Bay Area Plan  
May 7, 2013  
Page Two of Two

There are at least four reasons to include labor standards in the Plan and EIR:

- 1) Without labor standards clearly articulated in the Plan and EIR the transit-oriented housing that will be developed as part of this plan will not necessarily benefit local workers or pay decent wages. Creating middle class jobs is a key to improving the health of our local communities.
- 2) Decent wages will ensure that construction workers can afford housing in the Bay Area. This will allow them to travel fewer miles per day to get to work, thereby improving their health and decreasing air pollution from vehicles.
- 3) Local hiring requirements will encourage the hiring of apprentices, thereby creating new training opportunities so that local residents will gain skills and access to careers in the construction industry.
- 4) Highly skilled and continuously trained local workers will be committed and accountable to implementing the best environmental mitigation measures envisioned by the EIR for construction projects. The outcomes of the proposed mitigation measures in the EIR will depend on the quality and commitment of the workforce who will implement them. Project labor agreements can ensure a high quality workforce.

In the final EIR, we urge you to include the positive economic impacts of local construction jobs and clear labor standards as mitigations to the negative impacts of the Plan.

Sincerely,

A handwritten signature in blue ink, appearing to read "William A. Nack".

William A. Nack  
Business Manager

Carolyn Clevenger, MTC EIR Project Manager  
Metropolitan Transportation Commission  
101 Eighth Street  
Oakland, CA 94607  
By email: [eircomments@mtc.ca.gov](mailto:eircomments@mtc.ca.gov)

**Re: Comments on the draft Environmental Impact Report for Plan Bay Area**

Introduction

When the Metropolitan Transportation Commission (MTC) and Association of Bay Area Governments (ABAG) issued their draft Plan Bay Area (draft Plan), thousands of pages of documents and appendices went up on their website. Most of those pages are parts of the Environmental Impact Report (EIR) prepared to comply with the requirements of the California Environmental Quality Act (CEQA). These comments address concerns in each of the core components of the EIR:

- The basic function to fully inform the public.
- The project description.
- The analysis of alternatives.
- The analysis of project impacts.
- The mitigation measures.

**B4-1** A number of these concerns stem in part from the fact that there are key differences in how the land-use model, UrbanSim, was used to determine the housing distribution in the draft Plan, on the one hand, and in the Equity, Environment and Jobs (EEJ) alternative, and other alternatives on the other hand. Specifically, the EIR adjusted the modeling results for the draft Plan by using unspecified “calibration techniques,” but did not make the same adjustments in the modeling results for the other alternatives. The use of different methods obscures the comparison among Plan alternatives, and departs from the California Transportation Commission’s modeling guidelines for regional transportation plans.

The EIR is Inadequate as an Informational Document

**B4-1.5** The basic function of an EIR is to fully inform the public and decision makers about the environmental impacts of a project so that the public can provide informed input and the decision makers can make an informed decision. However, this EIR is so complex and confusing – so dependent upon unexplained assumptions embedded in computer models – that it is impossible for the public to fully understand its methodology and clearly evaluate its conclusions. To even attempt to decipher the methodology of the key land use models, the public has to plow through a technical appendix to the draft Plan document, which itself is an appendix to the EIR. Even academic modeling experts who have reviewed the technical appendices and asked for clarification from modeling staff at MTC and ABAG have been unable to determine the exact steps used to create the housing distribution for the draft Plan.

**B4-2** The EIR also falls short of its information function in even more basic ways. It does not inform decision-makers or the public of the health effects on disproportionately-impacted populations of the

increased emissions the EIR identifies as potentially significant. It also does not inform them of the disproportionate impacts on low-income populations that will result from economic displacement.

### The Project Description in the EIR is Inadequate

**B4-3** It is impossible for an EIR to adequately inform the public and decision makers about the impacts of a project unless the EIR clearly and consistently describes the project in the first place. This EIR does not pass that test. Unlike every other EIR that has been prepared for SB 375 plans, and for that matter almost every other EIR that is prepared for any purpose, this EIR does not have a separate chapter, or section, entitled “Project Description.” Instead, Chapter 1.2 of the EIR is called “Overview of the Proposed Plan Bay Area.” As its title suggests, it provides an overview of certain features of the plan, but not a complete project description. The description of the core land use component required by SB 375, the Sustainable Community Strategy (SCS), is woefully incomplete. The description of the SCS basically amounts to the statement that it “calls for focused housing and job growth around high-quality transit corridors, particularly within areas identified by local jurisdictions as Priority Development Areas” (DEIR, p. 1.2-24), without providing any specifics about how this focused growth will be achieved, and without even providing a list of the PDAs where the growth will be focused.

**B4-4** For “details” about the SCS, EIR readers are directed to the draft Plan document, which in turn directs readers to the “Jobs-Housing Connection Strategy” (JHCS) published a year before the EIR. The JHCS states that there are 198 PDAs, and the EIR and the draft Plan document both state that there are “nearly 200” PDAs. However, the PDA Readiness Assessment, one of the many support documents published at the same time as the EIR and draft Plan document, states that “a number of changes or modifications have been made since” the JHCS was published, so “the current number of PDAs is 169.” Even though the core feature of the draft Plan is to encourage growth around PDAs, neither the EIR nor any of the documents it references provide a list of PDAs (only maps that are not at a scale to allow one to distinguish individual PDAs in proximity to each other, or to count them individually). There is also an inconsistency in the description of how much housing and jobs will go into the PDAs under the Plan. Among the EIR, SCS and JHCS, the housing number is variously described as “77 percent,” “79 percent,” “over 80 percent,” “80 percent” and “about 80 percent.” The jobs numbers are expressed as 63 percent sometimes and 66 percent other times – a discrepancy of more than 40,000 jobs. The unspecified “calibration techniques” discussed above, which were used to generate the description of how many housing units will be in PDAs as a result of the draft Plan, suggest that the EIR uses an elastic project description that changes shape as necessary to produce various outcomes. That is not a recipe for a useful EIR.

### The EIR’s Identification and Analysis of Alternatives Falls Short

**B4-5** The EIR deserves praise for its inclusion of an Equity, Environment and Jobs (EEJ) Alternative, and for acknowledging that the EEJ alternative is the environmentally superior alternative. However, there are important differences between the robust EEJ alternative proposed to ABAG and MTC and the alternative analyzed in the EIR. These differences include: forcing housing into the desired infill zones in the preferred alternative, but not the EEJ alternative; failing to capture in the model the benefits the EEJ alternative would achieve through deed-restricted affordable housing and of OBAG anti-displacement protections; and assuming there would be no CEQA streamlining under the EEJ alternative. As result, the EIR has not in fact analyzed a fully-developed EEJ alternative.

**B4-6** The analysis of the impacts of the EEJ alternative inappropriately masks how much better the EEJ alternative performs compared to the preferred alternative by representing those differences as seemingly-small percentage point differences and then repeating the misleading statement that its benefits are only “marginal.” In fact, when one focuses on absolute numbers rather than misleading percentages, the analysis in the EIR shows substantially better performance by the EEJ alternative. Compared to the proposed plan, the EEJ scenario would result in:

- 1,900 fewer tons of CO2 emissions per day and 568,000 fewer tons of GHG emissions per year
- 6.4 fewer tons of Toxic Air Contaminants (TACs) per year
- 1,290 fewer tons of carbon monoxide emissions per year
- Daily energy savings of 68 billion BTUs, the equivalent of burning 600,000 fewer gallons of gasoline each day.

Furthermore, Sustainable Systems Research LLC concluded that if the modeling had been applied consistently, the EEJ alternative would show improved performance even beyond the performance that caused the EIR to select it as the environmentally superior alternative.

**B4-7** In addition, while the discussion of the EEJ alternative as the environmentally superior alternative drops hints that the alternative may be infeasible, it does not evaluate its feasibility at a level of detail that would be necessary for ABAG and MTC to make a finding of infeasibility. Any such analysis would need to individually evaluate the feasibility of the different major components, and not simply assume that one component can make an entire alternative infeasible. In fact, the VMT fee is not an essential part of the EEJ alternative. While it provides a useful tool for analyzing the benefits that a big boost in transit service would bring to the region, the bulk of those benefits can be achieved without a VMT fee through making \$3 billion in additional transit operating funds available in the final Plan, as recommended below. Because the issue here is only financial feasibility, a feasibility analysis would need to fairly apply the same feasibility standards to the preferred alternative, by, for example, acknowledging that it may not be feasible to assume that the same revenues that existed before redevelopment agencies were eliminated will be available now that they have been eliminated.

#### The EIR’s Analysis of Project Impacts is Inadequate.

**B4-8** The failure to base the impact analysis on a fixed, consistent project description permeates all of the individual sections of the impact analysis. The “calibration techniques” used in the land use analysis of the draft Plan are one extreme example of the fact that the impact analysis conducted through complex computer modeling appears to be result-oriented rather than a fair effort to characterize the actual impacts of the actual policy decisions that are supposed drive the analysis. As noted above, Sustainable Systems Research, LLC evaluated the inconsistencies in the modeling approaches and determined that EEJ would show even greater performance benefits relative to the draft Plan had the two been analyzed using comparable methods.

**B4-9** As discussed above, the impact analysis does not analyze the localized health effects on disproportionately-impacted populations of the increased emissions the EIR identifies as potentially significant. It also does not analyze the disproportionate health effects on low-income populations that will experience economic displacement, despite the fact that ABAG acknowledged in its 2007 to

2014 Housing Needs Plan that displacement caused by urban housing demand results in “negative impacts on health, equity, air quality, the environment and overall quality of life in the Bay Area.”

B4-10

One important shortcoming in the impact analysis relates to the impact of economic displacement. The draft EIR notes correctly that CEQA does not require analysis of pure social or economic impacts. CEQA does, however, require analysis of the physical changes to the environment that are caused by the economic or social effects of a project. And yet the draft EIR does not analyze the social and economic effects of displacement, even though it acknowledges that “Changing development types and higher prices resulting from increased demand could disrupt business patterns and displace existing residents to other parts of the region or outside the region altogether.” Instead, these issues are given inadequate consideration in the Equity Analysis, which is not part of the CEQA analysis. There is no attempt in the draft EIR or in the Equity Analysis to model displacement and identify likely trends in displacement, including areas likely to face pressure, number of households affected, and the impacts on the communities expected to absorb these households, and no attempt to mitigate the impacts of the significant displacement risks that the Equity Analysis found.

#### The EIR’s Mitigation Measures Fall Short.

B4-11

To the extent the draft EIR does identify certain localized displacement impacts as significant, it does not propose sufficient mitigation measures even in the context of the artificially-constrained impacts it does address. The displacement mitigation measures focus on enhancing pedestrian and bike access, and general planning. No mitigation is proposed that adds any actual protection against displacement pressures.

B4-12

Many of the mitigation measures (particularly for air impacts) set forth in the draft EIR are already required by applicable state or local regulations, and thus already required by law to be in the project. For example, (a) use of Tier 2 off-road equipment, (b) anti-idling requirements, and (c) controlling fugitive dust. As the Attorney General pointed out in her lawsuit challenging SANDAG’s SB 375 plan, measures that are already legally required should have been assumed to be part of the baseline of the project. By inappropriately calling them out as mitigation measures, the draft EIR side-steps the consideration of other mitigation measures that could reduce pollution, improve public health, and save lives.

B4-13

The draft EIR correctly points out in many places that mitigation of a number of the identified impacts is outside the jurisdiction of ABAG and MTC. Nevertheless, ABAG and MTC have not adequately leveraged the mitigation potential of programs that are within their jurisdiction, namely the One Bay Area Grant program (OBAG) and the Regional Housing Needs Allocation (RHNA). The EEJ alternative does a much better job of targeting those programs to achieve the objectives of SB 375 and state and federal transportation and housing laws than the preferred alternative.

#### **We recommend adding the following specific mitigation measures:**

B4-14

- **Transit operations:** Provide \$3 billion in additional operating revenue for local transit service in the final Plan, and commit to adopt a long-range, high-priority “Regional Transit Operating Program” to boost transit operating subsidies by another \$9 billion over the coming years, as new operating-eligible sources of funds become available.

- B4-15** | • **SCS and RHNA housing distribution:** Shift 25,000 RHNA units from PDAs to “PDA-like places,” with a corresponding shift in the SCS.
- B4-16** | • **Displacement protections:** Develop and incorporate into the draft EIR strong anti-displacement policies that future OBAG grant recipients will be required to adopt and implement, and provide substantial regional funding for community stabilization measures, such as land banking and preservation of affordable housing in at-risk neighborhoods.

Sincerely,

**ACCE Riders for Transit Justice**

Roger Kim, Executive Director  
**Asian Pacific Environmental Network**

Kirsten Schwind, Program Director  
**Bay Localize**

Carl Anthony and Paloma Pavel, Co-founders  
**Breakthrough Communities**

Michael Rawson, Director  
**California Affordable Housing Law Project**

Ilene Jacobs, Director of Litigation, Advocacy & Training  
**California Rural Legal Assistance**

Wendy Alfsen, Executive Director  
**California WALKS**

Dawn Phillips, Co-Director of Program  
**Causa Justa :: Just Cause**

Tim Frank, Director  
**Center for Sustainable Neighborhoods**

Nile Malloy, Northern California Program Director  
**Communities for a Better Environment**

Amie Fishman, Executive Director  
**East Bay Housing Organizations**

**Genesis**

Gladwyn d'Souza, Project Director  
**Green Youth Alliance**

Joshua Hugg, Program Manager  
**Housing Leadership Council of San Mateo County**

Melissa A. Morris, Senior Attorney  
**Law Foundation of Silicon Valley**

John Young, Executive Director  
**Marin Grassroots/Marin County Action Coalition for Equity**

Myesha Williams, Co-Director  
**New Voices Are Rising**

Karyl Eldridge, Housing Committee Chairperson  
**Peninsula Interfaith Action (PIA)**

Richard Marcantonio, Managing Attorney  
Sam Tepperman-Gelfant, Senior Staff Attorney  
**Public Advocates Inc.**

Anne Kelsey Lamb, Director  
**Regional Asthma Management and Prevention**

Jill Ratner, President  
**Rose Foundation for Communities & the Environment**

Allen Fernandez Smith, President & CEO  
**Urban Habitat**

Brian Darrow, Director of Land Use and Urban Policy  
**Working Partnerships USA**





424 Pendleton Way  
Oakland, CA 94621  
510-638-5864 phone  
510-638-8984 fax

[lung.org/california](http://lung.org/california)

May 16, 2013

Amy Worth, Chair  
Metropolitan Transportation Commission  
Mark Luce, President  
Association of Bay Area Governments  
101 Eighth Street  
Oakland, CA 94607

RE: Draft Plan Bay Area & Draft Environmental Impact Report (EIR)

Dear Chairwoman Worth, President Luce, and Commissioners:

The American Lung Association in California commends the Metropolitan Transportation Commission and the Association of Bay Area Governments for the excellent work on the Plan Bay Area and for the first time incorporating critical public health goals through the regional planning process. The Sustainable Communities Strategy process has offered an unprecedented opportunity to maximize public health, social equity and other community benefits at the same time you are reducing greenhouse gases. Transportation and land use decisions have a deep impact on the health of our community, but especially the most vulnerable – the elderly, children and those with chronic diseases.

The American Lung Association in California has been engaged in the SB 375 planning process statewide to promote ambitious plans to achieve maximum public health co-benefits. Auto-related air pollution contributes to a spectrum of health incidences, including cases of chronic bronchitis; respiratory and cardiovascular hospitalizations; respiratory-related ER visits; acute bronchitis; work loss days; premature mortality; asthma exacerbation; and acute, lower, and upper respiratory symptoms.

B5-1

We are pleased to see that the Equity, Environment, and Jobs (EEJ) alternative analyzed in the Draft Environmental Impact Report (DEIR) was identified as the “Environmentally Superior Alternative.” The EEJ scenario outperforms the draft plan on critical public health performance measures that have been supported by the health community:

- **Air Quality** – As a result of placing a greater emphasis on aligning compact land use development with transit service and increased transit capacity, the EEJ alternative showed the **lowest criteria pollutant emissions** (1.7 percent fewer criteria pollutant emissions compared to the proposed plan). Additionally, the EEJ alternative resulted in the lowest Toxic Air Contaminant (TAC) emissions of all of the alternatives (1.9 percent fewer TAC emissions compared to the proposed plan).



American Lung Association in California  
Page 2

- **Health Metrics** – The EEJ scenario also performed better than the proposed plan on health metrics relating to reducing premature deaths from fine particulates, reducing coarse particulate emissions, and increasing average time walking and biking. The EEJ alternative also resulted in lower increases in injuries and fatalities from collisions and in VMT densities (a measure of traffic impacts) in Communities of Concern.
- **Greenhouse Gas Emissions** – While the EEJ alternative and the proposed plan performed equally with respect to meeting per capita GHG reduction targets by 2035 (16.4%), the EEJ alternative showed greater overall GHG emission reductions (achieving a 17 percent reduction from 2010 to 2040), two percent better than the proposed plan.
- **Transit ridership** – The EEJ alternative resulted in the strongest transit ridership of all of the alternatives, five percent more than the proposed plan.
- **Vehicle Miles Traveled** -- The EEJ alternative had the lowest level of vehicle miles traveled, due to the elimination of highway expansion projects and greater focus on transit ridership.

Taken together, these benefits will translate into cleaner air, greater walking, cycling and transit, fewer traffic deaths, and less traffic than those offered in the proposed plan. Just as importantly, the EEJ plan will result in overall reductions in greenhouse gases, which is a critical goal of the SCS and the broader public health community.

We have joined with dozens of other organizations in urging you to incorporate the best elements of the EEJ scenario as you prepare a final plan to ensure it offers the greatest public health protections. Most importantly, we urge you to substantially increase funding for transit operations and new transportation choices (transit, vanpools, carpools, car sharing, and other alternatives to solo driving) as new operating-eligible funds become available (cap and trade, revenues from increased bridge tolls, HOT lane revenues, and other new sources.) We also urge you to fund more active transportation and complete streets programs to maximize health co-benefits of reduced air pollution and increased physical activity and reductions in chronic disease. By increasing funding for transit and active transportation infrastructure, it is likely that the injuries from cycling and walking would also decrease as well.

Incorporating these changes will assure that the Plan Bay Area will improve the health of Bay Area residents and provide healthier transportation choices now and in the future. We ask that you direct your staff to bring forward these recommendations as soon as possible for consideration by the joint MTC Planning Committee / ABAG Administrative Committee.

Thank you very much again for your work to create a healthier Bay Area.

Sincerely,



Jenny Bard  
Regional Director, Programs and Advocacy



May 16, 2013

**VIA E-MAIL AND HAND DELIVERY**

Carolyn Clevenger, MTC EIR Project Manager  
Metropolitan Transportation Commission  
Plan Bay Area Public Comment  
101 Eighth Street, Oakland, CA 94607

eircomments@mtc.ca.gov  
info@onebayarea.org

**Re: Comments on March 2013 Draft Plan Bay Area and  
April 2013 Draft Environmental Impact Report for Draft Plan Bay Area**

Thank you for the opportunity to comment on the March 2013 Draft Plan Bay Area ("Plan") and the April 2013 Draft Environmental Impact Report ("EIR") prepared by the Association of Bay Area Governments (ABAG) and Metropolitan Transportation Commission (MTC) pursuant to the California Environmental Quality (CEQA).

Cargill, Incorporated ("Cargill") and its predecessor have a long history in the San Francisco Bay Area, and we are very thankful and appreciative of that. To ensure factual accuracy in the Plan and in the environmental review process, and to serve CEQA's goal of informed decision making by the public, ABAG/MTC, and local government agencies that may review and/or rely on these documents in the future, we request that the Plan and EIR be revised to take into account the following comments.

**I. Comments Applicable to Both the Draft Plan Bay Area and the Draft EIR**

**A. The Plan's "Protected Open Space" Designation is Undefined and Misleading**

The designation of "Protected Open Space" appears in several of the land use maps included in the Plan and EIR<sup>1</sup> and is central to the EIR's analysis of potential impacts and proposed mitigation measures, particularly relating to Land Use and Development, associated

<sup>1</sup> See, e.g., Plan at 45 ("Map 1 SF Bay Area Resource Lands"), Plan Appendix 2: Maps 1-3 at 140-142; EIR at 2.3-3 ("Figure 2.3-1 Urbanized Land and Open Space"), 2.3-17 ("Figure 2.3-4 Regional Parks and Open Space").

## Cargill Comments on Draft Plan Bay Area and Draft EIR

May 16, 2013

Page 2

with the proposed Plan.<sup>2</sup> However, despite being an apparently key land use designation in both the Plan and the EIR, “Protected Open Space” is undefined in both documents. Without a clear definition, the term “Protected Open Space” may be interpreted as a land use designation akin to “preservation”—i.e. where development and/or certain types of land use are precluded or severely restricted—even if local land use controls do not impose such restrictions. This is particularly problematic for a landowner such as Cargill, whose private property appears to be depicted in the Plan, and analyzed in the EIR, as “Protected Open Space.” This designation improperly suggests to the public and decision makers that certain types of land uses that are currently allowed at these sites, or that may be allowed in the future by the local government(s) with jurisdiction over the sites, are actually barred or restricted in some way by the “Protected Open Space” designation in this Plan.

Arguably, the most informative discussion of the term “Protected Open Space” appears in a footnote in the Alternatives discussion of the EIR: “Protected open space includes lands protected primarily as open space by an ownership interest of a governmental agency or non-profit organization (fee or easement). These lands may or may not offer public access.” Draft EIR at 3.1-51 FN 6. However, it is entirely unclear whether this statement is intended to describe a subset of the lands identified in the Plan as “Protected Open Space,” or instead to describe all such lands. If the former, nowhere do the Plan or the EIR identify the other types of lands at issue. If the latter, it is clearly incorrect, as Cargill properties appear to be designated as “Protected Open Space” in the Plan, but certainly do not fall within the EIR’s description. In addition, the EIR introduces further confusion by conflating “Protected Open Space” with “permanent open space”: “The agricultural lands and open space analysis identifies factors affecting development impacts at the county level and determines whether the proposed Plan would affect the relative ability of local jurisdictions to protect agriculture and **open space designated as ‘permanent.’**” Draft EIR at 2.3-34 (emphasis added).

B6-2

Finally, the source of information for the “Protected Open Space” designation is not clear. Cargill has reviewed the geographic dataset which it understands to be the source of information for the “Protected Open Space” designation, *California’s Protected Areas Database* (“CPAD”).<sup>3</sup> The properties owned by Cargill in Redwood City and Newark, which appear to be

<sup>2</sup> See, e.g., EIR at 2.3-52 (“Mitigation Measures ... 2.3(h) ... Requiring project relocation or corridor realignment, where feasible, to avoid protected open space. ... Requiring conservation easements on land at least equal in quality and size as partial compensation for the direct loss of protected open space.”), 2.3-35, 2.3-46, 2.3-50, 2.3-51, 2.3-52, 3.1-51, and 3.1-52.

<sup>3</sup> Plan Maps 1 “SF Bay Area Resource Lands” and Appendix 2 Maps 1-3 do not specify the source of information for the “Protected Open Space Designation.” Plan at 45, 140-142. However, EIR Figures 2.3-1 and 2.3-4 indicate one of the data sources as The Bay Area Protected Areas Database, Bay Area Open Space Council, which is available to view at <http://www.calands.org/map>.

Cargill Comments on Draft Plan Bay Area and Draft EIR  
May 16, 2013  
Page 3

depicted in the Plan's maps as "Protected Open Space," are not designated as such in the CPAD database.<sup>4</sup> Nor are those properties designated as "Protected Open Space" in the general plans or zoning ordinances of the relevant local governments.

In sum, the Plan and EIR fail to provide a coherent definition of the "Protected Open Space" designation and fail to provide a factual basis for its use over large portions of the Bay Area, including over Cargill lands. As a result, the "Protected Open Space" designation is incomprehensible and, ultimately, misleading. Moreover, neither the Draft Plan nor the Draft EIR explain how this designation is intended to influence local government regulation of land, meaning that the public and decision-makers cannot understand the implications of this designation for current and future uses of the properties at issue. The Plan and EIR must provide a clear definition of "Protected Open Space," a complete explanation as to the source of information used to map this designation in the Plan and EIR, and a detailed analysis of how the designation will or may affect local regulation of designated lands. To the extent "Protected Open Space" is defined in a manner that suggests ABAG and MTC are imposing or identifying a "preservation" or "dedicated open space" land use restriction that does not exist and is inconsistent with underlying local land use designations -- which ABAG and MTC have no authority to impose or alter -- it will create a false impression of land use restrictions applicable to a particular site. Application of such a misleading designation to Cargill's lands could constitute a substantial impairment of Cargill's property rights that is not authorized by local, state, or federal law.

#### B. The "Protected Open Space" Designation is Inconsistently Applied

The ambiguity in the Plan and EIR created by the absence of a clear definition of "Protected Open Space" is compounded by inconsistencies in the depiction of this land use designation in different maps within the Plan, between the Plan and EIR, and between the Plan and other documents which it purportedly incorporates.

First, the Plan is internally inconsistent in its designation of "Protected Open Space." For example, the figure entitled "San Francisco Bay Area: Transportation and Land Uses," which appears immediately following the table of contents and prior to page 1 of the Plan, depicts "Open space" as opposed to "Protected Open Space." Some of the lands that are designated as "Protected Open Space" in Plan Map 1 ("SF Bay Area Resource Lands") and Plan Appendix Maps 2 and 3 are not designated as "Open space" in this map.<sup>5</sup> Although the term "Open space"

<sup>4</sup> Compare Plan at 45 ("Map 1 SF Bay Area Resource Lands), Plan Appendix 2 ("Map 2 Northeast and Central Bay: Resource Lands" and "Map 3 South and West Bay: Resource Lands") with same geographic area on map at <http://www.calands.org/>.

<sup>5</sup> Compare, e.g., the depiction of Newark and Fremont in this figure with their depiction in Plan Map 1 at 45 and Maps 2-3 in Appendix 2 at 141-142.

Cargill Comments on Draft Plan Bay Area and Draft EIR  
 May 16, 2013  
 Page 4

is undefined, presumably “Protected Open Space” would be encompassed within the apparently more general “Open space” designation but this is not true based on a comparison of these maps. Either the “Open space” depicted in this figure somehow excludes certain “Protected Open Space”, or inconsistent data sets were used to create these maps.

B6-6

There are also discrepancies between certain maps in the Plan and those in the EIR with respect to the “Protected Open Space” designation. For example, designations of “Protected Open Space” in Redwood City and Newark in Plan Map 1 “SF Bay Area Resource Lands” and Maps 2 and 3 of the Plan’s Appendix 2 are inconsistent with the depiction of “Protected Open Space” in Figures 2.3-1 and 2.3-4 of the EIR.<sup>6</sup>

B6-7

Finally, the May 2012 *Jobs-Housing Connection Strategy*, which is incorporated by reference into the Plan and EIR<sup>7</sup>, includes maps differentiating between “Protected Open Space,” “Policy Protected Open Space,” and “Conservation Easement[s].” Unfortunately, these terms are also undefined in the *Jobs-Housing Connection Strategy*, but it appears, at least with respect to the “Protected Open Space” designation, there are inconsistencies between the maps included in the May 2012 *Jobs-Housing Connection Strategy* and those contained in the Plan.<sup>8</sup>

B6-8

As shown above, the Plan and EIR contain conflicting information relating to the “Protected Open Space” designation and are, as a result, individually misleading and collectively incoherent. The depiction of “Protected Open Space” in both of these documents must be corrected to not only accurately reflect the definition of that term, however the term is ultimately defined in the Plan, but also to ensure that the designation is depicted consistently in maps throughout both documents and is not inconsistent with source documents that are incorporated by reference. To the extent these inconsistencies are not corrected, and to the extent Cargill’s property is improperly designated as “Protected Open Space” on any of the figures contained in the Plan and/or EIR, as described above, the Plan could substantially impair Cargill’s property rights in a manner that is not authorized by local, state, or federal law.

B6-9

### C. The Plan’s “Urban Growth Boundary” Designation is Ambiguous and Confusing

As with the “Protected Open Space” designation, the Plan’s “Urban Growth Boundary” designation requires clarification. The basis for the “Urban Growth Boundary” designation, as

<sup>6</sup> Plan at 45, 141-142, Draft EIR at 2.3-3 and 2.3-17.

<sup>7</sup> Plan at 26; EIR at ES-8.

<sup>8</sup> Compare, e.g., Plan at Appendix 2, “Map 2 Northeast and Central Bay: Resource Lands” showing the southern portion Newark as “Protected Open Space” that is not depicted as such in the map included in the Appendix C of the *Jobs-Housing Connection Strategy, Appendix*, in the map entitled “Place Type for Priority Development Areas in Alameda County.”



Cargill Comments on Draft Plan Bay Area and Draft EIR

May 16, 2013

Page 5

depicted in various figures throughout the Plan and the EIR, should be clearly defined in both documents.<sup>9</sup> Instead, the Plan indirectly describes the term as follows:

To ensure that the Bay Area retains the landscapes that its residents value so highly, the Plan Bay Area aims to protect open space and agricultural land by directing 100 percent of the region's growth inside the year 2010 urban footprint, which means that all growth occurs as infill development or within established urban growth boundaries or urban limit lines. As the draft plan assumes that all urban growth boundaries/urban limit lines are held fixed through the year 2040, no sprawl-style development is expected to occur on the region's scenic or agricultural lands. This will help preserve the natural beauty of the Bay Area for future generations to enjoy.

Plan at 101. Similarly, the EIR refers to "Urban Growth Boundaries" as one type of local land use measure employed to limit sprawl:

With the exception of San Francisco, all counties in the Bay Area protect open space and agricultural lands by county-wide land use measures, such as urban service areas, environmental corridors, slope/density restrictions, stream conservation areas, or riparian buffers. Additionally, some cities have Urban Growth Boundaries (UGB) to limit sprawl and protect agricultural land. Generally, this means that if a project falls outside a UGB, there are regulatory measures in place to aid local jurisdictions in farmland protection. Still, there are many communities without growth limits in place, and those that do exist vary in quality, effectiveness, and enforcement. According to MTC/ABAG, of 101 Bay Area municipalities, 27 have UGBs as of January 2013. Additionally, countywide growth boundaries in Contra Costa and San Mateo counties apply to all cities within their jurisdiction. Counties and cities with measures protecting open space are summarized in **Table 2.3-14.**

EIR at 2.3-47. These descriptions do nothing to clarify either (1) the underlying factual basis for the single "Urban Growth Boundary" depicted in the Plan and EIR, or (2) what the term actually means in the context of implementation of the Plan and/or environmental impact analysis in the EIR.

Although not clear in the Plan or EIR, the basis for the Plan's "Urban Growth Boundary" could be buried in one of the "Supplementary Reports and Additional Resources" listed in Appendix 1 of the Plan. It is unreasonable to expect that the public would be able to canvass all of these materials in the short time that ABAG and MTC has made available for public review and comment of the Plan and EIR, and, in fact, Cargill has not been able to complete such a comprehensive review. However, Cargill has determined that the *Draft Summary of Predicted Land Use Responses* ("Draft Summary") contains a discussion of "Urban Boundary Lines,"

<sup>9</sup> See, e.g. Plan at 52 ("Map 4 SF Bay Area Household Intensities, 2010-2040") and Plan Appendix 2 Maps 1-15.

Cargill Comments on Draft Plan Bay Area and Draft EIR  
May 16, 2013  
Page 6

although it is not clear whether that description of the “Urban Boundary Lines” is the basis for the Plan’s “Urban Growth Boundary.” As described at page 24 of the *Draft Summary*, “[f]or the purpose of building EIR Alternatives, a consistent set of ‘Urban Boundary Lines’ surrounding each city was established. *These are meant to function like urban growth boundaries in the EIR Alternatives that stress the implementation of regional urban growth boundaries*” (emphasis added).

Assuming this description of “Urban Boundary Lines” is the source for the “Urban Growth Boundary” described in the Plan and the Draft EIR, the designation apparently reflects a composite of various local land use designations, such that it is not readily apparent what the designation actually means for any particular parcel:

In some cases, the Urban Boundary Lines are drawn from true urban growth boundaries or urban limit lines. In other cases urban service lines that function much like urban growth boundaries are used. In some cases, cities have established no such lines. However, adjacent unincorporated county land is zoned to limit development and preserve agricultural and natural resource lands. In these areas, the current spheres of influence are used establish the Urban Boundary Line for EIR analysis.

*Draft Summary* at 24. Further, the caption of Figure 10 in the *Draft Summary* states that “Growth boundaries are defined by a city or county, where areas inside the boundary are intended for development and the area outside are for minimal lower density or no development.” *Draft Summary* at 25, Figure 10: “Urban Boundary Lines Across the Alternatives.” It is unclear whether this description of “growth boundaries” is consistent with explanation of “Urban Boundary Lines” in the preceding excerpt. Moreover, it is unclear whether any of these definitions apply to the “Urban Growth Boundary” depicted in the Plan and EIR.

B6-12

The *Draft Summary* also describes how “Urban Boundary Lines” are treated differently across the alternatives analysis in the EIR, suggesting an improper factual basis for the impact analysis, particularly to the extent it relies on assumptions regarding local land use decisions over which the Plan has no authority:

The Urban Boundary Lines are treated two different ways across EIR Alternatives. In the No Project Alternative they are assumed to be weakly enforced meaning that some suburban growth will be allowed to spill out past them. In the other four alternatives, the enforcement is assumed to be strict meaning that all Urban Boundary Lines are strictly enforced as urban growth boundaries and suburban growth is not allowed beyond them. In all Alternatives, low density rural residential growth is permitted beyond the Urban Boundary Line in locations where the base year zoning allows it. [*Draft Summary* at 24]

As currently drafted, the Plan and EIR lack a clear definition of the “Urban Growth Boundary” designation and fail to specify the source of the information for this designation. The

Cargill Comments on Draft Plan Bay Area and Draft EIR  
May 16, 2013  
Page 7

Plan and EIR must clarify whether the “Urban Growth Boundary” reflects actual local land use restrictions, whether the designation is instead an amalgam of various types of local land use restrictions compiled by the authors of the Plan, or whether it is based on some other source of information altogether. To the extent the Plan and/or EIR depict Cargill’s property as being impacted by any purported “Urban Growth Boundary” that does not actually exist at the local level, the Plan could substantially impair Cargill’s property rights in a manner that is not authorized by local, state, or federal law. Moreover, to the extent the EIR’s impact analysis relating to the “Urban Growth Boundary” is based on the “Urban Boundary Lines” as described in the *Draft Summary*, the EIR must clarify this disparate terminology.

B6-13

D. The Relationship Between the “Protected Open Space” and “Urban Growth Boundary” Designations is Unclear

In addition to a lack of clarity in the definitions and sources of information for the “Protected Open Space” and “Urban Growth Boundary” designations, the Plan and EIR fail to explain how these two designations interrelate. Specifically, what does it mean if a parcel is designated as both “Protected Open Space” and within the “Urban Growth Boundary”?<sup>10</sup> It is not clear whether the “Protected Open Space” designation somehow “trumps” the identification of a parcel as lying within the “Urban Growth Boundary,” or vice versa, or if there are other unstated assumptions underlying such a “dual designation.” This absence of key information, combined with the fact that it is not clear what is intended by either of these designations (as explained in detail above), renders it impossible for the public and decision makers to evaluate what it means if both designations apply to a site. To the extent those terms fail to accurately reflect existing local land use designations, the Plan could substantially impair Cargill’s property rights in a manner that is not authorized by local, state, or federal law.

B6-14

E. The Plan Lacks an Adequate Description of the Locations and Extent of the “Priority Conservation Areas”

Priority Conservation Areas (PCAs) are described in the EIR as “compris[ing] over 100 regionally significant open spaces for which there exists broad consensus for long-term protection but face nearer-term development pressure. The PCAs designated in the proposed Plan will expand a regional greenbelt dedicated for preservation or protected by federal, state, and local policies. PCAs play a particularly important role in implementing the growth strategy in the North Bay—where they are central to the character and economy of many communities.”<sup>11</sup>

<sup>10</sup> See, e.g. Plan at Appendix 2 Maps 3 and 6. Some areas depicted as “Protected Open Space” in Map 3, apparently overlying the “Urban Growth Boundary” designation (for example lands near Redwood City, Menlo Park, Newark and Union City), are depicted as lying within the “Urban Growth Boundary” in Map 6.

<sup>11</sup> EIR at 1.2-26. See also Plan at 43.



Cargill Comments on Draft Plan Bay Area and Draft EIR  
May 16, 2013  
Page 8

However, other than appearing as dots on a regional map (see, for example, Plan Map 1), the Plan and EIR contain no identification or description of the locations and geographic extent of each PCA. Without such information, the Plan and EIR provide no basis for evaluating the impact or extent of the PCAs, including whether the PCAs overlap lands designated as “Protected Open Space” or “Urbanized Areas” in the Plan.

In addition, according to the “FOCUS” website, only 98 PCAs were adopted by the ABAG Executive Board in July 2008 from over 100 nominated areas.<sup>12</sup> If 98 is in fact the correct number of PCAs actually adopted by ABAG, rather than over 100 as stated in the Plan and EIR, the documents should be revised to reflect this inaccuracy, in addition to providing an adequate description of the locations and extent of each PCA.

## II. Comments Specific to the Draft EIR

### A. The Incomplete Information and Inconsistencies Described Above Render the EIR an Inadequate Informational Document Under CEQA

Because of the deficiencies identified above, the EIR fails to fulfill its fundamental role under CEQA as an informational document that informs public agency decision-makers and the public of environmental effects associated with the proposed Plan. 14 Cal Code Regs. §15121. Because the key terms “Protected Open Space” and “Urban Growth Boundary” lack any clear definition, there is no way for the public maker or decision-maker to understand exactly what is being proposed or analyzed in the Plan as it pertains to lands covered by either or both of these designations. Without clear definitions of these key designations, including an explanation of how the designations related to one another, the EIR fails to provide an adequate basis for the public and decision-makers to evaluate the Plan. It is therefore inadequate under CEQA.

### B. Land Use Impact Analysis and Mitigation Not Supported by Substantial Evidence

Because the term “Protected Open Space” is undefined in the Plan and EIR, the impact analyses relating to lands falling under this designation are not supported by substantial evidence as required under CEQA. For example, the EIR maintains a finding of a less than significant impact with no mitigation required for Impact 2.3-3, “Implementation of the proposed Plan could conflict substantially with the land use portion of adopted local general plans or other applicable land use plans, including specific plans, existing zoning, or regional plans such as coastal plans or the Bay Plan.” EIR at 2.3-42—2.3-44. However, without an adequate definition of “Protected Open Space,” it is impossible to assess whether the Plan conflicts with local land use designations, zoning restrictions, and other land use controls. Moreover, if the EIR is based on an erroneous assumption regarding the term “Protected Open Space”—i.e. that development is currently precluded on those parcels when in fact it is not—this would render the analysis inadequate because it would be based on faulty factual information.

<sup>12</sup> <http://www.bayareavision.org/pca/>.

Cargill Comments on Draft Plan Bay Area and Draft EIR  
May 16, 2013  
Page 9

B6-17

Similarly, portions of mitigation measure 2.3(h)—“Requiring project relocation or corridor realignment, where feasible, to avoid protected open space” and “Requiring conservation easements on land at least equal in quality and size as partial compensation for the direct loss of open space”—are infeasible because meaningless, absent a clear understanding of what “protected open space” means within this Plan.<sup>13</sup>

B6-18

In sum, the absence of a clear and cohesive definition of “Protected Open Space” renders any impact analysis that relies on this designation virtually meaningless and fails to comport with CEQA’s requirement that it be supported by substantial evidence.

### **III. To the Extent ABAG/MTC Fail to Correct These Deficiencies, Cargill Reserves its Right to Pursue All Legal Remedies Necessary to Protect its Interests**

The designation of Cargill lands as “Protected Open Space” in the Plan may mislead the public and decision makers by suggesting the existence of significant restrictions on the current and future use of those properties, despite the fact that no such restrictions exist. Moreover, regulatory agencies and local jurisdictions evaluating future uses of these properties may believe they are under an obligation to view the designation in this light. To the extent the Plan is interpreted as “regulat[ing] the use of land” or could be “interpreted as superseding the exercise of land use authority of cities and counties within the region,” it runs contrary to the authorizing legislation of SB 375 and would be legally invalid.<sup>14</sup>

B6-19

MTC and ABAG should not adopt the Plan or certify the EIR so long as those documents improperly and misleadingly identify and analyze Cargill’s property as designated “Protected Open Space” and/or as impacted by any purported “Urban Growth Boundary” depicted in the

B6-20

Plan. For this reason, Cargill requests that MTC and ABAG: (1) define the “Protected Open Space” designation to include only those land use restrictions currently imposed by local regulation on a particular parcel, and include on the map only parcels currently subject to such

B6-21

restrictions, (2) clarify that the “Urban Growth Boundary” described in the Plan and EIR is not intended to reflect anything other than locally designated urban growth boundaries and remove it from the maps where none actually exists, and (3) clearly state that the Plan’s designation and

B6-22

<sup>13</sup> EIR at 2.3-52.

<sup>14</sup> “Neither a sustainable communities strategy nor an alternative planning strategy regulates the use of land, . . . . Nothing in the sustainable communities strategy shall be interpreted as superseding the exercise of the land use authority of cities and counties within the region. . . . Nothing in this section shall be interpreted to authorize the abrogation of any vested right whether created by statute or by common law. Nothing in this section shall require a city’s or county’s land use policies and regulations, including its general plan, to be consistent with the regional transportation plan or alternative planning strategy.” Cal. Gov. Code § 65080(b)(2)(J).

Cargill Comments on Draft Plan Bay Area and Draft EIR

May 16, 2013

Page 10

depiction of “Protected Open Space” and an “Urban Growth Boundary” does not impose any additional land use restrictions, and does not imply that any additional restrictions should or will be adopted in the future by MTC and ABAG -- who lack such regulatory authority -- or by the local governments that do have regulatory authority over the properties in question. In other words, the maps should not impose or suggest – directly or indirectly – any restriction on current or future use of a given parcel that is not supported by existing designations by a local agency with jurisdiction over that specific property.

B6-23

MTC and ABAG must define the terms “Protected Open Space” and “Urban Growth Boundary” to reflect only actual local land use designations and regulations currently in place, and the maps must only include in such designations parcels legally subject to such designations. In addition, regardless of how “Protected Open Space” and “Urban Growth Boundary” are defined, there are clear implications to these terms as presented on the Plan maps and in the draft EIR: namely, that current or future land uses are somehow limited or restricted. Where these implications are inaccurate because they are not an accurate reflection and characterization of the governing documents of the respective jurisdictional authorities, it is inappropriate to apply these designations. As such, these designations must be removed from all property where there is no factual basis to support them, as would be the case with Cargill’s properties. Should MTC and ABAG fail to take such action, the Plan could substantially impair Cargill’s property rights in a manner that is not authorized by SB 375 or any other local, state, or federal law. Cargill reserves its right to pursue all legal remedies necessary to protect its interests as a landowner, including its vested property rights and its right to challenge an uncompensated taking of private property.

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Thank you again for the opportunity to comment on the Plan and EIR. Should you have any questions regarding any of the comments contained in this letter, please do not hesitate to contact me.

Sincerely,



Paul Shepherd  
Cargill, Incorporated

May 16, 2013

Emailed to:

[info@OneBayArea.org](mailto:info@OneBayArea.org)

[eircomments@mtc.ca.gov](mailto:eircomments@mtc.ca.gov)

The Hon. Members of the Metropolitan Transportation Commission  
and Association of Bay Area Governments Executive Board

Re: Comments on Draft Plan Bay Area and Draft Environmental Impact Report

Dear Commissioners and Members:

The Building Industry Association of the Bay Area (“BIA”) respectfully submits these comments on *Draft Plan Bay Area* (“Proposed Project”) and the Draft Environmental Impact Report for the Proposed Project (“DEIR”). This letter responds to MTC’s and ABAG’s requests for public comment on both the Proposed Project and the DEIR and should be included in the record for both.

B7-1

BIA believes the Proposed Project and DEIR are legally flawed in important respects, including:

- The DEIR improperly characterizes the No Project alternative, rendering key parts of the DEIR deficient and causing the DEIR to fail as an informational document.
- The Proposed Project does not comply with SB 375’s requirement that a Sustainable Communities Requirement (“SCS”) identify sufficient areas to accommodate the region’s housing need within the region. This violation of SB 375 also renders the DEIR insufficient as an informational document.
- During the public process for developing the Proposed Project, the agencies fundamentally changed their legal interpretation of SB 375’s housing requirement. This change to a fundamental “rule of the game” was made arbitrarily and without adequate disclosure or analysis.
- During the public process for developing the Proposed Project, the agencies fundamentally changed their methodology and assumptions about how many new housing units the region needs to produce to support differing levels of future job growth. This change to a fundamental “rule of the game” (formally adopted by ABAG’s Executive Board in November 2010) was made arbitrarily and without authorization, adequate disclosure or analysis. Relatedly, the DEIR improperly uses different jobs-to-housing methodological assumptions in Alternative 4 than

in the other alternatives, resulting in an artificial and prejudicial impression that Alternative 4's higher housing production will lead to only modest increases in regional job growth.

- The Proposed Project's projected land development pattern violates SB 375, CEQA, and federal law because there is uncontradicted substantial evidence that it is unrealistic and infeasible, and no substantial evidence to support a determination that it is realistic or feasible.
- With respect to the land development pattern of the SCS, there is a need for significant additional information, and clarification of the information presented, to enable the public and decision makers to be able to undertake a meaningful comparison of the Proposed Project and alternatives.

I. The DEIR's analysis of the No Project alternative violates CEQA.

CEQA requires an EIR to include an analysis of project alternatives that contains sufficient information about each alternative to allow meaningful evaluation, analysis, and comparison with the proposed project. One of the required alternatives is the no project alternative. The Guidelines specifically address the appropriate method for constructing and analyzing the no project alternative where, as here, the proposed project revises an existing land use or regulatory plan.

(e)(2) The 'no project' analysis shall discuss...what would reasonably expected to occur in the foreseeable future if the project was not approved, based on current plans....

(3) (A) When the project is the revision of an existing land use or regulatory plan, policy or ongoing operation, the 'no project' alternative will be the continuation of the existing plan, policy or operation into the future. Typically this is a situation where other projects initiated under the existing plan will continue while the new plan is developed. Thus, the projected impacts of the proposed or alternative plans would be compared to the impacts that would occur under the existing plan.

(C) After defining the no project alternative using one of these approaches, the lead agency should proceed to analyze the impacts of the no project alternative by projecting what would reasonably be expected to occur in the foreseeable future if the project were not approved, based on current plans and consistent with available infrastructure and community services." CEQA Guidelines §15126.6(d)-(e).

The Proposed Project is a revision to the Bay Area's RTP. The RTP is regularly updated at 4-year intervals. The DEIR constructs and analyzes a No Project alternative.

**B7-2** However, the DEIR violates CEQA by (1) omitting a substantial number of transportation projects and programs that are part of the currently adopted financially constrained RTP from the No Project alternative; and (2) constructing the No Project alternative using a land use pattern based on (what the regional agencies describe as) a continuation of current development trends—a growth pattern that differs substantially from the one used in the adopted RTP. These errors result in a fundamentally flawed and highly misleading representation of the No Project alternative, its potential environmental impacts, and how it performs with respect to the project objectives and the relevant statutory requirements. As a result, whole parts of the DEIR, such as the crucial alternatives analysis, are deficient, causing the DEIR to fail as an informational document.

**B7-3** By artificially and improperly assuming that a large and significant category of transportation improvements and programs—so-called “discretionary/uncommitted” projects—representing almost \$60 billion in expenditures, will simply disappear and the funds remain unexpended, even though they are currently part of the financially constrained RTP, the DEIR and Proposed Project present an inaccurate and misleading analysis of the No Project alternative. As a result, the DEIR significantly understates the No Project’s potential impacts related to the construction and operation of transportation projects, including in areas such as air quality/construction emissions, localized disruption of businesses and residences, exposure to sea level rise, construction noise, and shadows. At the same time, this error significantly overstates the No Project’s potential impacts with respect to impacts directly affected by a transportation system’s capacity and effectiveness, such as GHG emissions, congestion, and auto emissions. These errors not only render the No Project alternative itself defective, they permeate the entire alternatives analysis and make it impossible for the public and decision makers to undertake an adequate comparison of the CEQA-mandated no project alternative and the Proposed Project and other alternatives. (DEIR at 3.1-1-31).

**B7-4** In addition, the Proposed Project and DEIR are significantly impacted by improper changes in the definition of committed projects. In spring 2011, MTC amended its existing Committed Funds and Projects Policy (on which the current RTP is based) via adoption of MTC Resolution No. 4006.<sup>1</sup> This was before the EIR scoping process even began. MTC’s governing body found the results of the new policy unacceptable because several favored projects that had been deemed committed now became uncommitted and therefore potentially subject to change or cancellation. As a result, MTC again amended the policy in spring 2012 to loosen the criteria for a project to be deemed committed. As shown above, these changes have a significant and direct impact on how the No Project alternative performs in the DEIR, and how the Proposed Project compares to the No Project alternative. However, they were adopted separately from the SCS and CEQA development processes, thus violating CEQA’s prohibition against project segmentation and taking pre-approval action that limits the choice of alternatives (CEQA Guidelines §15004(b)(2)).

<sup>1</sup> [http://apps.mtc.ca.gov/meeting\\_packet\\_documents/agenda\\_1645/tmp-4006.pdf](http://apps.mtc.ca.gov/meeting_packet_documents/agenda_1645/tmp-4006.pdf)



**B7-5** The No Project alternative's improper land use pattern likewise precludes informed analysis. The DEIR pairs the truncated transportation investment program with what the Proposed Project unfavorably and prejudicially portrays as a business-as-usual growth pattern that represents a "notable exception" compared to the other alternatives and includes "sprawl-style development." (Proposed Project at 101). The DEIR goes so far as to assume that in the No Project alternative, cities and counties with urban growth boundaries will actually develop beyond their existing UGBs. The DEIR does not support this assumption with any evidence regarding why any specific UGB is projected to be breached, the legal requirements necessary to develop beyond any specific UGB, or any indication that a specific city or county is considering breaching its UGB.

**B7-6** As with the exclusion of transportation projects and programs, this projected land use pattern is patently not reflective of the existing RTP and thus violates the governing provisions of the CEQA Guidelines. The adopted RTP uses a vastly different land use pattern that is variously referred to as "Projections 2009" or "Current Regional Plans." The adopted RTP land pattern is significantly more compact and "smart growth-oriented" than the pattern assigned to the No Project alternative. Again, this creates a seriously skewed set of results for the No Project alternative and the comparative assessment of the Proposed Project. Because its land pattern is "significantly more dispersed" than all of the other alternatives (and the adopted RTP), the No Project alternative's relative performance in crucial areas such as GHG reduction, open space consumption,

**B7-7** agricultural land conversion, and natural resource protection appears relatively dismal. Its poor comparative performance is exacerbated by the fact that the agencies have incongruously assumed on the one hand that the No Project alternative will have the same population, housing, and employment growth as the other alternatives (and therefore all of the impacts associated generally with increased growth), while on the other hand assuming it will not have the benefit of \$60 billion in road, transit, and other programs expressly designed to mitigate the impact of such growth on things like GHG emissions and traffic congestion. The DEIR itself acknowledges this consequence repeatedly in the tables summarizing the alternatives.

**B7-8** Under *Planning & Conservation League v. Department of Water Resources* (2000) 83 Cal.App.4<sup>th</sup> 892, the DEIR violates CEQA because it improperly assumes that key elements of the existing plan will be eliminated if the Proposed Project is not approved, and it is clearly unreasonable to assume that if the Proposed Project is not approved, the uncommitted programs and policies along with the adopted growth pattern in the existing RTP will simply go away. The DEIR should have conducted the alternatives analysis with a No Project alternative based on the full suite of programs and projects in the financially constrained portion of the existing RPT, and the existing RTP's land use pattern.

B7-9

II. The Proposed Project does not comply with SB 375's housing requirement.

SB 375 requires an SCS to identify sufficient areas for housing to accommodate the region's entire housing need over the RTP planning period within the region. (Gov't Code §65080(b)(1)(B)). The documents and analyses prepared by ABAG and MTC as part of the SCS development process contain substantial evidence demonstrating the following:

- Before the adoption of SB 375, the regional agencies consistently planned for insufficient housing to accommodate the job growth their plans projected and relied on exporting part of the region's housing needs to other regions, causing significant and persistent in-commuting with its attendant environmental and other impacts. The most recent manifestation is the existing RTP ("T2035"). T2035 plans for a 25-year housing increase of 634,000 new housing units supporting 1,190,000 new jobs. This is a ratio of 1.74 new jobs for each new housing unit.<sup>2</sup>
- This historical practice allowed the regional agency governing bodies to represent to the public that they were maximizing Bay Area job growth (politically popular) while minimizing the need for the region to plan for more housing (politically unpopular)—essentially conditioning the public that the region can have its cake and eat it, too.
- At the outset of the SCS development process, the agencies acknowledged that SB 375's housing requirement was specifically inspired by the Bay Area's chronic failure to plan for and produce adequate housing to support its job growth without relying on exporting its housing needs. The agencies acknowledged that post-SB 375, "we must demonstrate how all of the region's growth in housing demand can be met within our borders, not by surrounding counties via 'spillover' demand" and that "this requirement marks a fundamental change in how our region and surrounding communities have been planned and developed over the last several decades. Over the last 30 years, surrounding counties have been planning and building homes for Bay Area workers."<sup>3</sup>
- The agencies declared their understanding that compliance with the housing requirement meant the region's SCS must be based on "no increase in in-commuting." Their clearly articulated position was that the SCS must not be based on a projection that future Bay Area job and housing growth will result in an increase in the number of current in-commuters beyond the existing baseline which was the cumulative result of decades of insufficient housing in the region. Equally clear is that the agencies did not interpret SB 375 as simply requiring the

<sup>2</sup> [http://www.abag.ca.gov/abag/events/agendas/e111810a\\_packet.pdf](http://www.abag.ca.gov/abag/events/agendas/e111810a_packet.pdf)

<sup>3</sup> <http://www.abag.ca.gov/abag/events/agendas/d042810a.pdf>



region to maintain the existing “ratio” of commuting into the region, as that would result in significant increases in the actual level of in-commuting during the relevant planning period, thereby worsening the pre-existing on-the-ground condition—the very target of the statutory requirement.

- On Nov. 18, 2010, ABAG’s Executive Board established this interpretation of the housing requirement as the governing principle for developing the SCS in compliance with SB 375. The Executive Board approved a Resolution that fundamentally changed the regional agencies’ planning methodologies concerning jobs, housing, and the relationship between them. First, it changed the method for projecting regional job growth from the “current economic (IMPLAN) model” to a “shift share” method. As the staff memorandum accompanying the Resolution explained, the econometric methodology consistently vastly overstated the number of jobs the region can create without significantly increasing housing production, while the new methodology more accurately reflected the amount of housing needed to support a given level of job growth. The memorandum described the change as a “vast departure.” Second, it established that the agencies would comply with SB 375 by adopting an SCS that accommodates sufficient housing within the region such that the SCS does not project an increase in the number of in-commuters over the planning period.
- Critically important, the staff analysis illustrated the implications of the jobs/housing methodological shift. The analysis compared the jobs and housing projections through 2035 contained in T2035 (using the prior methodology) to the results that would occur under the new shift share method. The conclusions were remarkable: using the new methodology, the region would see about an 8% *increase* in housing production and a 16% *decrease* in jobs (707,390 fewer jobs). This analysis is very significant because at long last the regional agencies conceded that the region had historically engaged in “paper planning” that promised fictional levels of job growth with low levels of housing production within the region, and relied on other regions to provide part of the region’s housing need. ABAG staff recognized the sensitivity of this admission: “While staff acknowledge that the amount of housing in these assumptions may cause some temporary conclusions and consternation, we believe it is more important to ‘get the numbers right.’”
- Following the establishment of these key methodological and legal “rules of the game,” the agencies prepared the first iteration of the SCS—the Initial Vision Scenario (“IVS”)—in spring 2011. The IVS determined that complying with SB 375’s housing requirement requires the SCS to plan for 903,000 new housing units through 2040. Using the new “rule of the game” regarding the relationship between housing production and job growth, the IVS projected this level of

housing would support 1,222,000 new jobs—a ratio of 1.35 new jobs for each new housing unit.<sup>4</sup>

- Bearing out staff’s earlier apprehension, cities and counties opposed planning for this amount of new housing. In response, the agencies prepared new SCS scenarios, each with a dramatically lower housing projection of 770,000 new units. Again in keeping with the new “rule of the game” regarding the relationship between housing production and job growth, these scenarios projected that this level of housing would support 995,000 new jobs—a ratio of 1.29 new jobs for each new housing unit. Importantly, when presenting the new SCS scenarios, the agencies expressly recognized that the IVS housing number remained the actual need as defined by SB 375.
- The regional agencies described the 770,000 housing unit figure as follows: “The expected growth of 770,000 housing units by 2040 in the scenarios under discussion is lower than the equivalent one million units in Initial Vision Scenario. The former is the expected housing production while the latter reflects the housing need. The expected housing production addresses lower 2010 household and population counts (Census 2010), lower employment growth than previous forecasts, and reasonable assumptions on market trends, local and regional policies, and infrastructure. This level of housing reflects a reasonable job to household ratio for the Bay Area and would consider a reasonable pace of recovery of the housing market.” The agencies described these scenarios as representing “moderate” housing and job growth.
- When the regional agencies presented the final performance results for the three new scenarios based on 770,000 new housing units, they expressly found they did not satisfy SB 375’s housing requirement.
- Cities and counties opposed planning for 770,000 new housing units. In response, the agencies in 2012 adopted the Proposed Project that cut the number of projected new housing units to 660,000. Crucially, however, the agencies departed from the new “rule of the game” regarding the relationship between housing production and job growth, and projected that this reduced number of housing units would support 1,120,000 new jobs—far more jobs than the agencies had just determined would be supported by a higher housing figure and representing a ratio of 1.69 new jobs for each new housing unit.
- Business, affordable housing, and social equity organizations that had been heavily involved in the SCS process objected to the consistent reduction in

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<sup>4</sup> <http://apps.mtc.ca.gov/events/agendaView.akt?p=1694>; <http://onebayarea.org/file10007.html>; <http://www.sfcta.org/sites/default/files/content/Programming/TWG/2011June/10-scsrtpupdatehandouts.pdf>; <http://onebayarea.org/related-materials/Document-Archive.html>

planned housing and testified that it was inconsistent with SB 375's housing requirement and would exacerbate the existing in-commuting problems.

B7-10

- In response to the strong concerns expressed, the DEIR included an alternative that plans for about 778,000 new housing units within the region. The DEIR represents that Alternative 4 is the only alternative that satisfies SB 375's housing requirement: "Compared to the Proposed Plan, it [Alternative 4] includes four percent more households and one percent more jobs. This higher growth total reflects the Senate Bill 375 requirement to house the region's entire population (i.e., provide a house for every household employed in the region." (DEIR, p. 3.1-10); "One alternative, the Enhanced Network of Communities, is designed to accommodate more growth as it is intended to identify areas sufficient to allow the region to meet the housing demand to meet projected employment growth projection, thereby reducing the in-commute." (DEIR, p. 1.1-9)

B7-11

- The DEIR's analysis of Alternative 4, however, again significantly departs from the established "rule of the game." While the alternative has about 778,000 new housing units (18% more than the Proposed Project's 660,000), the DEIR projects that this level of housing will support 1,165,000 million new jobs—only 45,000 more new jobs than projected for the Proposed Project and the other alternatives, all of which include a proportionately much lower housing figure. In effect, the DEIR assumes a radically lower marginal (incremental) jobs-housing relationship of 0.38 new jobs for each new housing unit uniquely for Alternative 4. Again, this presents a highly flawed and misleading characterization of the one alternative that at least makes an effort to meet the region's actual housing need. The public and decision makers are left with the impression that there is little reason to plan for the region to eat an additional serving of broccoli if the reward is a crumb of cake.

B7-12

- The overwhelming evidence, including statements in the Proposed Project and DEIR themselves, shows that the Proposed Project does not meet SB 375's housing requirement or the corresponding project objective. The DEIR appears to recognize this inconvenient truth belatedly, and therefore attempts to redefine what it means to meet SB 375's housing requirement at the 11<sup>th</sup> hour. The DEIR asserts that compliance with SB 375 actually only requires the SCS to show that the "ratio" of in-commuting to the region will not increase over the planning period. The DEIR even goes so far as to question the entire premise of in-commuting, and posits that since it is illegal to stop people from commuting into the Bay Area, the in-commuting issue is not a legitimate one. (DEIR at 1.2-33).

B7-13

- The DEIR's newly minted "ratio" test is invalid in many respects. It represents the kind of "ratio theory" cumulative impact methodology prohibited by CEQA because it masks severe worsening of actual on-the-ground impacts and conditions over time. Holding the in-commuting ratio constant over 25 years

B7-14

necessarily entails a significant actual increase in the overall number of in-commuters and the resulting environmental and other impacts. Second, it represents an arbitrary and inappropriate changing of a key “rule of the game” such that there has not been a stable and finite project description for the SCS through the development process. Combined with the other changed positions, the cumulative effect has been to make it impossible for the public and decision makers to make informed assessments of what the agencies are proposing.

B7-15

- Even on its own terms, the Proposed Project appears to violate the “ratio” standard because the region’s existing jobs-to-housing ratio is 1.21 but is projected to increase to 1.30 in 2040 because the Proposed Project adds 1.69 new jobs for every new house planned within the region. It would seem the ratio of in-commuting would necessarily worsen given this increase in the jobs-housing ratio. In addition, it is important to recognize that the 1.69 jobs-housing relationship assumed by the Proposed Project represents a clear abandonment of the “rule of the game” formally adopted in November 2010. The Proposed Project’s housing and job projections, and the relationship between them, are nearly identical to those in T2035. As discussed, those results were obtained using the methodology of the “paper planning” regime.

B7-16

- The return to the “paper planning” regime methodology cynically allows the regional agencies to proclaim that the Proposed Project satisfies SB 375’s housing target and the related project objectives. The Proposed Project and DEIR take great pains to proclaim to the public and decision makers that the Proposed Project fully complies with this “mandatory and vitally important” requirement and thus represents a “major milestone.” (Proposed Project, pp. 5, 19, 95, 97). The Proposed Project even goes so far as to suggest it ends the region’s historic reliance on exporting its housing needs to other regions: “In contrast to past trends that saw the outward expansion of urban growth in the region and spillover growth in surrounding regions, Plan Bay Area directs new growth within locally adopted urban growth boundaries to existing communities along major transit corridors.” (Proposed Project, p.45)

B7-17

- The Proposed Project and DEIR appear to suggest that a housing figure greater than 660,000 is somehow not reasonable or not feasible. Yet the 770,000 figure was expressly determined to be both by the regional agencies and there is no evidence supporting a retreat from that assessment. Furthermore, this argument incorrectly treats the SB 375 housing requirement as being qualified by the same “feasibility” consideration that applies to attaining the statute’s per-capita GHG reduction target. They also appear to suggest that exceeding 660,000 housing units would violate federal planning requirements requiring an SCS to be based on a “reasonable” set of planning assumptions. Again, the agencies have already determined a higher figure is reasonable. It was only after political pressure by ABAG’s members that the agencies manufactured an artificial question about reasonableness. Finally, to the extent there are concerns about the ability of the region to accommodate more housing than the Proposed Project calls for, the

constraint is self-generated by the Proposed Project's unprecedented expectation that 80% of all new housing units in the region will take the form of ultra high density in the urban core (*averaging roughly 80 units/acre*). The Proposed Project itself even acknowledges the "constraints of an infill development pattern." (PP, p.32).

B7-18

- The work of the planning and demographic experts retained by the agencies (Levy and Chappell) indicated a range of potential job and housing growth through 2040. The Proposed Project pairs the lowest end of the housing projection with the highest end of the job projection. The Levy and Chappell analyses do not support this conclusion nor does any other evidence the agencies have disclosed to date.

B7-19

- The fundamental changes in the agencies' legal interpretations, methodologies, and assumptions throughout the course of the SCS development were arbitrary and without adequate disclosure or analysis. In some instances they even violated the agencies' own formally adopted standards. The cumulative result is that the DEIR utterly fails as an informational document under CEQA. It contains inaccurate and biased representations of the Proposed Project and alternatives, as well as their performance in meeting key housing and regional planning requirements and objectives. Fundamentally, it represents a return to the "paper planning" regime of the past while at the same time assuring the public and decision makers that it does the opposite.

B7-20

III. The Proposed Project's projected land development pattern violates SB 375, CEQA, and federal law because there is uncontradicted substantial evidence that it is unrealistic and infeasible, and no substantial evidence to support a determination that it is realistic or feasible.

- The Proposed Project does in fact have significant problems relating to feasibility and reasonableness. But, contrary to the impression created by the Proposed Plan and DEIR, these problems do not involve the region's ability to accommodate sufficient overall housing levels to comply with SB 375. Rather, they relate to the Proposed Project's radical assumptions about the type and location of future housing development in the region. Throughout the SCS development process, commentators warned the regional agencies that the density levels and concentration of future housing reflected in the Proposed Project are infeasible and unrealistic. BIA and others communicated to the regional agencies strong support for an SCS that would maximize the region's potential to house future growth in infill and TOD areas. However, all of the available evidence shows that it is patently unrealistic to project—as the Proposed Project does—that 80% of all future housing growth in the region (528,000 units) will be developed at an

average density of 80 units/acre. Or that almost 50% of all new housing units will be concentrated in just three cities: San Francisco, Oakland, and San Jose.

- For almost two years, BIA and others urged the regional agencies to conduct an assessment of the feasibility of accommodating 80% of the region's future housing in the Priority Development Areas (PDAs) identified by the Proposed Project. Such an assessment is essential to support a fully informed decision on the final SCS—as the agencies themselves acknowledged. However, it was not until late 2012—long after the agency's decision makers had already decided on the Proposed Project's growth pattern—did the agencies commission a feasibility assessment.
- The *PDA Development Feasibility & Readiness Assessment* represents the only thorough investigation of the feasibility of the PDA development assumptions that underlie the Proposed Project. The results show unequivocally that the Proposed Project vastly overstates the feasible housing capacity of the PDAs. Of 660,000 planned housing units, the Proposed Project relies on 528,000 in specific PDAs (80% of the total). The study indicates that 62% of the 528,000 PDA units can reasonably be considered feasible through 2040—roughly 328,000 feasible units. This figure can improve to 80% of the PDA units—422,400—but only if major policy reforms are enacted such as significant CEQA reform, redevelopment replacement, and modifications to Proposition 13. Reliance on these changed state policy changes is questionable under CEQA and federal planning requirements. These numbers likely overstate overall feasibility because the study drew its PDA sample exclusively from the 69 “Planned” PDAs. The 100 other PDAs remain “Potential” PDAs because they do not have the required local land use plans adopted. The study's results suggest that a substantial amount of the specific planned housing in Proposed Project is not feasible: between 105,000 and 200,000 of the 528,000 PDA units. Even assuming a healthy margin of error, and recognizing the study's admonition that all types of residential development in the Bay Area are challenging, these results are striking.
- Importantly, the PDA feasibility study fully accounted for all of the policy levers at MTC's and ABAG's disposal, including transportation incentives and funding such as the OBAG funding program specifically directed at supporting PDA development. To date, the agencies have simply disclosed no evidence or analysis supporting the determination that 80% of future housing can feasibly be expected to built in the PDAs. As currently configured by MTC and ABAG, the PDA program mandates very high densities even for small suburban jurisdictions. The least dense of the PDA “Place Types” is 20 units/acre and the average is 80 units/acre.
- Further substantial evidence that the Proposed Project's projected growth pattern is unrealistic is found in *A Review of the San Francisco Bay Area's Draft Plan Bay Area/Sustainable Communities Strategy* (attached) prepared by the nationally recognized expert firm John Burns Consulting. At BIA's request, John Burns

B7-21

Consulting conducted a review of the Proposed Project's projected housing pattern. Whereas the PDA feasibility study commissioned by the agencies analyzed feasibility on a PDA-by-PDA basis, the Burns report assessed the overall assumptions about housing demand and lifestyle choices underpinning the Proposed Project. The Burns report provides substantial evidence contradicting the Proposed Project's assumptions and conclusions with respect to "macro" regional issues including housing location, housing demand, consumer preferences, builder costs, single-family housing inventory, and foreclosures. The critical conclusions reached in the Burns report render the Proposed Project's continued reliance on the projected development pattern arbitrary and capricious.

IV. With respect to the land development pattern of the SCS, there is a need for significant additional information, and clarification of the information presented, to enable the public and decision makers to be able to undertake a meaningful comparison of the Proposed Project and alternatives.

During the SCS development process, BIA and other stakeholders identified the following information as critical to the public's understanding of the Proposed Project and alternatives, and making an informed decision at the end of the process:

B7-22

- The number and % of the region's total new housing units that will be multifamily
- The number and % of the region's total new housing units that will be single family

B7-23

- The number and % of the region's total new housing units that will be rental
- The number and % of the region's total new single family units that will be "small lot" (<5,500 sq. ft. lot size)
- The number and % of each individual city or county's new housing units that will be multifamily
- The number and % of each individual city or county's new housing units that will be single family
- The number and % of each individual city or county's new housing units that will be rental
- The number and % of each individual city or county's new single family housing units that will be "small lot"

B7-24

- How do these figures differ from current conditions?
- How do these figures differ from the land use pattern projected in the No Project alternative?

B7-25

- Identification of areas planned for growth by a city or county that is not reflected in the Proposed Project's projected land use pattern

B7-26

- Identification of the circa 30 PDAs that were included in the initial figure of 200 PDAs and explanation of how and why they are no longer considered PDAs.
- Identification and explanation of the specific financial and other subsidies assumed in the UrbanSim analysis to make the Proposed Project's land development pattern purportedly achievable.
- Identify the 100 "Potential" PDAs What is the schedule for them to become "Planned"? What resources are needed for them to become "Planned"? How



many totally housing units does the Proposed Project assign to currently Planned PDAs?

BIA hereby reiterates these information requests.

Yours very truly,

A handwritten signature in black ink, appearing to read "Paul Campos".

Paul Campos  
Sr. V.P. & General Counsel





May 16, 2013

via email to [info@onebayarea.org](mailto:info@onebayarea.org)

Plan Bay Area Public Comment  
Metropolitan Transportation Commission (MTC) and Association of Bay Area  
Governments (ABAG)  
101 Eighth Street  
Oakland, CA 94607

*re:* Comments on Draft 2013 Regional Transportation Plan (RTP, "Plan Bay Area"), Sustainable Communities Strategy (SCS), and Draft Environmental Impact Report (DEIR)

Dear MTC Commissioners and ABAG Board Members:

The Sierra Club, represented jointly by the Loma Prieta, Redwood and San Francisco Bay Chapters writing as the Club's voice for the nine-county Bay Area Region, is concerned that the proposed RTP and DEIR do not set out a path to meet California's greenhouse gas (GHG) targets in future years, or to achieve improved quality of life and transportation goals as envisioned by SB 375 (The California Sustainable Communities and Climate Protection Act of 2008).

The Sierra Club and our thousands of local members support the value of coordinated land use and transportation planning as set forth in the legislative goals of SB 375. We recognize that our nine-county region is home to unparalleled natural beauty and diversity, world-recognized business and intellectual acumen, and communities that provide a way of life that other areas envy. But unless our decision-makers demonstrate the feasibility of a future that is sustainable and affordable for ourselves and our children, we stand to lose or waste the value and promise of our region. Thus Plan Bay Area must ensure the best possible outcomes for our built and natural environments.

**B8-1** Alternative #5 ("Environment, Equity, and Jobs," EEJ) has been identified as the Environmentally Superior Alternative of the 5 options evaluated for the DEIR. We agree in general although we must take firm exception to components such as supporting growth in "high opportunity" areas that lack transit and are outside Priority Development Areas (PDAs). We believe MTC and ABAG should adopt this alternative -- appropriately modified -- and begin policy and implementation steps to achieve its goals. We fully recognize that "the devil is in the details," and concepts such as the proposed Vehicle Miles Traveled (VMT) fee need further

refinement and shaping. The crafting of implementing legislation will require serious consideration of the environmental, equity, and financial elements to ensure that adequate revenues are realized, while protecting and rewarding those who have already shown actual commitments to respecting and protecting environmental and social goals. Our regional agencies have never allowed lack of political will to be an impediment to working towards a goal that they determine to be desirable. The Sierra Club offers its volunteer resources to assist with helping to design future implementation steps for these elements.

Unfortunately, we continue to be disappointed in the results shown by the Equity Analysis. Until this region is affordable and equitable for all current and potential residents, the principles of Environmental Justice cannot be realized. It is important for MTC and ABAG to act on the identified benefits of the EEJ alternative to minimize displacement, improve transit services, and control GHG emissions. It is also noteworthy that by emphasizing local jobs, at livable or better wages, the EEJ alternative helps to retain local spending for the local economy. The resulting significant benefits for local “self-help” transportation taxes and revenues from the Transportation Development Act (TDA) for transit operations can help to enhance the positive “multiplier” effect for transit funds.

### **The Regional Express Lane Network (MTC and Valley Transportation Authority (VTA))**

Sierra Club National Transportation Guidelines state in relevant part:

*No limited access highways ("freeways") should be built or widened, especially in urban-suburban areas or near threatened natural areas. High occupancy vehicle (HOV) and high occupancy vehicle/toll (HOT) lanes should come from converting existing highway lanes rather than constructing new lanes. This avoids constructing new lanes which are mixed-flow much of the day, or are converted to full-time mixed-flow after construction. Toll rates on HOT lanes should vary by time of day, and revenues above operating expenses should be used to improve travel opportunities for low income travelers and to operate public transit.*

Therefore we cannot support the proposed highway expansions, particularly in light of their enormous costs for limited benefit to communities, travelers, and GHG reduction. Two of the “Top 10” projects, by cost, in Plan Bay Area are for Express Lane development and construction (chart, page 13). Early statements by MTC personnel in their role with the Bay Area Toll Authority (BATA) indicated that that “excess” revenues from the Express Lane program would support improved public transit in the corridors, but these have since been repudiated. We note that the “Financial Assumptions” document states that “(o)ver the course of the Plan Bay Area period, these revenues will be wholly dedicated to meet the operations, maintenance, rehabilitation and capital financing of the Network.” This is an unacceptable use of public funds.

B8-2

Further, any highway development, over our objections, must take into account the related health impacts. Epidemiological studies have shown that living near a freeway causes adverse health effects that are independent from and in addition to the adverse health effects of regional air pollution. Adverse health effects associated with living near freeways include increased coronary heart disease and asthma as well as diminished lung function development between age 10 and age 18. The relation between diminished lung function in adulthood and morbidity and mortality has been well established and efforts must be taken to minimize such effects.

### **Investment in Improved Public Transportation**

In order to optimize usability of public transit, it needs to be accessible, convenient, affordable, and well-connected. The vast majority of local transit riders use buses, and the network of local bus services needs to be improved and sustained. MTC's "Transit Sustainability" program has shown limited attention to the needs and preferences of actual riders, and should rely more on connectivity of all modes, rather than the apparent preference for steel-wheeled vehicles.

Further, the concept of "Complete Streets" must be part of community development investments. In addition to improving usability for all modes and users, including pedestrians accessing local transit, complete streets ensure the option for persons with disabilities who would otherwise use complementary paratransit under the Americans with Disabilities Act (ADA) to instead use local transit services, at only a fraction of the cost, and thus enhances true transit sustainability. Design and construction that promote active transportation are important considerations in achieving health benefits from the RTP without increasing GHG emissions.

In addition, use of flexible federal funding for "One Bay Area Grants" (OBAG) should ensure that adequate funds are dedicated to transit services, as a preference to speculative PDA development.

### **Priority Development Areas (PDAs)**

Plan Bay Area recognizes more than 160 "Priority Development Areas" that have been identified by local jurisdictions as "infill opportunity areas" within existing communities. These communities are expected to receive the majority of the region's planned population growth, focused in areas near existing or planned transit service. They are eligible to receive technical assistance, planning grants, other financial incentives, and opportunities for "streamlined" environmental review. Affordable housing and good school siting are additional important characteristics of PDAs that will become successful. However, there are no guarantees that the associated transit services or improvements will occur or be maintained; MTC has an obligation to ensure that this occurs, including the availability of regular, good-frequency connector bus or van transit service, as well as the associated ADA complementary paratransit required under federal

regulations. Please explain how this oversight, monitoring, and funding will occur. Also, what happens when a PDA falls short of its goals or is otherwise not adequately achieved? – how is the public investment to be recouped?

We reiterate at this point that we have strong concerns about proposals for “high opportunity” growth in areas outside PDAs, where public transit may be inadequate or insufficient to help change the behavior of residents and workers from single-occupancy autos. The RTP must have a clearly identified goal and outcome of preventing any increases in sprawl.

B8-3

Further, a significant number of PDAs are located in coast-adjacent areas that are vulnerable to sea- and bay-level rise from climate change as well as earthquake and other hazards. What will be done to ensure safety of these residents and infrastructure (see ABAG map titled “Priority Development Areas and Natural Hazards,” with the legend of “Liquefaction Susceptibility”)?

Just this week, the Government Accountability Office (GAO) released a report to the Senate Committee on Environment and Public Works entitled “Future Federal Adaptation Efforts Could Better Support Local Infrastructure Decision Makers” (GAO 13-242). Although directed at federal agencies, the report recognizes the importance of planning to counteract the impacts of climate change on local infrastructure and to incorporate climate change information into design standards. Bay Area regional officials would do well to incorporate these recommendations prospectively.

### **Priority Conservation Areas (PCAs) and Habitat Protection**

Plan Bay Area achieves its goal for Target #6 (Open Space and Agricultural Lands) by directing population and jobs growth toward urbanized areas. Forward-looking policies that protect and expand conservation lands should continue to be a focus of the regional plan, and merit expanded attention in the implementation years. We share the concern expressed by other environmental organizations that the proposed \$10 million OBAG grant to support PCAs over the same 4 year period that would see \$310 million in PDA and infrastructure investments is unbalanced to the point of appearing paltry. Protection of open space requires focused effort, not mere tolerance. The funding for PCAs should be increased from appropriate sources including unnecessary highway expansion, and should be available more equitably in all counties. A full identification of PCA needs regionwide should be prepared in time for the 2017 SCS.

B8-4

Several PDAs and other TPPs (“Transit Priority Projects”) are located in areas that are adjacent to significant natural resources. Examples are the Newark/Dumbarton PDA that is located in the planned expansion area for the Don Edwards National Wildlife Refuge, and the Google expansion plans in Mountain View and Facebook construction in Menlo Park adjacent to the already existing Reserve. Every measure should be taken to ensure that wildlife and

habitat are fully protected from encroachment by such developments, while remaining accessible for respectful human interaction.

### **Preparing for the 2017 RTP**

The Sierra Club recognizes that the 2013 RTP and SCS is the region's first step in defining an integrated transportation/land use vision. The unprecedented coordination between ABAG and MTC staff deserves commendation for professional effort and we look forward to continuing improvements in subsequent planning rounds. However, as this letter and other commenters point out, the Plan remains insufficient in truly achieving the environmental, societal, and economic goals that this region's quality of life require and deserve. We will be monitoring the regional agencies' actual performance from this and subsequent RTP/SCS efforts. No "excuses" will be acceptable henceforth.

We request that the working notes of questions and comments that have been generated from the Regional Advisory Working Group (RAWG) and the Regional Equity Working Group (REWG) meetings be compiled and made available in a format that interested participants as well as staff can sort to provide guidance and input for framing the next RTP process.

It would be especially helpful if major documents such as the Transportation Improvement Program (TIP) clearly identify what has been changed from a previous version, so that the public can know what is actually being achieved from one planning exercise to the next.

Similarly, there should be a regular report, at a minimum annually as to how the RTP is actually being implemented and how goals are being achieved, or not. For one example of how this can be done, see the Delaware Valley Regional Planning Commission's report on "Connections 2040 Tracking Progress" at: [http://www.dvrpc.org/asp/pubs/publicationabstract.asp?pub\\_id=13044](http://www.dvrpc.org/asp/pubs/publicationabstract.asp?pub_id=13044). Surely our regional agencies can do at least as well.

The regional definition of "Committed Projects" also needs to be reconsidered in preparation for the 2017 RTP. No matter what its funding source or previous local support, if a project has not moved forward substantively in the intervening years, it no longer merits any protection, and identified funds should be re-programmed for projects that will truly reduce GHGs and reduce the devastating impacts from climate change on our region.

Finally, while the "Financial Assumptions" and other reports in the multitudinous documents associated with this project, including handouts at the public meetings, mention the existence of current federal law in MAP-21, most of the descriptions are based on previous authorization in SAFETEA-LU. We would certainly hope that the next RTP is more consistent with existing law.

We look forward to MTC and ABAG responses to these comments, and request that such responses be emailed to Patrisha Piras of the Sierra Club at [patpiras@sonic.net](mailto:patpiras@sonic.net). If you have any questions regarding our comments, please do not hesitate to contact Ms. Piras.

Until the trend toward higher GHG emissions is reversed, issues such as congestion will mean little. The Sierra Club sees Climate Change as the most important problem to tackle. It would be laudable if MTC and ABAG can clearly demonstrate achievement of that outlook throughout this process.

Sincerely,

A handwritten signature in black ink, appearing to read "Arthur Feinstein". The signature is fluid and cursive, with a long horizontal stroke at the end.

Arthur Feinstein  
Chair, San Francisco Bay Chapter

A handwritten signature in black ink, appearing to read "Victoria Brandon". The signature is written in a cursive style with a large initial "V".

Victoria Brandon  
Chair, Redwood Chapter

A handwritten signature in black ink, appearing to read "Melissa Hippard". The signature is cursive, with a large initial "M" and a long, flowing tail.

Melissa Hippard  
Chair, Loma Prieta Chapter



1525 Grant Avenue  
San Francisco, CA 94133  
TEL 415.9A4.1450  
FAX 415.362.7992  
TTY 415.984.9910  
[www.chinatowncdc.org](http://www.chinatowncdc.org)

May 16, 2013

Amy Worth, Chair  
Metropolitan Transportation Commission  
Mark Luce, President  
Association of Bay Area Governments

**Subject: Comments on Draft Plan Bay Area and Draft EIR**

Dear MTC Chair Worth and ABAG President Luce:

On behalf of Chinatown CDC, I would like to submit our comments on the Draft Plan Bay Area for consideration and further analysis during this Draft EIR process, especially as it relates to the Community of Concern that we serve, San Francisco's Chinatown.

The mission of Chinatown CDC is to build community and enhance the quality of life for San Francisco residents. We are a place-based community development organization serving primarily the Chinatown neighborhood, and also serve other areas including North Beach, Tenderloin, the Northern Waterfront, the Western Addition, Japantown, Polk Gulch, the Richmond, Civic Center and the South of Market area. We play the roles of neighborhood advocates, community organizers, planners, developers, and managers of affordable housing.

After reviewing the Draft Plan Bay Area and its Draft Environmental Impact Report, we have identified a variety of concerns that we feel will negatively impact our community and the residents who live here. Our concerns are as follows:

**Plan Bay Area significantly increases displacement pressures on low-income communities – Encouraging and promoting increased density of housing and jobs in Chinatown (one of San Francisco's densest communities) will accelerate displacement of those most at-risk.**

The Plan and its Draft EIR, as currently written and analyzed, include some outright indictments of the increased displacement pressures that will be created on low-income people, particularly in these sections:

- The Draft EIR cites "residential or business disruption or displacement of substantial numbers of existing population and housing" as a significant impact (Chapter 2.3, 36-38)
- Page 102 of the Plan bluntly states that Plan Bay Area will miss its target on equitable access to housing and transportation by saying that "the share of household income needed to cover transportation and housing costs is projected to rise by 3 percentage points to 69% for low-income and lower-middle income residents."
- Page 117, Table 5 concludes that there will be a 36% chance of displacement in Communities of Concern, significantly higher than the remainder of the region (which has an 8% chance) and significantly higher than other alternatives.



**B9-1** Plan Bay Area and its DEIR has analyzed the displacement of low-income people and explicitly acknowledges that it will occur. This is unacceptable for San Francisco and for Chinatown, where the pressures of displacement have been a constant over the past 20 years.

Plan Bay Area's intentions of directing major new regional housing growth into San Francisco's core through the encouragement of increased density limits and streamlined CEQA review processes will exacerbate the current situation that San Francisco's low-income communities are currently facing. Today, the Chinatown community and other similar low-income communities of color are constantly facing displacement pressures due to high demand in the housing real estate market. In 2012, the number of evictions due to the Ellis Act in San Francisco nearly doubled compared to the previous year as speculators aggressively purchased existing housing stock and flipped it quickly for a profit on the hot housing market. Such actions have always been disastrous for low-income communities at-risk of displacement, like Chinatown, and Plan Bay Area will encourage even more major new housing development in these very communities that Chinatown CDC is seeking to protect. With a projected growth of 92,410 new households and 190,740 new jobs for San Francisco, the same old problems our communities are facing will only multiply in their intensity.

**B9-2** This Plan must look at alternative strategies for regional growth, including growth that is spread out more across the region, as in Alternative 5, and also must create some concrete methods for creating affordable housing. Despite the Plan's prediction of creating higher demand for housing that will lead to the displacement of existing low-income communities, this Plan has no concrete strategy for creating and funding affordable housing or for preventing displacement and protecting tenants.

**B9-3** Plan Bay Area has no concrete plan in place to create new resources or tools to mitigate its adverse impacts

*Plan does little to actually increase resources for affordable housing*

Contrary to what is cited on page 97, we would argue that Plan Bay Area does not meet its performance target of housing 100% of the region's population growth. The Plan claims to succeed in "identifying housing opportunities for all of the region's population" through the RHNA (pg 97). However, identifying what we must produce is one task. Finding and creating resources to help produce *actual* new housing units, especially affordable housing units, is an entirely different story. In San Francisco, we are all too familiar with this situation. The RHNA has consistently identified a significant need for very-low, low, and moderate income housing units, and year after year the City fails to meet its goals due to inadequate resources.

Unfortunately, this Plan does nothing to identify actual methods of bridging the gap between what is identified in the RHNA and what resources we need to actually produce affordable housing units as a region.

**B9-4** *No new tools to help protect low-income tenants from being displaced*

Plan Bay Area recognizes that Communities of Concern will experience disproportionate displacement pressures (see above), however, it does nothing to create new tools for protecting tenants and ensuring existing communities will be able to remain in place. Recently, Chinatown CDC's housing counseling program has seen a spike in eviction cases due to the Ellis Act as the real estate market recovers from the recent recession. As a PDA where density and growth is

being targeted, real estate speculators will increasingly look to use this extremely effective tool to vacate people from their housing and flip properties for a profit. As part of the regional plan, policy-makers must look at reforming state level laws that are currently enabling landlord and speculator abuse.

**B9-5 Plan will damage neighborhood character and quality**

This Plan includes a proposal for congestion pricing in downtown San Francisco that has conceptually grouped the neighborhoods of Chinatown and North Beach, two neighborhoods with thriving small business economies, together with the corporate Financial District when identifying a potential taxable zone. This is yet another example of poor planning and of the regional perspective failing to understand its real, ground-level impacts. Discouraging commuter travel by car into the downtown financial district may have the desired effect of moving commuters onto transit, however, this move will discourage small business customer bases from visiting Chinatown and North Beach. For small businesses that operate on thin margins, a small change in the customer base could result in large impacts and possibly closure. We do not support congestion pricing for the Chinatown neighborhood.

**B9-6 Plan Bay Area will create some serious health challenges for Communities of Concern – *Plan will shift regional automobile travel into dense PDAs where existing Communities of Concern will disproportionately shoulder the burden of increased automobile traffic and pollution.***

Despite this Plan's commitment to reducing auto emissions, its EIR actually predicts an increase of Vehicle Miles Travelled (VMT) up to 71% on Level of Service (LOS) F roadways, which are the most congested roads in the Bay Area. Many LOS F roadways fall within San Francisco's Eastern Neighborhoods, such as Chinatown, where this Plan is encouraging new growth. At the local, grassroots level of analysis, which this regional plan misses, the impacts of this type of planning will be ruinous for communities that are currently planning for pedestrian safety and other streetscape improvements. In Chinatown today, many of the neighborhood's low-income seniors contest daily with an onslaught of commuter traffic that rolls through their neighborhood streets en route to San Francisco's Financial District. The projected increase to VMT on LOS F roadways near Chinatown will mean more commuter traffic clogging neighborhood streets, additional pedestrian fatalities, more automobile emissions and pollution, and a lower quality of life for people who live here today.

Additionally, Plan Bay Area inadequately addresses its requirement of reducing emissions. Despite a regional decrease in coarse particulate matter emissions, low-income Communities of Concern will actually experience an increase in emissions. Plan Bay Area (page 98) acknowledges that it will miss its target of reducing coarse particulate emissions and the Plan Bay Area DEIR (Chapter 2.2, page 36) recognizes that this Plan will cause a regional increase of course particulate matter emissions from mobile sources due to a 20% increase in VMT. For LOS F roadways, many of which are located in or around existing dense, low-income communities, like Van Ness Ave near Chinatown, this increase in emissions will be substantially higher.

**B9-7 Plan Bay Area overlooks local democracy and control – *Regional policy-making is top down and dismisses experiences of local communities in favor of regional benefits.***

This draft of the Plan Bay Area is largely based on a regional policy-making perspective that considers how to accommodate growth over the next 30 years. While we do feel that it is important to plan for regional demographic changes and jobs/housing growth, we feel that this Plan goes beyond its scope and charge by not just planning for growth, but by actually encouraging and incentivizing it in some of the Bay Area's most established communities, despite what negative impacts these local communities may experience.

Sincerely,

Steve Woo  
Senior Planner, Chinatown CDC  
[swoo@chinatowncdc.org](mailto:swoo@chinatowncdc.org)



May 16, 2013

Amy Worth, Chair, and Members  
Metropolitan Transportation Commission  
Mark Luce, President, and Members  
Association of Bay Area Governments

**Re: Ditching Dirty Diesel Collaborative Comments on Draft Environmental Impact Report 2013**

Dear MTC Chair Worth, ABAG President Luce and Members:

The Ditching Dirty Diesel Collaborative (DDDC) is a regional coalition representing over a dozen community groups, health departments, and allied organizations working to reduce diesel pollution in the Bay Area. The DDDC's work reduce the impacts on populations that bear the highest burden from disproportionate exposure to diesel pollution in the state. The DDDC Freight Transport Committee is working to provide a regional environmental justice voice and public health and safety perspective on any processes related to freight transportation, and regional scale land use and transportation planning.

We appreciate the diligent and thoughtful work of the Metropolitan Transportation Commission (MTC) and Association of Bay Area Governments (ABAG) staff's efforts in developing an in-depth assessment of the Alternative Scenarios. We especially applaud the Bay Area Air Quality District (BAAQMD) for developing a critique in the Air Quality section that includes the impacts of diesel emissions for the Alternative Scenarios. This analysis begins to addresses DDDC's main concern about the implementation of the Plan Bay Area Process – how best to promote infill without unduly exposing new residents to

unacceptably high levels of diesel pollution. However, this analysis falls short of adequately identifying these health impacts or the measures necessary to mitigate these impacts.

B10-1

The DDDC is interested in more thoroughly evaluating the public health and safety issues related to each of the Alternative Scenarios presented in the Draft EIR. One persistent challenge is there is not enough time to adequately evaluate the entire Plan Bay Area EIR. We respectfully request additional time (one month) to provide additional substantive comments on many of the sections we were not able to evaluate in this letter. We believe this is a very important document and an important process that warrants an appropriate and thorough evaluation.

B10-1.5

We encourage all MTC Board Members and staff to consider the role of public health as the staff proceeds toward final recommendations. We strongly urge the MTC Board Members and the staff to select the ***Equity Jobs and the Environment, Alternative Scenario #5*** that has been proven through the modeling to be the strongest model of all of the alternatives. Further we have found that regional and statewide public health associations have determined an increase in transit investment results in an increase in physical activity and safety co-benefits that lead to successful health outcomes. This will ensure the SCS's goals produce sound transportation infrastructure investments and better social equity outcomes.

The DDDC's comments and recommendations regarding the alternative scenarios models are detailed in the attached document and **summarized below**. The DDDC strongly emphasizes that transportation planning needs to ensure low-income and communities of color have access to reliable affordable and safe transportation without compromising their health by exposing them to unacceptably high levels of diesel pollution. It is also essential to have access to building pathways to jobs and services by providing comprehensive healthy and affordable housing.

The DDDC encourages the MTC board members and staff to consider the following:

## 1.) Air Quality Chapter 2.2

B10-2

- I. **The draft EIR failed to conduct an analysis of the number of new residential units and other sensitive receptors likely to be built in the areas at highest risk from the impacts of diesel pollution. This omission is significant because people living in those units will likely experience negative health outcomes from excess diesel exposure.**

- B10-3** II. The draft EIR failed to conduct a Health Impact Assessment for the people, especially sensitive receptors, projected to live or spend significant time in new residential units or other buildings located in the areas at highest risk from the impacts of diesel pollution.
- B10-4** III. The draft EIR failed to conduct an analysis of the demographics of new residents likely to live or spend significant time in new residential units or other sensitive receptors located in the areas at highest risk from the impacts of diesel pollution. This omission is significant because low-income communities and communities of color are already disproportionately impacted by diesel pollution and the associated health impacts.
- B10-5** IV. The draft EIR fails to address preventing further logistics sprawl in the coming years and mitigating the congestion and CO<sub>2</sub> impacts of logistics in urban areas. As more warehouses are built/ or leave core urban areas and locate in suburban and exurban areas that inherently suggest increases truck commutes to the aforementioned areas.
- B10-6** V. The draft EIR fails to address the interregional CO<sub>2</sub> and PM due to the projected increased commutes of low-income wageworkers that have been displaced outside of the Bay Area.
- B10-7** a) The proposed mitigation measures contained in the Air Quality section are inadequate. According to the draft EIR on page 2.2-36, Impact 2.2-3(b) of the Air Quality Section identifies a 12% increase in PM<sub>10</sub> as a result of the project as significant and unavoidable. However, only two measures, 2.2(b) and 2.2(c), both related to retrofitting trucks, locomotives and port-related emissions are offered as mitigations. Since the draft EIR acknowledges the fact that PM<sub>10</sub> emission are strongly influenced by the 20% projected growth in Vehicle Miles Travelled (VMT), it is logical that additional measures to reduce VMT are called for to mitigate this impact.
- B10-8** VI. To help determine the appropriateness of project and site-specific mitigations, MTC/ABAG recommends that implementing agencies and/or project sponsors follow BAAQMD's most recent Recommended Methods for Screening and Modeling Local Risks and Hazards guidance and BAAQMD's Google Earth screening tool to identify areas/sites that may surpass health-based air quality thresholds and thereby be appropriate for mitigation.

## 2.) Land Use and Housing Chapter 2.3

- B10-9** 1. The draft EIR fails to consider residential and commercial displacement caused by increased housing costs. The draft EIR explicitly states that the land use and transportation changes proposed by the plan may affect affordability and cause displacement: "Changing development types and higher prices resulting from increased

demand could disrupt business patterns and displace existing residents to other parts of the region or outside the region altogether.”(2.3-35) Yet it fails to evaluate these impacts. (They are instead given inadequate consideration in the Equity Analysis.)

B10-10

2. **The draft EIR does not provide effective measures to mitigate displacement.** As noted above, the draft EIR finds that the plan could push people out of their neighborhoods or the region. However the mitigation measures proposed do not provide any policies to reduce displacement due to rising housing costs.

B10-11

3. **The draft EIR assumes that no displacement will take place from the region entirely,** despite evidence that this assumption is not realistic. The result is an analysis that masks the contribution of affordable housing to decreasing VMT, GHG and toxic air pollution.

B10-12

4. **The draft EIR incorrectly assumes that there will be no displacement out of the region** (because the plan “houses” 100% of projected growth) and that all the scenarios will be the same in this regard. Unfortunately, MTC/ABAG’s empirical analysis suggests that the first assumption is inaccurate. It is reasonable to assume that There will be projected growth outside of the PDAs.

B10-13

5. **The draft EIR also incorrectly assumes the alternatives studied will all perform the same in this regard.** The alternatives show different levels of housing affordability.

B10-14

### 3.) Climate Change and Green House Gas Chapter 2.5.

**1. The MTC-developed targets do not get us to AB32 goals (despite the fact these goals are clearly implied though not directly linked in SB375 sections 1 and 4)<sup>1</sup>.** While the proposed Plan actually achieves marginally better reduction rates per capita (10%) than even the limited MPO targets (7%) the EIR still obfuscates the fact that the plan, looking at the transportation sector, ***will not reduce annual GHG emissions in***

<sup>1</sup> Even though SB375 allows the ARB to set the targets that the SCS must comply with, SB375 itself refers and implies a tie between the MPO sustainable community strategies to AB 32. Sec 1 and 4 have strong references and suggestions that this bill is tied directly to the overall goal of implementing AB 32 and thus, a goal for target setting. For example, see section 1b with a direct reference that this action is pursuant to State mandate for 2020; 1c states a need to change land-use and transportation pattern to achieve goals of AB32; 1f connects CEQA to AB32 and in Section 4.3: states an expected relationship to targets to be adopted by ARB to reduce GHG emissions in affected regions... and [to be] consistent with the regulations promulgated pursuant to the Global Warming Solutions Act of 2006 [AB32].



**our region**<sup>2</sup> Looking at the ARB target numbers provided in ARB documentation, we would actually need an approximately 25.5 per capita reduction target to correspond to a 18% reduction in annual GHG emissions (which is half of a projected 36% needed based on AB32 but which can be coupled with other statewide actions, as was demonstrated in the technical appendix to the City of Oakland ECAP 2011 to achieve AB32 goals). The proposed Plan reduction level is off by more than twice as much as needed to address IPCC climate change projections and this fact needs to be openly acknowledged and addressed .

Given the limitations of the Plan, the Alternate Plan Scenario (APS), as the established mechanism to develop planning solutions that can achieve the goals beyond political or other limitations, should be utilized in the One Bay Area planning process and evaluated in the EIR. Instead of avoiding this important visioning opportunity that can fully incorporate the best SB375 transportation strategies, the ARB/MPO should require such planning in this case to critically understand exactly what we are up against as far as regional planning and how much our efforts should start incorporating adaptation strategies and stronger efforts to reverse the 80%:20% ratio of highway to transit spending and dramatically bolster the marginal resources allocated to bike and pedestrian infrastructure. The APS can also better tie in the Priority Conservation Areas (PCAs) as part of the SCS planning process i In addition to the PDAs. An APS can be seen as a roadmap to creating healthy communities and highlighting other community co-benefits.

B10-15

1. **The EIR (Chapter 2.5) Rejection of Criterion 3 assessment of “Non Significance” is objectively erroneous and needs to be reevaluated.**

Criterion 3 evaluates whether the Plan substantially impedes attainment of goals set forth in Executive Order S-3-05. This executive order sets targets for California including the AB32 goals for 2020 and 2050. The EIR tries to state that this order does not really apply to this planning effort as the order has a benchmark which is ten-years past the plan’s horizon and given that executive orders apply to executive branches and not MPOs. Irrespective of actual application of the order to the SCS, clearly this Plan impedes attainment of this statewide order by not directing sufficient changes in the transportation sector for the necessary foundational changes necessary to achieve its 2020 and 2050 goals. To reiterate: the Plan does not *conflict* with the order but, by not explicitly calibrating to its requirements by a grossly significant factor (per comment above) **the Plan actually sets in motion**

**40-year transportation-system investments as part of a foundation that will fail to reduce GHG (by ARB calculations) and as the approved plan tied to regional transportation funding allocations creates an impediment (given competition for limited resources) for funding of alternative projects that will be needed to achieve statewide goals per AB32. Pragmatically, this may be an unavoidable impediment but it is objectively significant.**

B10-16

**2. Adaptation Strategies are inadequate for addressing resiliency/adaptation to projected Climate Change effects.**

- The included adaptation strategies are geared for mitigations mostly to sea-level rise. There should also be strategies that combat general climate change effects tied to other overall mitigations such as for urban heat island.
- For example, “Adaptation protection” strategy #2 should apply zoning to include areas for flood risk in general/flood plains and linkages to local drainage ways/watersheds to reduce runoffs, protect waterways to wetlands themselves.
- #10 which stipulates incorporating open space into urban fabric should not just be for low-lying areas but also along all watersheds and flood-risk areas and also recognize need for urban forests and include urban agriculture as potential open space protection (also see p. ES-24).
- There should be a clear strategy to increase accessible non-motorized activity (bike and walk mode share) through target investments, especially in under-served areas and areas that are divided by freeways, railroads and separated from natural resource areas.

4.) Hazards Chapter(s) 2.13 and 2.14: Public Services and Recreation

B10-17

The major impacts associated with these sections are focused on the increase in the Bay Area population (an additional 2 million residents and 1.1 million new jobs by 2040) and the resulting increased land use needs for public services, housing, roadways, businesses, the transport of hazardous materials, and building on hazardous material sites - causing hazardous materials to be released (during construction and potentially long term).

Mitigation measures focus on following multiple existing federal and state laws that protect the public from exposure to hazardous materials. Impacts from development on groundwater and soil contamination could negatively impact construction workers and the public both short term and long term. Mitigation measures require site review to determine if sites are hazardous, and if so, existing laws need to be followed.

B10-18

In addition there is likely to be land use development and transportation projects near airports

(within two miles), which depending on these developments could be in conflict with airport operations but are defined as "less than significant with mitigation". If mitigation measures are taken, the impact would be minimal.

**B10-19** | There is "potentially significant" impact on ensuring adequate park and recreation facilities - and capacity for local entities to meet levels and maintenance of parks and recreational facilities.

**In addition to the comments above, we have two overarching concerns:**

**B10-20** | **1) Major Concern:** There are several references in the draft EIR that state that MTC/ABAG cannot require local implementing agencies to adopt mitigation measures. This is a failure within the draft EIR plan. While it is true that regional agencies may not be able to require mitigation recommendations at the local level there is established protocol that regional consensus (multiagency) can be achieved. Sound large projects can be identified and implemented if consensus is reached.

**B10-21** | **2) Major Concern:** Regional agencies can incentivize public health measures as criteria when considering favorable projects. Incentivizing the development of housing and sensitive land uses like parks and schools outside portions of PDAs with higher health risk from toxic air contaminants is essential to building healthy and safe communities. MTC and ABAG should encourage siting more suitable land uses such as commercial land uses within higher health risk portions of PDAs.<sup>3</sup>

**B10-22** | Please see attached comments for further details.

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<sup>3</sup> J:\SECTION\ALLSTAFF\RESOLUTION\MTCResolutions-4035\_Attach-A.doc

As you know, all the members of our collaborative have been involved in this process from the very beginning and have worked with the staff to see this process serves all of the residents of the Bay Area. We believe our input on these issues will help guide staff toward the most well informed decisions.

Sincerely,

Azibuike Akaba, (on behalf of Ditching Dirty Diesel Collaborative) Policy Analyst

Azibuike Akaba  
Policy Analyst  
Regional Asthma Management & Prevention (RAMP)  
A Project of the Public Health Institute  
180 Grand Ave. Suite 750  
Oakland, CA 94612  
Ph: 510-302-3346  
Fax: 510-451-8606  
azibuike@rampasthma.org  
www.rampasthma.org

Working together to reduce the burden of asthma

**EBHO****EAST BAY HOUSING ORGANIZATIONS**

May 16, 2013

Amy Worth, Chair  
Metropolitan Transportation Commission  
Mark Luce, President  
Association of Bay Area Governments

Dear MTC Chair Worth and ABAG President Luce:

East Bay Housing Organizations (EBHO) is pleased to submit these comments on the Plan Bay Area and the Draft Environmental Impact Report. We believe it is important to plan affirmatively for future growth and honor both the spirit and the letter of Senate Bill 375. We understand that Plan Bay Area is a massive undertaking with huge implications for how our region grows, and so we urge that MTC and ABAG take steps *now* to ensure that the plan promotes healthy, affordable, diverse, and prosperous communities.

East Bay Housing Organizations (EBHO), a 29-year-old non-profit membership organization, is the leading affordable housing advocacy coalition working throughout Alameda and Contra Costa Counties. EBHO's mission is to preserve, protect and expand affordable housing opportunities for the lowest income communities through education, advocacy, organizing and coalition building. Our membership includes more than 300 organizations and community leaders advocating for affordable housing development and favorable housing policies at the local and regional level. Members of our East Bay Regional Policy Committee have been following the Plan Bay Area process and have reviewed the draft Plan and the Draft Environmental Impact Report. Our committee is composed of planners, architects, non-profit housing developers, local jurisdiction staff, advocates and other experts with decades of collective experience in land use, transportation and housing.

B11-1

Based on our review, we urge that critical adjustments be made in the plan to incorporate elements of the Environment, Equity and Jobs Alternative (Alternative 5), which outperforms the draft Plan on a number of key targets. The DEIR's alternative analysis finds that the EEJ would result in the lowest emission of criteria pollutants and the greatest decline in forecast GHG emissions (17% from 2010-2040). Apart from these findings, which go to the heart of Sustainable Communities Strategies' goals, the EEJ Scenario offers the best chance to ensure that all residents of the Bay Area enjoy improved health outcomes, equitable neighborhoods, and access to opportunity. It follows the same rigorous analysis as the Draft Plan, includes the same projects, includes only eligible funding sources, and yet arrives at stronger outcomes for affordability, health, and access to opportunity.

**EBHO****EAST BAY HOUSING ORGANIZATIONS**

Alameda and Contra Costa counties contain many communities of concern with residents who are at risk of being displaced if TOD investment is not accompanied by strong provisions for affordable housing and anti-displacement. While the Plan assumes that a local revenue source for housing and infrastructure will emerge, the loss of redevelopment and other funding mechanisms currently create a very difficult environment for affordable housing development. Therefore, it is all the more important to link the Plan's transportation investments to mechanisms that ensure affordability and recapture increased land value for the public good.

While Plan Bay Area "succeeds in identifying housing opportunities for all of the region's population," this is not the same as equitably distributing this housing in places with access to jobs and transit, or ensuring that lower-income communities won't be involuntarily displaced. Compared to the EEJ Alternative, Plan Bay Area performs worse on the "potential for displacement" and "equitable access" targets. The Plan's forecast of housing and transportation costs rising to 74% of income for low-income households and of 36% of households in high-growth communities of concern described as rent-burdened speaks to the need for stronger affordability and anti-displacement provisions.

**B11-2** This is why we join our partners in the 6 Wins Network in proposing adjustments to the Plan Bay Area that will incorporate key components of the EEJ, including:  
**shifting 25,000 RHNA units from PDAs to PDA-like places, with a corresponding shift in the SCS, and modifying the conditions of One Bay Area Grants grants to ensure that recipients adopt and implement strong anti-displacement protections and provide substantial regional funding for community stabilization measures.**

In 2012, EBHO and our partners worked closely with the Alameda County Transportation Commission to ensure that strong affordability and anti-displacement measures, would be part of the criteria for the first round of OBAG funding in Alameda County. Directly linking TOD funds to local actions such as affordable housing construction and tenant protections will reward those jurisdictions who are trying to think and act regionally, while offering incentives for other cities to take on their fair share of growth.<sup>1</sup> Working with advocates and local jurisdictions, ACTC took some small steps in this direction with the first round of OBAG criteria, and while more could be done, we think this could serve as a model for other Congestion Management Agencies.

**B11-3** The DEIR's statement that "some local jurisdictions may be unlikely to implement" the levels of residential growth in Alternative 5 is not sufficient reason to fail to incorporate the environmentally superior alternative. Measures such as incentives built into OBAG can help encourage local jurisdictions to plan for and anticipate a level of growth that will be necessary to meet shared goals of equitable development and reducing GHG emissions. Affordable housing policies and incentives could include innovative "public benefit zoning" ideas such as affordable housing overlay zones, which are being tested in California communities as a way to achieve

<sup>1</sup> Anti-displacement policies could include preservation of existing affordable & deed-restricted housing with extended affordability mechanisms, rent control, rental assistance, strong relocation assistance requirements, relocation benefits, enforcement of tenant protections in foreclosed properties, right-of-first refusal policies, just cause for eviction ordinance, and requiring one-for-one replacement of low-income or assisted units removed by TOD/PDA projects).



**EBHO**

**EAST BAY HOUSING ORGANIZATIONS**

affordability goals through incentive-based mechanisms that encourage jurisdictions and developers to work together.

**B11-4**

We urge you to take a closer look at the community disruption and displacement issues raised by the DEIR, to include affirmative policies and incentives for affordable housing, and adopt the elements of the EEJ scenario that will better meet performance targets pertaining to the health and opportunity of residents in impacted communities. These measures can help create a Plan Bay Area that will truly meet the needs of our region.

Sincerely,

Amie Fishman  
Executive Director  
East Bay Housing Organizations





May 16, 2013

Steve Heminger  
Executive Director  
Metropolitan Transportation Commission  
101 Eight Street  
Oakland, CA 94607

Ezra Rapport  
Executive Director  
Association of Bay Area Governments  
101 Eight Street  
Oakland, CA 94607

Dear Mr. Heminger and Mr. Rapport;

Thank you for the opportunity to review and comment on the draft Plan Bay Area and draft EIR. We appreciate your outreach and Native American consultation throughout the process. The Federated Indians of Graton Rancheria supports a long range transportation plan that addresses Bay Area needs while balancing environmental responsibility through greenhouse gas emissions reductions and responsible land use planning and transportation projects.

The Federated Indians of Graton Rancheria (FIGR) ancestral territory encompasses all of Marin County and the southern half of Sonoma County and therefore this Plan falls within our territory and trust land. This area has an abundance of cultural resources and numerous sacred sites that should be addressed within Plan Bay Area.

For your information, FIGR Tribal government currently administers the Temporary Assistance for Needy Families (TANF) program for all Native Americans in Sonoma and Marin Counties. This program is similar to the CalWorks welfare program administered at the County level. Thereby, FIGR Tribal government serves a significant number of very-low and low income families throughout Sonoma and Marin Counties. The Tribe is also currently drafting a long range transportation plan in order to create an economically stimulating, environmentally conscious and sustainable FIGR Tribal Transportation Plan that empowers Native Americans throughout the FIGR territory (especially low income families and elders) to have increased access to existing tribal programs, employment, education, healthcare and tribal office services. The Tribal Council has also recently approved pursuit of a Tribal EV Car Share and EV Network expansion project.

In review of the draft Plan Bay Area, the Tribe supports:

- All efforts to preserve the environment, cultural and natural resources, agricultural land, and reduce GHGs throughout the Plan;

- The focus of balancing land use, transportation, health, mobility, equity and GHG reduction incorporated into long range transportation planning throughout the region;
- The consultation provided through the planning process. The Tribe would like to help expand future consultation to ensure meaningful participation by more Native American tribes within the Bay Area. Specifically, at the earliest possible phases of the planning process.

Plan and Project List Comments:

- B12-1** • Cultural sensitivity- Please keep in mind that cultural resources and sacred sites are not addressed within the Plan or DEIR. For example: the Overview on page 15 should include: Preserving open spaces, cultural resources, natural resources, agriculture and farmland. This theme of cultural preservation should be weaved throughout the Plan and DEIR.
- PDAs-The design of PDAs does not take into account that Sonoma and Marin Counties have demonstrated that focused growth can be achieved in small cities outside the PDA format. We support treating Sonoma and Marin Counties as place types that would receive the same benefits and priority funding as the PDAs in the next funding cycle.
- Project List-A user-friendly version of the project list should be made available online for public and agency use.

Please add the following projects into the Plan and Project List as appropriate:

- B12-2** • Large North Bay Area Projects-The regional urban growth model UrbanSIM has not included several large north bay area projects including Sonoma Mountain Village, Sutter Hospital and our FIGR Resort and Casino project slated to open in October of 2013.
- B12-3** • Draft Tribal Transportation Plan- Inclusion of this plan within the Plan Bay Area project list as our long range transportation plan within our territory is necessary.
- B12-4** • Tribal Electric Vehicle Car Share and EV Charging Station Network Project-Please include this project the Tribe is currently working on that expands on existing Sonoma County and Marin County EV networks, including an innovative EV car share program. This important project encourages Tribal members in Sonoma and Marin Counties to develop healthy habits for transportation rather than incentivizing purchases of single occupancy vehicles.
- B12-5** • SMART-The environmental review is incorporated but the full project for passenger rail service from Marin to Cloverdale should be included in the project list.
- B12-6** • WeGo Rideshare-Please add this program to the list of projects as the Tribe fully supports it.

Please feel free to contact Gillian Hayes, Deputy Director of the Environmental and Cultural Preservation Department at (707) 566-2288, ext 117 with any questions. Once again, the Tribe appreciates your coordination and consultation during this process and looks forward to working with MTC and ABAG in the future as the Plan and DEIR move forward.

Sincerely,



Lorelle Ross  
Tribal Administrator



May 16, 2013

***Via Electronic Mail***

Metropolitan Transportation Commission  
Plan Bay Area Public Comment  
101 Eighth Street  
Oakland, CA 94607  
eircomments@mtc.ca.gov

**Re: Comments on Environmental Impact Report to Plan Bay Area**

Dear MTC:

**B13-1** The Draft Environmental Impact Report (“Draft EIR”) for Plan Bay Area (“Plan”) issued by the Association of Bay Area Governments (“ABAG”) and the Metropolitan Transportation Commission (“MTC”) contends that implementation of the Plan Bay Area will allow the region to attain the greenhouse gas (“GHG”) emissions reductions targets mandated by California’s Sustainable Communities and Climate Protection Act of 2008 (“SB 375”) and other state laws and policies. (Draft Plan Bay Area, Draft Environmental Impact Report, State Clearinghouse No. 2012062029 (April 2013)).

However, these claimed reductions are not supported by the Plan or the EIR. Rather than developing a “sustainable communities strategy” that reforms the transportation infrastructure of the Bay Area and decreases the region’s reliance on carbon-intensive modes of transit, the Plan continues to rely on automobiles as a mode of transit and even expands highways. (See Draft EIR at 1.2-25, 2.1-26, 2.1-49-50.) Based on the contents of the DEIR, the claimed reductions appear to be achieved by taking credit for reductions that will be achieved under separate statutory mechanisms aimed at reducing greenhouse gas emissions and not as a result of the Plan. The Draft EIR does not satisfy the requirements of the California Environmental Quality Act (“CEQA”), since it does not adequately or accurately describe the extent to which implementation of the Plan will result in an increase in GHG emissions, and fails to conclude that “significant adverse impacts” will result from implementation of the Plan.

**B13-2** The Draft EIR also fails to satisfy CEQA, due to its cursory consideration of alternatives which result in greater levels of GHG reductions, increased usage of public transit, and a decrease in automobile usage. Specifically, the Draft EIR gives short shrift to the “Environment, Equity and Jobs” Alternative (“EEJ Alternative”), which makes meaningful investments in housing and transit developments which result in the EEJ Alternative outperforming the Plan in its ability to reduce GHG emissions, reduce automobile dependence and promote transit ridership. (See Draft EIR at 3.1-60-62.)

It is essential that the region adopt a Plan which reforms the transportation infrastructure and reduces GHG emissions. The world is approaching an ominous milestone, as carbon dioxide in the atmosphere hovers around 400 ppm for the first time in perhaps three million years.<sup>1</sup> The Plan continues this trend by causing a cumulative aggregate increase of more than four million tons of greenhouse gas emissions. (See Draft EIR, Table 2.5-9). Not only does the Plan fail to find this significant, the DEIR uses improper accounting to mask the true nature of the Plan's emissions.

B13-3

This letter focuses its commentary on the inadequacies of the GHG analysis in the Draft EIR, and how the agencies' evaluation of the "significance criteria" in the EIR is flawed in the following ways: (1) the agencies utilize questionable methodology to conclude that the per capita emissions reductions required by SB 375 have been achieved; (2) the analysis in the EIR improperly utilizes GHG reductions that will be achieved under other regulatory schemes to conclude that the Plan will achieve net GHG reductions by 2040; (3) due to these methodological flaws, the plan conflicts with the mandates of executive orders S-3-05 and B-16-2012, as well as other statutes intended to reduce GHG emissions; and (4) the agencies fail to adequately evaluate alternative proposals which lessen the impacts of sea level rise, and fail to propose enforceable mitigation measures. While many other flaws in the Plan and DEIR exist, those issues are addressed by other parties.

B13-4

We write this letter on behalf of Communities for a Better Environment ("CBE"). CBE is an environmental health and justice organization, promoting clean air, clean water and the development of toxin-free communities. CBE works for social justice by helping low income communities of color to self-empower by offering assistance with organizing, science/research, and law. Urban communities where CBE members live and work are bombarded by pollution from freeways, power plants, oil refineries, seaports, airports, and other industrial pollution sources. The people who live in these areas suffer from very high rates of asthma and respiratory illnesses, heart problems, cancer, low birth weight, and miscarriages. Traditionally, these communities lack the power to change siting and operation decisions concerning polluting facilities. In California's Bay Area, CBE organizes in East Oakland and Richmond.

## 1. Statutory Framework Governing Preparation of EIR

B13-5

CEQA requires the EIR to provide full and accurate information about the ability of the Plan Bay Area to achieve the greenhouse gas reductions targeted by the Plan, as well as to consider alternatives which might provide a better means of attaining those objectives. (Cal. Pub. Res. §§21000-21002.)

CEQA was intended to promote California's policy to "develop and maintain a high-quality environment now and in the future, and take all action necessary to protect, rehabilitate, and enhance the environmental quality of the state." (Cal. Pub. Res. §21001.) CEQA must "be interpreted in such manner as to afford the fullest possible protection to the environment within the reasonable scope of the statutory language." (*Laurel Heights Improvement Assn. v. Regents*

<sup>1</sup> See Justin Gillis, *Crucial Carbon Dioxide Reading Revised Downward*, New York Times, May 13, 2013; available at [http://www.nytimes.com/2013/05/14/science/earth/crucial-carbon-dioxide-reading-revised-downward.html?\\_r=0](http://www.nytimes.com/2013/05/14/science/earth/crucial-carbon-dioxide-reading-revised-downward.html?_r=0)



of *University of California*, 47 Cal. 3d 376, 390 (1988)). Among the goals of CEQA are to “inform governmental decision makers and the public about the potential, significant environmental effects of proposed activities,” and to “identify ways that environmental damage can be avoided or significantly reduced.” (14 C.C.R. §15002.)

The EIR is “the heart of CEQA,” and functions as an “environmental alarm bell whose purpose it is to alert the public and its responsible officials to environmental changes before they have reached ecological points of no return.” (*Laurel Heights*, 47 Cal. 3d at 392 (internal citations omitted)). Furthermore, “it is a document of accountability,” which provides the public with a basis for understanding the decision-making process of public agencies. (*Laurel Heights*, 47 Cal. 3d at 392 (internal citations omitted)).

To that end, the EIR must contain a statement of “all significant effects on the environment of the proposed project,” as well as statements relating to unavoidable and/or irreversible effects, mitigation measures to minimize impacts on the environment, alternatives to the proposed project, and the “growth-inducing impact” of the proposed project. (Cal. Pub. Res § 21100; 14 C.C.R. §§15120-15132). It must contain a “sufficient degree of analysis to provide decisionmakers with information which enables them to make a decision which intelligently takes account of environmental consequences.” (CEQA Guidelines, §15151).

B13-6

## **2. The Draft Plan Should Have Found “Significant Adverse Impacts” From The Projected Greenhouse Gas Emissions from Plan Bay Area**

ABAG and the MTC developed the Plan Bay Area as part of the RTP process and to fulfill the goals of SB 375. As stated in the Draft EIR, “Plan Bay Area reinforces land use and transportation integration per SB 375 and presents a vision of what the Bay Area’s land use patterns and transportation networks might look like in 2040.” (Draft EIR at 1.2-21; *see also*, Draft EIR at 1.2-1.)

The Draft EIR prepared for the plan shows that the plan will result in an increase of greenhouse gas emissions by over four million tons from the transportation sector. (*See* Draft EIR, Table 2.5-9.) Yet, the plan concludes that implementation will not produce any “significant adverse impacts” on the environment, because it meets per capita greenhouse gas reduction targets mandated by SB 375 and claims to meet other greenhouse gas significance criteria set out in the plan.

As set forth more fully below, the Draft EIR’s finding that there will be no significant effects resulting from the plan’s greenhouse gas emissions proposal is contrary to the facts in the EIR and a violation of the disclosure requirements of CEQA. Moreover, the Draft EIR fails to sufficiently consider alternatives to the Plan.

B13-7

### **a. The DEIR’s Analysis of Criterion 1 Is Inadequate**

The Draft EIR concludes that there is “no adverse impact” under Criterion 1 from the implementation of Plan Bay Area, since it is able “to reduce per capita passenger vehicle and light duty truck CO<sub>2</sub> emissions by 7 percent by 2020 and by 15 percent by 2035 as compared to

2005 baseline, per SB 375.” (Draft EIR, 2.5-41, 50.) However, as explained further below, even if this criteria is met, the Plan’s GHGs emissions should be found significant.

The Draft EIR concludes that Plan Bay Area will result in a 10.3 percent decline in per capita emissions from 2005 to 2020, and a 16.4 percent decline in CO<sub>2</sub> emissions from 2005 to 2035. (Draft EIR, 2.5-50.) Even though implementation of the Plan is expected to increase the total vehicle miles travelled (“VMT”) by 20 percent by 2040, and the population is expected to increase by 30 percent during that time, the EIR projects reductions in emissions due to the Plan’s investments in transit operations and expansion. *Id.* It attributes these emissions reductions to “the integrated land use and transportation plan in which the land use pattern focuses growth in higher-density locations near transit services,” which “allows more efficient use of the existing transportation infrastructure.” *Id.* It also credits an increase in transit expansion and frequency improvement, and an increase in trips made by transit and walking. *Id.*

However, the EIR fails to sufficiently explain or support the conclusion reached that there is no significant impact under Criterion 1, despite increases in VMTs and regional population. CEQA requires that an EIR contain sufficient information which allows the public to understand how the agency reached its conclusions. (*Gray v. County of Madera*, 167 Cal. App. 4th 1099, 1109 (2008)(“[t]he EIR must contain facts and analysis, not just the bare conclusions of the agency.”); *Vineyard Area Citizens for Responsible Growth, Inc. v. City of Rancho Cordova*, 40 Cal. 4th 412, 442 (2007)(information in an EIR must be “presented in a manner calculated to adequately inform the public and decision makers...” and “information scattered here and there in EIR appendices or a report buried in an appendix is not a substitute for a good faith reasoned analysis.”)).

B13-8

First, there is little explanation in the Draft EIR as to how the projected increases in VMTs and other transportation-related factors are offset by measures taken by the Plan to reduce GHGs. According to the DEIR, automobile usage and transit usage will increase by 2040. Daily vehicle trips are expected to increase by 22%. (Draft EIR at 2.1-27.) In analyzing the significance criteria related to transportation, the Draft EIR concludes the following: that commute travel times are expected to increase by 3%, non-commute times are expected to increase by 2%, that VMTs during peak travel times would increase by 51% (even as per capita VMTs decrease by 6%), and that utilization of transit services would increase by 33 %. (Draft EIR at 2.1-30-36.)

Yet, despite these projected increases in the load on the transportation system, the measures undertaken pursuant to the Plan only partially reform the transportation system. Of the funds available for transportation investments, 88% are allocated to operations and maintenance of roads and transit, 5% to expansion of roads and bridges, and only 7% to the expansion of public transit. (Draft EIR at 1.2-49-50). The Plan will add 3% to the total roadway lane-miles, and focuses on increasing capacity in high occupancy toll lanes, as well as widening highways. (Draft EIR at 2.1-26). Given the increasing population of the Bay, and the projected increases in automobile usage and VMTs, the emphasis of the Plan on maintenance and expansion of highways does not fulfill the structural changes contemplated by SB 375.

B13-9

Furthermore, the EIR relies in large part on expected GHG reductions that will be achieved through the MTC’s Climate Policy Initiatives, and yet provides little support for whether these measures will be successfully implemented, and will be able to achieve the projected GHG

reductions. (See Draft EIR at 2.5-42, Table 2.5-5, Table 2.5-9). Additional analysis should be set forth in the Draft EIR as to how the reductions in GHGs were achieved, even with the increase in VMTs and highway expansions, and how measures like the Climate Policy Initiatives will contribute to the GHG reductions goals.

B13-10

Second, there is little explanation in the Draft EIR as to how the Priority Development Areas (“PDA”) are able to contribute to GHG reductions. PDAs are seen as an important aspect of the Plan, and are intended to concentrate housing expansion in areas which are pedestrian-friendly and have ready access to employment centers and transit. (See, Draft EIR at 1.2-25). However, some areas designated as PDAs – i.e., Treasure Island, Alameda sites such as the Naval/Air Station, Vallejo, Benecia<sup>2</sup> – do not presently have ready access to rail transit, and residents rely instead on other modes of transportation. Some of the proposed transportation investments – i.e., new ferry routes between Treasure Island and San Francisco, improved bus transit between Alameda and Oakland, Treasure Island congestion pricing – are aimed at serving these PDAs, but the EIR does not sufficiently explain how these investments will ensure GHG reductions. (Draft EIR at 1.2-37, Table 1.2-9). Additionally, the Plan contemplates that OneBayArea Grants (“OBAGs”) will provide funding for and create additional incentives for local planning agencies to create housing near transit, develop PDAs and support initiatives such as the Regional Bicycle Program and Transportation for Livable Communities. (Draft EIR at 1.2-51). Yet there is not any detailed analysis in the EIR as to how OBAG projects interact with other transit investments, or contribute to reductions of transit GHGs.

The Draft EIR does not contain any detailed analysis as to how PDAs and the transportation infrastructure that will be built to serve them affect the trajectory of GHGs in the region. The Criterion 1 analysis in the Draft EIR mentions briefly that the “integrated land use and transportation plan,” which “focuses growth in higher-density locations near transit services,” will lead to GHG reductions. (Draft EIR at 2.5-50). Yet, there is no detailed analysis in the EIR of how PDAs and proximate transit services will actually contribute to GHG reductions, or how residents of PDAs will shift their transportation patterns in a way which reduces GHGs.

B13-11

Finally, the Draft EIR does not adequately account for the effects of local agencies’ implementation of aspects of the Plan or propose enforceable mitigation measures. The Draft EIR states that variations may occur from policies or projects implemented at the local level, which would create uncertainty about the conclusions made in the EIR – for example, the EIR notes that local agencies may not effectively implement measures to mitigate peak travel increases in VMTs, and also notes that transit utilization issues may be better addressed by local agencies. (Draft EIR at 2.1-34, 35). ABAG and MTC are required by CEQA to propose enforceable mitigation measures as part of the plan. According to CEQA guidelines, “mitigation measures must be fully enforceable through permit conditions, agreements, or other legally-binding instruments. In the case of adoption of a plan, policy or regulation, or other public project, mitigation measures can be incorporated into the plan, policy, regulation, or project design.” (CEQA Guidelines, § 15126.4(a)(2); see also, § 15126.4(c)(5)). Additionally, “[f]ormulation of mitigation measures should not be deferred until some future time.” (*Id.* § 15126.4(a)(1)(B)). Indeed, regional agencies’ deference to local planning agencies to

<sup>2</sup> Draft Plan Bay Area; <http://geocommons.com/maps/141979>

implement measures to reduce GHGs has been criticized by at least one court as an attempt to “kick the can down the road” which “perverts the regional planning function” of the agency, “ignores the purse string control” held by the agency over project funds, and “conflicts with Govt. Code section 65080(b)(2)(B).” (*See, Cleveland Nat’l Forest Found. v. San Diego Ass’n of Gov’ts*, Case No. 2011-00101593, Ruling on Petitions for Writ of Mandate (Dec. 3, 2012)). ABAG and the MTC are required to evaluate and propose appropriate mitigation measures, and are not excused from fulfilling those obligations by deferring to the actions of local agencies.

**B13-12** The Draft EIR does not contain information which would allow the public to understand how the Plan achieves the ARB GHG targets, and has not met the requirements of CEQA.

**b. The DEIR’s Analysis of Criterion 2 Should Have Resulted in A Finding of “Significant Impact”**

**B13-13** The Draft EIR improperly concludes that there is “no significant impact” under significance Criterion 2.<sup>3</sup> The EIR claims that the implementation of the Plan would not result in “a net increase in direct and indirect GHG emissions in 2040 when compared to existing conditions.” (Draft EIR, 2.5-41, 2.5-57.) This makes little sense because implementation of the Plan results in the emission of an additional 4,347,000 MTCO<sub>2e</sub> by 2040. (Draft EIR, Table 2.5-9). This is the equivalent of some additional 911,250 passenger vehicles on the road by 2040.<sup>4</sup>

The Draft EIR’s focus on “net” GHG emissions is misleading, since it masks the fact that implementation of the Plan will actually increase aggregate GHG emissions by 2040. Net reductions are only attained by improperly taking credit for reductions that would be achieved under other programs also intended to reduce GHGs, such as the Pavley and LCFS standards, and AB 32. This is contrary to the statutory intent of SB 375, as well as other statutes aimed at reducing GHGs. SB 375 requires the SCS to focus on reducing GHG emissions in the transportation sector, and the agencies cannot use reductions achieved under other statutory schemes to mask the total emissions.

CEQA requires an EIR to contain an accurate description of the scope and effects of a project. (*San Joaquin Raptor Rescue Center v. County of Merced*, 149 Cal. App. 4th 645, 655, 658-59 (2007)(EIR insufficient when it did not accurately identify scope of mine operations or groundwater usage); *Communities for a Better Environment v. City of Richmond*, 184 Cal. App. 4th 70, 84-85 (2010)(EIR should contain more than “vague subjective characterizations” of scope and impacts of project); *Sunnyvale West Neighborhood Assn. v. City of Sunnyvale City Council*, 190 Cal. App. 4th 1351, 1374 (2010)). It also requires an EIR to consider and discuss “feasible project alternatives that would substantially lessen the project’s significant environmental effects.” (Cal. Pub. Res. §21061; 14 C.C.R. §15126.6; *Sunnyvale*, 190 Cal. App. 4th at 1375-76).

<sup>3</sup> Under Criterion 2, implementation of Plan Bay Area would have a potentially significant adverse impact if it would “[r]esult in a net increase in direct and indirect GHG emissions in 2040 when compared to existing conditions.” Draft EIR at 2.5-41.

<sup>4</sup> <http://www.epa.gov/cleanenergy/energy-resources/calculator.html>



In evaluating Criterion 2, ABAG and MTC should find that the aggregate increase in GHGs is significant.

B13-14

***i. The DEIR Should Not Use Reductions Achieved Through Implementation of Pavley and LCFS Standards As Part of Its Analysis***

ABAG and MTC should not be utilizing GHG reductions attained through the Pavley and LCFS standards to achieve GHG reductions in connection with Plan Bay Area.

The Draft EIR projects an increase in 18% from transportation GHG emissions, “as a result of the growing number of residents and jobs in the region.” (Draft EIR at 2.5-55, Table 2.5-9). However, with the application of “Pavley and LCFS regulations,” the Draft EIR projects that GHG emissions will actually be reduced by 19% by 2040.

The RTP/SCS was intended to fulfill the goals of SB 375. (Draft EIR at 1.2-21; *see also*, Draft EIR at 1.2-1.) Therefore, only reductions attained through implementation of the Plan Bay Area (i.e., increasing transit ridership, the concentration of housing and jobs in/near PDAs) should be counted towards the reductions achieved by 2040.

The statutory mandate of SB 375 is clear that GHG reductions should be achieved by reforming the transportation infrastructure to reduce emissions from cars and light trucks, not by consideration of emissions reductions from other GHG reductions programs. (Cal. Gov’t §65080(b)). The legislative history of the statute emphasizes that reductions should be achieved through reducing reliance on automobiles and trucks, and not through consideration of other GHG reduction programs: “[T]his bill provides a mechanism for reducing greenhouse gases from the single largest sector of emissions, cars and light trucks...[a]lthough greenhouse gas emissions can be reduced by producing more fuel efficient cars and using low carbon fuel, reductions in vehicles miles travelled will also be necessary.” (Senate Rules Committee, Bill Analysis SB 375 (August 30, 2008)(emphasis added)).

The Pavley and LCFS standards create separate programs to address greenhouse gas emissions from the transportation sector. Assembly Bill 1493 (“AB 1493” or “Pavley”) sets GHG emissions caps for passenger vehicles and light trucks.<sup>5</sup> Executive Order S-01-07 established a Low-Carbon Fuel Standard (“LCFS”), which set a goal to reduce by 10% by 2020, the “carbon intensity” of California’s transportation fuels.<sup>6</sup>

The Pavley and LCFS standards were meant to be implemented separately from SB 375, and projected reductions achieved by programs undertaken to fulfill these standards should not be counted as part of the projected GHG reductions under the Plan Bay Area’s SCS.<sup>7</sup> Furthermore,

<sup>5</sup> *See* Assembly Floor, Bill Analysis AB 1493 (July 1, 2002); 13 C.C.R. 1961.1 - 1961.3; Health & Safety Code 43018.5; *see also*, Draft EIR at 2.5-24.

<sup>6</sup> Office of the Governor, Executive Order S-01-07 (January 18, 2007); 17 C.C.R. 95480-95490.

<sup>7</sup> As noted in the Draft EIR, these regulations have been challenged by litigation, and the Ninth Circuit has allowed ARB to move forward with finalizing the LCFS regulations, while it rules on the enforceability of the LCFS standard. Draft EIR at 2.5-26; California Air Resources Board, Press Release (April 24, 2012). The Ninth Circuit appeal of the enforceability of the LCFS standard is still pending, which leaves open the possibility that the LCFS

counting emissions reductions from these programs prevents the public from understanding the scope of the project and precisely how the Plan contributes to an increase in GHGs, and is contrary to CEQA. (*See San Joaquin Raptor Rescue Center*, 149 Cal. App. 4th at 655, 658-59; *Communities for a Better Environment*, 184 Cal. App. 4th at 84-85).

Implementation of the Plan, and excluding consideration of reductions achieved under other programs, will result in an additional 4.3 million MTCO<sub>2</sub>e of GHG emissions from cars and light trucks by 2040. (Draft EIR, Table 2.5-9). This means that ABAG and MTC should revise their significance finding for Criterion 2, and conclude that there will be a significant effect.

**ii. *The DEIR Should Not Use Reductions Achieved Under AB 32 As Part of Its Analysis***

B13-15

The Draft EIR projects a 28% increase by 2040 in GHG emissions from various sources related to land use (i.e., electricity and natural gas, residential GHGs, nonresidential GHGs and waste). (Draft EIR at 2.5-51, Table 2.5-8). This would mean an increase by over 6.7 million MTCO<sub>2</sub>e by 2040. However, it is able to achieve a 12% reduction of GHGs in this sector only by “application of [Air Resources Board] scoping measures related to electricity and natural gas and recycling and waste.”<sup>8</sup> *Id.*

ABAG and MTC should not be utilizing GHG reductions attained through programs implemented under the Air Resources Board (“ARB”) Climate Change Scoping Plan (“Scoping Plan”) to net GHG emissions from the Plan.

The Scoping Plan facilitates implementation of the California Global Warming Solutions Act (“AB 32”), and recommends a variety of measures to reduce GHGs across a variety of sectors, from transportation to expanding energy efficiency programs, achieving a mix of renewable energy sources, developing a cap and trade program, adopting measures for clean cars and low carbon fuel, and creating targeted fees to incentivize GHG reductions.<sup>9</sup> It treats “Regional Transportation-Related Greenhouse Gas Targets,” and the measures required by SB 375, as but one of the various mechanisms needed to achieve AB 32’s GHG reduction goals: “[SB 375] reflects the importance of achieving significant additional reductions of greenhouse gas emissions from changed land use patterns and improved transportation to help achieve the goals of AB 32.” (*See*, Scoping Plan at 47).

The Plan Bay Area must focus on reducing emissions from the transportation sector, and cannot factor in reductions from other programs under the ARB Scoping Plan to account for GHG

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will ultimately be unable to be implemented. Therefore, even if it is permissible to count reductions achieved through other programs, this uncertainty calls for excluding any LCFS reductions.

<sup>8</sup> The specific ARB scoping measures included in the Draft EIR’s calculations were: energy efficiency programs (utility energy efficiency programs, building and appliance standards, efficiency and conservation programs), heat and combined power use program, renewables portfolio standards, solar roofs program, solar water heating, and landfill methane control. Table 2.5-6, Draft EIR at 2.5-45. To account for the scoping plan reductions, the agencies apply the Bay Area’s expected statewide populations share (the Bay Area is expected to house 19% of the State’s population by 2020) to the reductions expected to be achieved by the scoping plan (50.7 MMTCO<sub>2</sub>e), and attribute 9,633,000 MTCO<sub>2</sub>e of reductions to the scoping plan measures.

<sup>9</sup> [http://www.arb.ca.gov/cc/scopingplan/document/adopted\\_scoping\\_plan.pdf](http://www.arb.ca.gov/cc/scopingplan/document/adopted_scoping_plan.pdf)

reductions under the SCS. Without the reductions achieved from the ARB Scoping Plan programs, the Draft EIR projects that land use GHG emissions will increase by 28% by 2040, and the Draft EIR cannot support the conclusion that there will be “no significant impact” through implementation of the Plan. Moreover, the use of the scoping plan reductions to achieve the GHG reductions claimed in the EIR is contrary to CEQA, since such practice misstates the true impact of the Plan, which is to cause an increase in GHGs. (*See San Joaquin Raptor Rescue Center*, 149 Cal. App. 4th at 655, 658-59; *Communities for a Better Environment*, 184 Cal. App. 4th at 84-85).

**iii. *The DEIR Does Not Adequately Evaluate Whether Alternative Proposals Reduce GHGs More Effectively***

The Draft EIR has an abbreviated analysis of how alternative proposals compare to the Plan, in their ability to reduce GHG emissions. Several of the alternative proposals fare better than the Draft EIR at reducing GHGs and increasing transit ridership, and the skimpiness of the EIR’s analysis in this respect prevents the public from making a meaningful comparison between alternatives and the proposed plan.

CEQA requires an EIR to consider “feasible project alternatives” that would lessen a project’s environmental impacts. (Cal. Pub. Res. §21061; 14 C.C.R. §15126.6; *Sunnyvale*, 190 Cal. App. 4th at 1375-76). The EIR “shall include sufficient information about each alternative to allow meaningful evaluation, analysis and comparison with the proposed project.” (14 C.C.R. § 15126.6(d)).

The EIR chapter on “Climate Change and Greenhouse Gases” contains no discussion of how the alternative plans would contribute to GHG reductions. The alternatives are discussed in a separate chapter, but only an exceedingly brief analysis is given to how the alternatives compare to the proposed Plan. (*See* Draft EIR at 3.1-57-62).

Even based on the information in the EIR, there appear to be a number of ways in which the alternatives outperform the Proposed Plan in reducing GHGs.<sup>10</sup> Alternative 3, the “Transit Priority Focus” Alternative, and Alternative 5, the “Environment, Equity, and Jobs” Alternative, both have lower levels of vehicle miles travelled (“VMT”) than the Proposed Plan. (Draft EIR at 3.1-19). In fact, Alternative 5 has the lowest VMT of any plan, 2% less than the Proposed Plan. (Draft EIR at 3.1-22). Alternative 5 has the greatest transit ridership out of any plan (5% more than the Proposed Plan). (Draft EIR at 3.1-19). Alternative 5 is expected to have the greatest reduction in on-road transportation GHG emissions from 2010 to 2040. (Draft EIR at 3.1-60). Alternative 5 is also expected to have 17% GHG emissions between 2010 and 2040 (2% more than the Proposed Plan). (Draft EIR at 3.1-85). The Draft EIR even admits that Alternative 5 is the “environmentally preferred alternative.” (Draft EIR at ES-11).

<sup>10</sup> In evaluating alternative proposals, the Draft EIR utilizes the same assumptions regarding reductions from the AB 32 Scoping Plan, Pavley and LCFS Standards, as it does when evaluating the Proposed Plan. For the reasons discussed above, reductions achieved according to these measures should not be credited when evaluating the impacts of GHGs. In revisiting their evaluation of significant impacts under the Draft EIR chapter related to GHGs, ABAG and MTC should also revisit their analysis of the trajectory for GHG reductions under the alternative plans.

The EIR's analysis of the alternative proposals is insufficient for the purposes of CEQA, particularly since the alternative proposals appear better able to achieve the GHG reductions goals of SB 375.

B13-17

***iv. The DEIR's Analysis of Impacts From Airport-Related Infrastructure Is Incomplete***

The Draft EIR also projects an increase in GHG emissions from airport use, due to an increased number of flights, related to an increase in regional population and employment. (Draft EIR at 2.5-55.) However, its analysis of the impacts of air travel, as well as any impacts that might result from increased loads on roadways and public transit serving regional airports, is cursory at best, and relies on reductions from other transportation-related GHG emissions to conclude that there is no adverse impact. (Draft EIR at 2.5-56.)

CEQA requires that an EIR contain sufficient information to explain how an agency reached its conclusions. (*Gray*, 167 Cal. App. 4th at 1109; *Vineyard*, 40 Cal. 4th at 442). Given the cursory nature of analysis, as well as the flaws discussed above in the Draft EIR's analysis of transportation-related GHG reductions, the analysis regarding airport usage impacts is inadequate.

B13-18

**c. The DEIR's Analysis of Criterion 3 is Flawed, and Should Not Reflect Attainment of the Goals from the Executive Orders S-3-05 and B-16-2012**

Since the analysis of significance under Criterion 3 is based on the analysis conducted under Criterion 1 and Criterion 2, it is flawed for the same reasons. The projected reductions are achieved through offsetting GHG reductions achieved under other statutory frameworks (AB 32, Pavley, LCFS), and are not actually due to proposals made under Plan Bay Area.

Under Criterion 3, a significant impact will be found if the plan will "[s]ubstantially impede attainment of goals set forth in Executive Order S-3-05 and Executive Order B-16-2012. (Draft EIR at 2.5-42). Executive Order S-3-05 recognized the need to reduce greenhouse gas emissions to combat the effects of climate change, and set the following targets for emissions reductions: "by 2010, reduce GHG emissions to 2000 levels; by 2020, reduce GHG emissions to 1990 levels; by 2050 to 80 percent below 1990 levels." Executive Order B-16-2012 recognizes the importance of encouraging the development and adoption of zero emissions vehicles, and sets a "California target for 2050 a reduction of greenhouse gas emissions from the transportation sector equaling 80 percent less than 1990 levels."

As previously noted, without the reductions from AB 32 Scoping measures, Pavley and LCFS, land use GHG emissions are expected to increase by 28% by 2040 (over 6.7 MTCO<sub>2</sub>e), and transportation sector GHG emissions are expected to increase by 18% by 2040 (over 4.3 MTCO<sub>2</sub>e). (Draft EIR, Tables 2.5-8, 2.5-9). On average, this represents an increase in 23% of GHG emissions from 2010 levels by 2040. With this trajectory, the Plan Bay Area will not meet the "80 percent below 1990" goal set forth in the executive orders.

B13-19

Alternatively, even assuming that the AB 32 Scoping Measures, Pavley and LCSF can be considered, these reductions cumulatively amount to 7,503,000 MTCO<sub>2</sub>e between 2010 and 2040, but this still leaves a projected 41,344,000 MTCO<sub>2</sub>e emissions in 2040. In tracking total emissions reductions, the Draft EIR projects a reduction from more than 50,000,000 MTCO<sub>2</sub>e in emissions in 1990, to little less than 40,000,000 MTCO<sub>2</sub>e emissions in 2050 – which does not attain the 80% reduction required by the executive orders. (Draft EIR, Figure 2.5-8.). If the Bay Area is to attain the goals of the executive orders and attain 80% of 1990 levels of GHG emissions by the year 2050, it will need to emit only 16,226,000 MTCO<sub>2</sub>e emissions by 2050<sup>11</sup> – and as can be seen from the Draft EIR, the Plan does not come anywhere near achieving that goal. *Id.* Similarly, in analyzing per capita emissions from cars and light trucks, the Draft EIR only projects a 30% reduction in per capita emissions from 1990 levels by 2050. (Draft EIR, Figure 2.5-7). Additionally, only looking at per capita reductions is misleading, and the Draft EIR should also track aggregate reductions -- since the area's population is expected to increase, some of the projected reductions in emissions are achieved by dividing the total emissions by a larger population. (Draft EIR, 2.5-50). Thus, the analysis set forth in the Draft EIR does not support the agencies' conclusion that the goals of the executive orders will be met.

The Draft EIR itself acknowledges that the reductions required to fulfill the mandate of these Executive Orders are not projected to occur under the current Plan. It relies on expected but unquantified technological developments to achieve the reductions, “[b]ecause the goals of executive orders S-3-05 and B-16-2012 are more than 35 years into the future, and new innovations in technology and science are expected, along with continued market shift towards green building and zero emission vehicles, it is reasonable to determine that, given the downward trajectories identified, the Bay Area is heading in the direction of achieving the executive order goals.” (Draft EIR at 2.5-59.) The Draft EIR’s analysis even admits that “[w]hile modeling may not be able to show achievement of an 80 percent reduction today, given the overall downward trajectory beyond 2040, which indicates that implementation of the proposed Plan would not impede achievement of executive order goals, the impact is considered less than significant (LS). No mitigation measures are required.” (Draft EIR, 2.5-60.)

Due to flawed assumptions, the Draft EIR’s analysis of Criterion 3 makes the wrong conclusion. This should be a significance finding.<sup>12</sup>

<sup>11</sup> This figure is calculated as follows: 1990 emissions levels were 427 million MTCO<sub>2</sub>e statewide (ARB Scoping Plan at 5); and an 80% reduction of that level is 85.4 million MTCO<sub>2</sub>e. The EIR estimates that the Bay Area will have 19% of the state’s population (the same assumption used by the Draft EIR, 2.4-44), therefore the Bay Area’s proportionate share of GHG emissions is 16,226,000 MTCO<sub>2</sub>e. It is important to note that this number will also include Bay Area industrial sources, further demonstrating that the GHG trajectory is deficient.

<sup>12</sup> Furthermore, it is also questionable whether this Criterion sets forth goals which are best able to protect public health. Scientists have questioned the belief that the 80 percent reduction in emissions below 1990 levels by 2050 will be sufficient. A paper by Matthews, H.D., and Caldeira, K. “Stabilizing climate requires near-zero emissions,” 35 Geophys. Res. Letters L04705 (2008), suggests that in order to stabilize atmospheric levels of greenhouse gases, CO<sub>2</sub> emissions must be reduced not just to 80 percent below 1990 levels but to “nearly zero” by mid-century.

Available at,

[http://www.see.ed.ac.uk/~shs/Climate%20change/Data%20sources/Matthews\\_Caldeira\\_%20Instant%20zero%20C%20GRL2008.pdf](http://www.see.ed.ac.uk/~shs/Climate%20change/Data%20sources/Matthews_Caldeira_%20Instant%20zero%20C%20GRL2008.pdf)



B13-20

**d. Plan Bay Area Conflicts With Other Plans, Policies And Regulations Aimed at Reducing Emissions**

The Draft EIR concludes that there would be no conflict with the GHG reduction goals of SB 375, AB 32, EO S-3-05 and EO B-16-2012. (Draft EIR, 2.5-60.) The Draft EIR declines to make any definitive conclusions about the specifics of local climate change plans, but does state “it is expected that local climate action plans and the proposed Plan would be complimentary efforts towards the reduction of GHG emissions in line with State goals and mandates.” (Draft EIR, 2.5-61.)

However, the Draft EIR conflicts with other statewide regulatory schemes, since it should be focused on attaining GHG reductions in the transportation and land use sectors as contemplated by SB 375, but it improperly takes credit for GHG reductions achieved under other statutory schemes. Thus, the Draft EIR’s conclusion regarding the significance of this Criterion should be changed to significant.

**e. The Plan Bay Area Results In Transportation Investments, Population Increases, and Land Use Development In Areas Subject to Sea Level Rise**

B13-21

The Draft EIR concludes that “significant and unavoidable” impacts would result under Criteria 5 through 7, even after mitigation measures are implemented, since there will be an increase in transportation investments, population increase and land use development, in areas that are projected to be inundated by sea-level rise. (Draft EIR at 2.5-68, 71 and 76). Yet, the Plan Bay Area proposes projects that will occur in high-risk areas, and refuses to take responsibility for enforcing that risk mitigation measures are undertaken for these areas.

B13-22

The Plan Bay Area remains committed to a number of transportation and infrastructure investments which are squarely within inundation zones. Despite acknowledging that proposed developments will most certainly occur in inundation zones, the Draft EIR does not adequately consider whether alternative proposals will be less impacted by sea-level rise. Nor does it adequately explain why “overriding considerations,” justify proceeding with the proposed Plan, even in the face of unavoidable environmental effects. The EIR is required to fully consider alternatives, and state why the proposed plan remains the most suitable alternative. (CEQA Guidelines, § 15093; *City of Santee v. County of San Diego*, 214 Cal. App. 3d 1438 (1989)(holding that agency must balance benefits of proposed project against adverse effects, and must state why “overriding considerations” justify the project)).

B13-23

The Draft EIR evaluates a number of risk mitigation measures, which include conducting risk assessments and partnering with local agencies to plan for sea level rise in new construction. (Draft EIR at 2.5-67). However, ABAG and MTC state that they cannot ensure adoption of mitigation measures by local agencies, which makes impacts “significant and unavoidable.” (See Draft EIR at 2.5-68). As noted previously, ABAG and MTC are required by CEQA to propose specific and enforceable mitigation measures. (CEQA Guidelines, § 15126.4(a)(2), (a)(1)(B); *see also*, § 15126.4(c)(5)). The agencies cannot wash their hands of responsibility for the failure of local agencies to follow these mitigation measures -- the agencies

control some of the budget that will be used for these development projects, and are obligated by statute to propose enforceable mitigation measures.

B13-24

### 3. Conclusion

For the foregoing reasons, the EIR should conclude that implementation of the Plan would have a potentially significant adverse effect for GHGs. With that finding, the EIR will need to evaluate all feasible mitigation measures for GHGs. At least some of the feasible mitigations and structural reforms are already identified in the “Environment, Equity and Jobs” alternative; and those measure should be adopted.

Sincerely,

A handwritten signature in blue ink, appearing to read 'Irene Gutierrez', followed by a long horizontal line.

Irene Gutierrez  
William Rostov



May 16th, 2013

Amy Worth, Chair -- Metropolitan Transportation Commission  
Mark Luce, President -- Association of Bay Area Governments  
101 8<sup>th</sup> Street  
Oakland, CA 94604

Sent via email to [info@onebayarea.org](mailto:info@onebayarea.org)

Subject: Comments on Draft Plan Bay Area and Draft EIR

Dear Chairperson Worth and President Luce:

We write as organizations with many years of experience representing tenants of San Francisco. We are deeply concerned that both MTC and ABAG may approve a plan for growth and development that will, by your own analyses, increase displacement of low income, minority, and other disadvantaged communities. Compared to all the other alternatives, including the option of doing nothing, the so-called “preferred alternative” will put “communities of concern” at *greatest* risk of displacement (Draft Plan Bay Area, p.117).

**B14-1** From our work with the victims of displacement, we know that displacement does not merely mean moving from one apartment to another in the region as is suggested by the EIR. Displacement generally means moving to housing that is more costly and is in more dilapidated condition and is generally to a city or neighborhood that is less safe and farther from transit. For all tenants, but particularly for seniors and the disabled, displacement also results in extraordinary stress and suffering. An intentionally adopted plan that will increase such suffering is wrong, unjust and inhumane.

**B14-2** For this reason, the plan’s response to its own findings is completely inadequate. While the plan proposes to dedicate a relatively small sum of funding to prevent displacement, there is no attempt to show that such funding would be sufficient to mitigate the harm caused by the plan.



B14-3

Additionally, the plan offers the following solution: “displacement risk could be mitigated in cities such as San Francisco with rent control and other tenant protections in place (p. 118) “. Rent control has indeed been essential over the past thirty years to slow displacement, but more recently, rent control has been substantially weakened by state laws including the Ellis and Costa-Hawkins Acts and by court cases that undermine local government’s capacity to adopt and enforce anti-displacement protections.

B14-4

Clearly, MTC and ABAG should adopt an alternative that causes less displacement than the present “preferred” alternative. But irrespective which alternative is selected, we are asking MTC and ABAG to include in its “Platform for Advocacy” a recommendation that would reform state law to enable local jurisdictions to adopt the protective policies needed to prevent displacement. Without such changes, tenants will be displaced by the thousands by your plan.

Sincerely,

Sara Shortt, Executive Director  
*Housing Rights Committee of San Francisco*  
417 S Van Ness, SF, CA 94103

Ted Gullicksen, Director  
*San Francisco Tenants Union*  
558 Capp St, SF, CA 94110

Plan Bay Area 2040 Final Environmental Impact Report  
**LAFAYETTE HOMEOWNERS COUNCIL**

649 Los Palos Drive  
Lafayette, CA 94549

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Joseph Bort Metrocenter  
101 Eighth Street  
Oakland, CA 94607-47770

Mr. Mark Luce, President  
Association of Bay Area Governments  
(ABAG)  
P.O. Box 2050  
Oakland, CA 94607-4756

Subject: Request for ninety-day extension of Public Review Period for *Draft Plan Bay Area, March 2013*, and its *Draft Environmental Impact Report, April 2013*.

✓ Honorable Chair Worth, President Luce, and Members of MTC and ABAG:

The Board of Directors of the Lafayette Homeowners Council (LHC) is gravely concerned regarding the public review process and timeline for the *Draft Plan Bay Area, March 2013 (The Plan)* and its *Draft Environmental Impact Report (DEIR)*. As a board that advocates on behalf of our residents and represents over fifty homeowners associations within the city of Lafayette, we believe that the time allotted for public review by your respective bodies is too tightly constrained and should be extended by at least ninety (90) days beyond the current deadline of May 16, 2013.

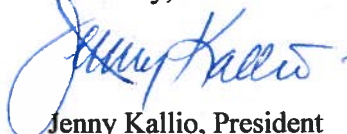
*The Plan* is almost 160 pages in length; *The Plan's DEIR* exceeds 1,300 pages with its many lengthy, supporting technical papers.

Staff from Bay Area agencies, jurisdictions and stakeholder groups have been working on *The Plan* for over a decade. Most recently, your two bodies extended release of both *The Plan* and its *DEIR* by three months for further internal study and fine-tuning. Allowing an equivalent extension of public review time for what may be the most consequential planning document in recent times is only equitable: providing parity between the general public and those other interests cited in *The Plan* as stakeholders.

There are those who insist that a plan of this magnitude and potential impact should be submitted for public vote, with the opportunity for expanded information presentations by all perspectives. For instance, there are questions about the reliability of the models and data upon which *The Plan's* various assumptions rest. These questions need to be supported or disproved. That takes time. A working public needs more than 45-55 days. However, it is our conviction that the credibility of *The Plan/DEIR* and confidence in their review process will be enhanced with a good-faith extension of the public review time by a minimum of ninety days.

Thank you for your diligent efforts on behalf of Bay Area planning. Thank you, also, for your consideration of our request.

Sincerely,

  
Jenny Kallio, President

cc: Lafayette City Council

B15-1



## LEAGUE OF WOMEN VOTERS OF DIABLO VALLEY

♦ Alamo ♦ Antioch ♦ Bay Point ♦ Bethel Island ♦ Brentwood ♦ Byron ♦  
♦ Canyon ♦ Clayton ♦ Concord ♦ Danville ♦ Diablo ♦ Discovery Bay ♦  
♦ Knightsen ♦ Lafayette ♦ Martinez ♦ Moraga ♦ Oakley ♦ Orinda ♦  
♦ Pacheco ♦ Pittsburg ♦ Pleasant Hill ♦ Rossmoor ♦ San Ramon ♦ Walnut Creek ♦

May 14, 2013

To: Amy Worth, Chair, MTC  
Mark Luce, Chair, ABAG

The League of Women Voters of Diablo Valley strongly supports the process of regional planning that has successfully coordinated land use and transportation planning for the draft Plan Bay Area.

The League places a high priority on reducing carbon and other emissions from cars and light trucks that worsen air quality and the impacts of climate change. We are pleased that a reduction in harmful emissions is expected to be achieved as a result of the plan's encouragement for more compact development in areas with good transit service, in order to reduce the need to drive. In particular, we believe that the concept of Preferred Development Areas will encourage communities to plan for more compact and transit-efficient development and avoid sprawl. We hope that cities such as Lafayette and Danville will see the wisdom of using this concept for future development plans.

To accomplish its purpose, Plan Bay Area must relate transportation and land use in a way which makes both more efficient. On the transportation side, we believe the plan can be improved. Draft Plan Bay Area places primary emphasis on maintaining the existing transportation system. However, neither of the top two expenditures (BART to San Jose/Santa Clara and a regional express lane system) is rated highly in terms of cost effectiveness or effectiveness in meeting goals of the draft Plan.

**B16-1** Also, the funds allocated to transit operations in the draft Plan do not appear to be adequate to restore the service cuts made during the past few years or to meet the needs of the Bay Area's growing population. In areas such as Contra Costa County, with existing sprawl, there are diverse needs for affordable transit which cannot be served if agencies are focusing merely on cost-cutting. Transit agencies achieve their highest productivity at times of peak demand – rush hours -- and in directions of peak travel – usually to job centers. But transit services are also needed in off-peak hours and to multiple kinds of destinations to serve the needs of a diverse population, including school children and the elderly. We urge that consideration be given to shifting draft Plan funding from high-cost, less cost-effective projects to transit operations and transit system maintenance.

**B16-2** We commend the regional agencies for their collaborative work to study the rise in sea and Bay water levels that will increase at an accelerating rate over the Plan's duration. Unfortunately, areas most vulnerable to the rise contain some of the Bay Area's most significant transportation infrastructure, and the draft Plan includes projects to expand and improve many of these facilities.

The non-partisan League of Women Voters encourages informed and active participation in governmental processes. The League never supports or opposes any political party or candidate.

500 St. Mary's Road, #14, Lafayette, CA 94549  
(925) 283-2235 ♦ [www.lwvdv.org](http://www.lwvdv.org)



**LEAGUE OF WOMEN VOTERS OF DIABLO VALLEY**

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-2-

All proposed projects in vulnerable areas need to be evaluated for their designs and their needs for mitigation.

**B16-3**

Four alternatives to the “preferred” draft Plan were evaluated as part of the draft EIR, and several among them include elements that perform somewhat better than the draft Plan. We strongly urge that the elements of the alternatives that offer superior benefits to the environment, provide robust incentives for affordable housing, and enhance the services of the transit systems be included in the draft Plan.

Sincerely,

Lee Lawrence, President

The non-partisan League of Women Voters encourages informed and active participation in governmental processes. The League never supports or opposes any political party or candidate.

500 St. Mary's Road, #14, Lafayette, CA 94549  
(925) 283-2235 ♦ [www.lwvdv.org](http://www.lwvdv.org)



## Marin Audubon Society

P.O. Box 599 | MILL VALLEY, CA 94942-0599 | MARINAUDUBON.ORG

May 15, 2013

Plan Bay Area  
101 8<sup>th</sup> Street  
Oakland, CA 94607

RE: Comments on PLAN BAY AREA DEIR

Dear Sir/Madams:

Marin Audubon Society appreciates your consideration of our comments on the Draft Environmental Impact Report for Plan Bay Area. Our comments focus on the natural resource impacts of the project. We have generally supportive of regional planning such as BCDC's plan. With this plan, however, we find many inadequacies and general lack of regard for the natural environment, the very basis of a healthy and desirable population for both people and other creatures we with which we share this earth. Generally we found that potential impacts to natural habitats around the Bay and specifically in Marin County, are ignored or not clearly recognized, addressed or protected by Plan Bay Area.

According to the DEIR, the "program-level analysis" presents a general analysis of potential regional and local impacts on biological resources based on the location of proposed land use changes and transportation projects relative to the known and potential distribution of sensitive biological resources throughout the Bay Area. We do not find this to be the case, because the locations of the PDA's, transportation projects, and biological resources are not sufficient to adequately analyze and evaluate the potential adverse impacts. The PDA's should be discussed and shown in the DEIR.

We have the following issues and concerns that should be addressed:

1. The project area is not accurately defined.

The project proposes to concentrate development in Priority Development Areas with anticipated benefits of reducing greenhouse gasses by encouraging use of public transportation and locating housing near public transportation and jobs. There is little recognition of the fact that the transportation corridor in Marin and most of the Bay Area is along San Francisco Bay, a Ramsar designated wetland of international importance which supports important wetland and upland habitats and fish populations. Also many freshwater streams necessarily travel through urban areas enter the Bay at the current locations of highways and public transit. Just because a development might be near a transportation corridor and in an urban area does not mean it would have no or minimal impacts.

Counties and cities have recommended certain PDA's, however, ABAG appears to be encouraging development in other areas as reflected in the grant to at least one jurisdiction, the city of Larkspur, to consider development of high density housing newer the Larkspur Ferry Terminal. Putting aside the appropriateness of encouraging more housing in the Larkspur Landing area, because this PDA is not identified, the impacts of locating more housing in this location have not been considered in developing this DEIR. The DEIR should address this and all other areas are there where this or similar circumstances indicate that development under this plan is being encouraged or considered. The analysis should be revised to consider the broadened impacts caused by development in additional PDAs.

*A Chapter of the National Audubon Society*



Specifically, the Larkspur area is on San Francisco Bay adjacent to a tidal marsh that has an important core population of endangered species. Increased development in this area has the potential to significantly impact these wetlands and endangered species by direct loss, increased water pollution, increased human activity and domestic animals.

**B17-4** The Marin PDA's are reportedly two areas in San Rafael, Civic Center and Downtown San Rafael, Marinwood and Tam Junction. All of these areas have the potential to impact endangered and other special status species, except perhaps for Central San Rafael –

**B17-5** 2. How the Plan will be implemented needs clarification.

The DEIR should clarify and address how the plan would be implemented. It is likely some if not all jurisdictions would have to change their general plan land use and zoning designations to implement all or most of the plan. The process whereby this would occur should be discussed. Would or can ABAG require such changes to be made?

**B17-6** How can it be assured that development would be concentrated in PDA's? Property owners can propose whatever they like, including massive developments or small in areas where they are not zoned, and they can request zoning and general plan policy changes. How can ABAG assure the Plan Bay Area would be followed? They or other members of the public can sue if they don't like proposed changes.

**B17-7** 3. Biological resources are not adequately identified and described

The DEIR addresses specific natural communities. Each of these individual communities taken together comprise the San Francisco Bay Area ecosystem. The bay itself is the largest estuary on the west coast of our continent on which millions of birds depend for rest and refueling on migratory routes, populations of anadromous and marine fish species depend. These populations also feed and enrich our human population. Yet there is no discussion of San Francisco Bay and its overall importance to the people of the Bay Area and to the wildlife that depend on it.

**B17-8** The DEIR should discuss the importance of the Bay regionally, nationally and internationally. The use of the Bay by migratory waterfowl and shorebirds of the Pacific Flyway that depend on it for refueling and overwintering habitat and those that stay here to breed should also be described. There is virtually no recognition of the importance of the Bay habitats for the survival of migratory waterfowl, shorebirds and other water birds such as Terns and migratory land birds that migrate such as swallows and raptors. The worldwide population of many of these species would be severely reduced if Bay habitats were significantly diminished.

**B17-9** The project area has extensive tidal marshes with extensive coastal marsh and slough systems. In the South and North Bay, Sonoma County has the largest ancient tidal marsh that has never been diked in the state, more than 3,000 acres, and Gallinas Creek has largest population of endangered clapper rails in North Bay. These resources warrant mention in the DEIR.

**B17-10** There is no discussion of diked baylands. These are lands that are historic tidal marshes that were diked off for agriculture between 1900 and the 1950's. The existence and importance of these diked lands should be addressed. Under current conditions, they provide habitat. Some are used for growing oat-hay and they present an opportunity to restore tidal marshes.

**B17-11** The wetlands discussion on page 49 references the fact that tidal wetland loss in the Bay area and California has been pronounced due to urban development. This Plan Bay Area should not be yet another reason for wetlands to be lost.

**B17-12** 4. The DEIR does not adequately address special status wildlife

Appendix H includes a list of special status species, however, the discussion makes only a passing mention of endangered and special status wildlife that depend on coastal salt marshes and there is no discussion of the habitat needs of these species.

**B17-13** An essential component of the habitat for endangered species that are dependent on tidal salt marshes, California Clapper Rail and Salt Marsh Harvest Mouse, is the adjacent upland, often referred to as a transition zone. These species depend on finding refuge cover on well-vegetated adjacent uplands to protect themselves from predators during very high tides. These adjacent uplands are also the primary habitat for various species of Song Sparrow that depend on them for that foraging and nesting. These adjacent uplands are at risk of being lost to development of housing or transportation facilities if they are not recognized as being an essential part of the endangered species habitat.

Several of Marin's PDAs, at the Civic Center and Tam Junction, in addition to the Larkspur Landing Area, have the potential to impact tidal marshes, endangered species and their adjacent upland habitats. These potential impacts should be addressed.

**B17-14** The agency that has the primary responsibility for protection of our nation's endangered species, the US Fish and Wildlife Service (USFWS) Office of Endangered Species is barely mentioned. The Sufism's recently completed *Draft Recovery Plan for Salt Marsh Species of Central California* should be consulted regarding the habitat needs and threats of San Francisco Bay endangered and threatened species, and recommendations for actions to work toward delisting. The USFWS should also be consulted about the location of endangered species populations, rather than depending on inadequate and limited references such as the NDDDB and NWI maps.

**B17-15** Critical Habitat is identified by the USFWS OES. The discussion seems to imply that this is the only endangered species habitat that needs to be or would be protected. This fails to recognize that critical habitat is not identified for many species because resource limitations have not allowed the USFWS to go through the lengthy process necessary to identify and have public input to designate or update critical habitat designation areas and, in some instances, political influences.

**B17-16** 5. Sources and methods of identifying and analyzing impacts inadequate lead to faulty information and assumptions  
The DEIR assumes that the analysis "greatly overestimates actual impact acreages due to the coarse level of analysis. p 53 We disagree – due in large part to the very limited and faulty sources of data NDDDB and NWI maps. The opposite is probably the case. That there may be wetlands and special status species in locations where they are not currently identified in these systems/documents.

The NWI maps were produced in 1991. Although adequate with some limitations at the time they were produced, with the passage of time wetlands can expand or contract, be restored or filled, so this cannot be considered current information. The DEIR states that the California Natural Diversity Data, (CNDDDB) may include historic references that are no longer extant in a given location leading to an overestimate of species. Just the opposite may be the case. The CNDDDB is well known to under report the presence of species because of staff limitations, inadequate reporting etc. Its information is commonly recognized as being incomplete and inadequate.

**B17-17** In addition, this assumption/discussion does not consider that all of the potential PDAs are not identified and therefore their impacts have not been considered. Developing PDAs may induce growth nearby in sensitive areas outside of PDAs (ala Larkspur increased development). How can the analysis even be considered to be complete when other areas that are not on the list are being encouraged for development? It is especially troublesome because the Larkspur Station Areas is immediately adjacent to an historic tidal marsh that supports a core population of endangered Clapper Rails. How



many other areas are there like this in the project Area boundaries? How many other areas are there with similar circumstance?

**B17-18** The Plan would encourage and consolidate growth and land use changes along existing transportation already urbanized transportation corridors and it is assumes this strategy would gradually minimize impacts on biological resources. We note that in Marin and most of other counties this is along the Bay which is highly sensitive. Overall the loss of sensitive habitats (tidal, fresh water marshes and riparian habitats) could actually be higher. There should be a discussion of the potential for growth inducing impacts from increased development that would be encouraged due to development of PCAs.

**B17-19** 6. The analyses of impacts and mitigation measures is inadequate  
The mitigation measures cannot not be considered adequate for a number of reasons:

- it is uncertain that they would even be implemented, and even if they are it is unclear whether the proposed measures would be effective. Further, there are qualifications/loop holes such as “where possible” “when feasible” that would allow implementing jurisdictions to not carry out the specific mitigations.

**B17-20** Some conclusions are highly questionable and not supported by any data or explanation. One example is the consistent conclusion that biological/natural resource impacts would be more significant in rural areas, outside of urban areas. Resource impacts in rural areas could be more significant and would be different but not necessarily more significant. Streams and grasslands would be the primary habitats impacted in rural areas, while the urbanized corridors surround San Francisco/San Pablo Bays and have the rural potential to impact tidal and seasonal marshes and several endangered and special status species. Impacts on these habitats could be even more significant than in rural areas. Further affected by the fact that these habitats have already been significantly impacted and reduced in size making remaining habitats even more important to retain and not to further impact.

**B17-21** The DEIR relies on government agencies, the CDFW, USFWS mitigation guidelines and regulation as mitigation for species impacts. First, to enable the public to evaluate their adequacy, the guidelines/regulations should be provided. On page 2-9, it is stated that these laws and regulations are effective incentives for project proponents to design projects that either avoid or substantially reduce impacts on natural resources. It cannot be assumed, and there is no documentation to support, that actual impacts of future projects would be far less substantial than would be suggested by analysis at this stage. Often protection of endangered species ends up being a negotiation between the potential developer and agency and the ultimate loser can be the species.

**B17-22** Transportation dedicated lands; including rail extensions and road widening along existing right-of ways, are assumed to have minimal potential biological impacts. This is not the case, particularly with railroad rights of way. In this case, the lowlying areas adjacent to the tracks are wetlands. This should be acknowledged in the DEIR.

Indirect impacts can also result discussion should also address increased impacts from the presence of increased numbers of people , lights, noise of transportation and urban development

**B17-23** 7. Assessment of impacts and mitigation measures  
Impact: Regional Impacts of transportation projects on resources  
Mitigation 2.9(a) requires a biological assessment to be prepared which would recommend whether mitigation is needed. This EIR should recommend that mitigation be provided for all habitat loss and impacts to special status and migratory species and their habitats. Mitigation should not be put off to be recommended at some later date. This mitigation has number of components that contribute to its uncertain success in mitigating adverse impacts to habitat:

Reconfiguring the project design is recommended to address impacts, however, this requirement is qualified by the statement “whenever practicable”. This is big loophole and it should be deleted.

Allowing the use of a wetland mitigation bank, if there is one available simply sets up for losing wetlands and should not be encouraged or allowed. Using a bank makes wetland loss easier. The first mitigation alternative should be to demonstrate that impacts have been avoided to the maximum extent possible. In addition, we recommend that a “no take” approach be required for special status species. For wetlands a “no net loss” policy should be required. This is the policy of the state of California and should be the policy for Plan Bay Area. Negative effects of light and noise should be avoided, not just minimized.

**B17-24** We agree this impact remains significant. A finding cannot be made that this impact would be mitigated adequately because ABAG and MTC cannot require local agencies to adopt adequate mitigation measures

**B17-25** Mitigation 2.9-b We strongly disagree, for the reasons noted above, that the actual impacts anticipated from anticipated future development would be far less due to potential absence of species. Since no surveys have been conducted and Plan Bay Area is using inadequate source data, the loss of habitat locations for endangered and special status species impacts should be considered to be significant.

Special status species should be presumed to exist where suitable habitat exists. There is an assumption here and in the background discussion that only endangered species habitat that needs to be protected is that designated as critical habitat. This is in error, federal and state laws protect all endangered, special status, migratory and other native species. This should be further discussed and clarified.

No information is provided to support the assumption that the GIS-based analysis overestimates the acreage likely to be affected by future development. If anything, the DEIR should be taking the precautionary approach to ensure protection of habitats that are suitable for the special status species even if it is not known whether they are present. Judging from the lists in the appendix, we would say the list of potential habitats are substantial underestimates of the locations of special status species.

Special status species habitats should first be avoided and mitigation should be acceptable only after thorough evaluation of avoidance alternatives. We agree that these impacts would continue to be significant even with mitigation.

**B17-26** Mitigation 2.9c, construction activities that would adversely affect non-listed raptor species and nesting bird species considered special-status by USFWS or CDFW. The discussion states that mitigation would be consistent with CEQA, USFW and CDFW guidelines and regulations is and that these mitigation measures shall be considered by implementing jurisdictions. The guidelines and regulations should be stated for the reader to be able to evaluate them. This is no certainty, however, at all that they would be used by jurisdictions.

It should be noted that the San Francisco Bay Regional Water Quality Control Board also regulates wetlands.

#### 2.9-2 Impact on jurisdictional wetlands

**B17-27** We agree that impacts to these resources should be avoided. A “no net loss: of wetland acreage and value should be implemented. Proposed projects should be required to avoid wetland loss by locating outside of wetlands, except for water dependent projects.

The discussion should address the role of the Army Corps of Engineers and Regional Water Quality Control Board, both of which regulate wetlands.

Because PDA's are located in urban areas adjacent to or in wetlands, regional impacts of development on special-status communities cannot be expected to be relatively minor since majority of proposed development is in urbanized areas, in or near wetlands.

Impacts to special status species should be expected to occur not only when projects are developed in previously undeveloped areas, but also when they are located adjacent to or near tidal marshes. Even if the wetland itself is not filled, if the project is adjacent to the marsh then it is destroying the essential transition zone needed by Clapper Rails and Harvest Mice. So the potential for impacts in urban areas correctly cannot be ruled out – in fact, they must be anticipated.

**B17-28** Mitigation measures for wetland impacts should be required, not just considered “where feasible”

A minimum 1:1 ratio mitigation is insufficient. Mitigation should be required by restoration 2:1 in a location near the site of loss so the same species can benefit.

**B17-29** Impact 2.9-3 Interfere with the movement of native resident or migratory fish or wildlife species, wildlife corridor or impede use of native wildlife nursery site.

We disagree that this impact would be less than significant

The combined affect of land and transportation development should be considered significant

**B17-30** 2.9 (e) Essential Connectivity Areas

All wetlands and riparian corridors along the bay and riparian corridors along streams should be considered movement corridors, along with existing open space lands. We agree this impact would remain significant after mitigation.

**B17-31** Impact 2.9-4 The project would conflict with local conservation policies – HCP, NCCP

This impact should not be limited to HCPs and NCCPs. Local general plan policies and ordinances local ordinances addressing wetland loss, transition habitats, migratory and special status species should be complied with. Local jurisdictions should not be required to have weaker standards than they have adopted, and mitigation should not be left for some future threshold currently undefined threshold. Avoidance should be the goal. Unless avoidance is required this impact should remain significant'

**B17-32** 8. Climate Change Impacts not adequately addressed

The potential impacts of sea level rise and climate change are not adequately addressed. In fact, some of the PDA's are located in lowlying areas that are clearly identified in BCDC and other sources predicting sea level rise to be inundated. Marin County PDA sites in San Rafael and Tam Junction are in this category.

Many of the listed Protection Strategies are would be useful to consider and use. We have a few questions:

**B17-33** - The setback/buffer strategy addresses the value of buffers, but it does not seem to consider the value of using tidal wetlands and adjacent upland transition zones as buffers against sea level rise. Please address this option.

**B17-34** - Raising the floor level of structures is an option used in other flooded areas. How would you deal with people getting around with flooded streets?

**B17-35** We support locating development outside of high-risk areas. This could be combined with funding to purchase properties and restore wetlands or open space lands.

**B17-36** The DEIR should discuss the public safety, economic and environmental impacts of directing increased housing and transportation development to unsafe-at-risk locations. Although many laudable alternatives are included, the DEIR should address how many other PDA's are at risk of flooding from sea level rise and recommend how these should be dealt with.

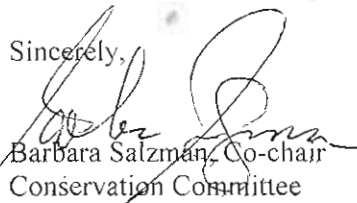
**B17-37** Further, although SB 375 apparently focused completely on transportation as a way to reduce greenhouse gasses. Plan Bay Area should not make that mistake. Vegetation also helps to reduce greenhouse gasses. A strategy or mitigation measure should be presented that also includes wetland and other habitat restorations that would provide air quality benefits along with increasing habitat, and improving aesthetic and recreation opportunities.

**B17-38** 9. There should be a discussion of Priority Conservation Areas  
The Plan describes PCAs as planning strategies that have been "identified to help protect and maintain natural habitats and water resources." There is no evidence in the plan or the DEIS, that we could find, that demonstrated that the PCAs will do this. The DEIS should address how the PCAs have been chosen and how they have been evaluated to comply with this strategy. It appears they have been largely chosen and rather than through any scientific analysis or process.

**B17-39** The third strategy is the only one that would apply to natural resources. It only deals with planning, mapping and other studies. The DEIR should explore a more active, aggressive program to assure the important natural resources are protected. A meeting convened with wildlife agencies should yield the essential information about the areas needing to be protected and the restoration/enhancement work that needs to be done.

Thank you for considering our comments

Sincerely,

  
Barbara Salzman, Co-chair  
Conservation Committee

  
Phil Peterson, Co-chair  
Conservation Committee



**From:** Rod Diridon <rod.diridon@sjsu.edu>  
**To:** <aworth@cityoforinda.org>, <sheminger@mtc.ca.gov>, <mark.luce@countyofnapa.org>, <ezrar@abag.ca.gov>  
**CC:** Chris Lepe <clepe@transformca.org>, Ada <ada\_gonzalo@yahoo.com>, Ada Marquez <adamarquez@gmail.com>, "ruthgmerino@gmail.com Merino" <ruthgmerino@gmail.com>, Javier Perez <watscat50@yahoo.com>, Tracy Hutcheson <hutches1@verizon.net>, Elizabeth Sarmiento <eliz.sarmiento@gmail.com>, Clarissa Cabansagan <ccabansagan@transformca.org>, Jeff Hobson <jeff@transformca.org>, Brian Darrow <brian@atwork.org>, "Chen, Wayne" <wayne.chen@sanjoseca.gov>, Adriana Cabrera-Garcia <lapatriota34@hotmail.com>, "mouniaoneal@gmail.com" <mouniaoneal@gmail.com>, benjamin pacho <benjaminpacho@gmail.com>, Bob Allen <bob@urbanhabitat.org>, Vu-Bang Nguyen <vubang@urbanhabitat.org>, "patty@siren-bayarea.org" <patty@siren-bayarea.org>, Pat Plant <pat@sanjosephy.org>, Jaime Alvarado <jalvarado@somosmayfair.org>, Matt Huerta <MHuerta@nhssv.org>, Michelle Beasley <mbeasley@greenbelt.org>, Megan Fluke Medeiros <megan.fluke.medeiros@sierraclub.org>, Colin Heyne <colin@bikesiliconvalley.org>, Bena Chang <bchang@svlg.org>, Jessica Zenk <jzenk@svlg.org>, Imelda Rodriguez <imelda@cucs.org>, Monica Nañez <monican@firshousing.org>, "terryt1011@aol.com" <terryt1011@aol.com>, Shiloh Ballard <shilohballard@comcast.net>, "robertlouislevy@yahoo.com levy" <robertlouislevy@yahoo.com>, Chris Elias <eliascc@hotmail.com>, Dolly Sandoval <dolly@dollysandoval.com>, "smcqn@verizon.net" <smcqn@verizon.net>, "<ferritolaw@mindspring.com>" <ferritolaw@mindspring.com>, Pat Showalter <patshow@pacbell.net>, "igdalia@caljustice.org" <igdalia@caljustice.org>, "rosa@caljustice.org" <rosa@caljustice.org>, Marty Martinez <marty@saferoutespartnership.org>, Milton Cadena <mcadena@catholiccharitiessc.org>, Tony Dang <tony@californiawalks.org>, Cynthia Kaufman <kaufmancynthia@fhda.edu>, Thai-Chau Le <thai.chaule@gmail.com>, Jeff Deperalta <jzdeperalta@gmail.com>, Egon Terplan <eterplan@spur.org>, Leah Toeniskoetter <leah@spur.org>  
**Date:** 5/30/2013 11:03 AM  
**Subject:** Letter sent to MTC and ABAG from SCCLCV

MTC Chair Amy Worth and ABAG President Mark Luce and Members,

The Board of the Santa Clara County League of Conservation Voters (SCCLCV) carefully reviewed the MTC/ABAG Plan Bay Area recently and generally supports the plan with the addition of the positions taken by the Sierra Club, SPUR, and TransForm. While the Board did not take a formal stand on the issues, that not being the Board's role, I was asked to share some universally held concerns. Points of significant disagreement with the plan are the HOT lane policy and the need for an enforcement component.

The sad lack of equity in a "use-if-you-can-pay" HOT lane system is obvious so will not be discussed here. Following are four other interrelated HOT lane issues for your consideration.

**B18-1** First, a system of HOT lanes will increase access on the inter-regional highways but will dump those added single passenger vehicles into the intra-regional highway and feeder street networks on the employment end of the trips. The employment access highway and feeder street capacity can not be significantly expanded with the pavement already against the sound walls and back yards. Indeed, the employment sites' access roads can't handle the current traffic. Those cities don't even have funds to maintain let alone expand the streets even if there was lane expansion space. So the HOT lanes will soon create terminal grid lock on the employment end of the commute.

**B18-2** Second, an expansion of the inter-regional highway capacity promotes the development of housing far from jobs...that is the worst kind of "leap-frog urban sprawl". The more access to remote housing the less the local cities' "green line" sprawl barriers will mean as low density sprawl leap frogs into the central valley while industry continues to concentrate in Silicon Valley, Oakland, and San Francisco. That not only eliminates open space and farm land but creates a tax base dichotomy leaving the central valley towns the expensive-to-serve sprawl housing spread out far from the core area tax-rich job-base.

**B18-3** Third, climate change is exacerbated not only by the longer distance single-passenger-vehicle commutes but because single family dwellings and sprawl road patterns are much less energy efficient than are modern, multiple-unit transit oriented developments (TODs).

**B18-4** Finally re the HOT lane issue, by promoting the use of HOT lanes and related sprawl, concomitantly demand for TODs and related transit will be reduced. On the contrary, allowing the inter-regional highways to reach capacity encourages the in-fill development and purchase or rental of TODs and guides ridership into the safer, more economical, and less polluting mass transit systems. Importantly, the increased transit ridership increases the user-revenue generated by the systems recovering more of the cost of operations and reduces the taxes needed to support those systems.

**B18-5** Finally, on a related aspect of the plan, unless enforcement procedures are included, the plan will only be adhered to by the jurisdictions that are already implementing good regional planning. The cities with the most egregious jobs/housing imbalance will tend to continue to compete for jobs while using restrictive zoning to force higher density housing to occur in other communities by avoiding TOD and other in-fill options. A plan without an enforcement component is really only a concept without a consistent implementation motivation.

**B18-6** Please rethink your support for the HOT lane system's expansion and add an enforcement component.

Rod

Rod Diridon, Sr., President  
League of Conservation Voters of Santa Clara County

<rod.diridon@sjsu.edu>



## THE NON PROFIT HOUSING ASSOCIATION OF NORTHERN CALIFORNIA

May 16, 2013

The Honorable Amy Worth, Chair  
Metropolitan Transportation Commission

The Honorable Mark Luce, President  
Association of Bay Area Governments

101 Eighth Street  
Oakland CA 94607

RE: Comments on the Draft Plan Bay Area & Draft Environmental Impact  
Report (EIR)

Dear Chair Worth, President Luce, Commissioners and Members:

We appreciate very much your diligence and all the time and effort that have gone into producing the Bay Area's first Sustainable Communities Strategy. We are committed to the effective coordination of land use and zoning for housing with the transportation planning for our region.

The Non-Profit Housing Association of Northern California (NPH) respectfully submits these comments on behalf of our members. NPH is the collective voice of those who support, build and finance affordable housing in the San Francisco Bay Area and we have significant concerns with the feasibility of the Draft Plan Bay Area (Plan).

The work your agencies commissioned to develop the Plan, as well as independent economic analyses, all conclude that the greatest constraint to job creation and housing affordability is a lack of adequate housing production in the nine counties of the Bay Area. We therefore urge you to plan for a higher housing number and a more equitable distribution of those numbers across the region than currently proposed.

**B19-1**

The reality is that too many Bay Area communities produce low-wage jobs, but oppose development of affordable multifamily housing, thereby forcing the local workforce to drive long distances and live in overcrowded conditions. Plan Bay Area must forcefully address this situation and promote policies and planning that remedy this jobs-housing imbalance and reduce substantially forced in-commuting. This is the only way to significantly reduce vehicle miles traveled and the associated greenhouse gas emissions.

A more just and equitable distribution of the Regional Housing Needs



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369 Pine Street  
Suite 350  
San Francisco, CA  
94104  
415.989.8160 Tel  
415.989.8166 Fax  
nonprofithousing.org





## THE NON PROFIT HOUSING ASSOCIATION OF NORTHERN CALIFORNIA

Allocation (RHNA) would place more affordable housing in suburban jurisdictions that are job centers, receive major public transportation investments and enjoy quality schools and other amenities.

B19-1.5

Unfortunately, the Draft Plan places 95% of the housing growth into just fifteen cities with Priority Development Areas (PDAs) and concentrates 70% of the RHNA in these PDAs. A modest reduction in that concentration would allow us to plan for an adequate number of new affordable homes in *all* transit-connected suburban job-centers, where they are desperately needed. These are the “PDA-like places” which ABAG’s executive board agreed to emphasize in its unanimous July 2011 vote. **Therefore, we call for a shift of 25,000 RHNA units from PDAs to “PDA-like places,” with a corresponding shift in the Plan.**



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94104  
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415.989.8166 Fax  
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B19-2

Adopting a final SCS that expands housing and job opportunities beyond those set forth in the Plan is particularly urgent given the results of the “PDA Development Feasibility & Readiness Assessment.” We greatly appreciate MTC commissioning this study. It is an excellent work product that represents a rigorous assessment of a representative sample of PDAs. Importantly, the study confirms our concerns about overestimates of the feasibility—even through 2040—of a significant number of PDA housing units. **The study’s results suggest that a substantial amount of the specific planned housing in the Plan is simply not feasible: between 105,000 and 200,000 of the 528,000 PDA units.** Clearly, these results mandate planning for a correspondingly higher number of overall units in the final Plan to account for this remarkable feasibility gap.

In addition, we would like to emphasize our support for some of the key state level reforms identified in the “PDA Development Feasibility & Readiness Assessment” and call for these to be included immediately in the advocacy agenda for MTC and ABAG. **In particular, the creation of an effective replacement for redevelopment and ongoing, dedicated state funding for affordable housing are imperative to the success of this Plan. Without new sources of funding for affordable housing at every level of government the feasibility gap in the Plan will be even greater.**

B19-3

We also note that, in discussing Alternative 4, the DEIR appears to agree with our view of SB 375’s requirements: “Compared to the Proposed Plan, it [Alternative 4] includes four percent more households and one percent more jobs. **This higher growth total reflects the Senate Bill 375 requirement to house the region’s entire population (i.e., provide a house for every household employed in the region).**” (DEIR, p. 3.1-10)



## THE NON PROFIT HOUSING ASSOCIATION OF NORTHERN CALIFORNIA

While we understand that the Regional Transportation Plan will be revisited in four years. The key connection between land use and transportation planning is the RHNA, which runs on an eight-year cycle. This means that we will not have an opportunity to change this land use plan until 2022. Therefore, we must get it right now.

Thank you for your kind consideration of these comments.

Sincerely,

A handwritten signature in black ink that reads "Dianne J. Spaulding". The signature is written in a cursive, flowing style.

Dianne J. Spaulding  
Executive Director  
The Non-Profit Housing Association of Northern California



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SINCE 1979**

369 Pine Street  
Suite 350  
San Francisco, CA  
94104  
415.989.8160 Tel  
415.989.8166 Fax  
nonprofithousing.org



May 16, 2013

Metropolitan Transportation Commission  
Plan Bay Area Public Comment  
101 Eighth Street  
Oakland, CA 94607

**RE: Draft Plan Bay Area Comments: Climate Initiatives Program; DEIR Air Quality Mitigations; DEIR and SB 375 CEQA Streamlining**

B20-1 On behalf of NRDC (Natural Resources Defense Council), which has 1.2 million members and activists, 250,000 of whom are Californians, we submit the following comments regarding the Draft Plan Bay Area and the Plan's Draft Environmental Impact Report (DEIR). NRDC has joined an April 30th, 2013 sign-on letter to MTC/ABAG calling for the inclusion of high-performing aspects of the Environment, Equity and Jobs EIR alternative in the final Plan Bay Area, as well as a May 16<sup>th</sup>, 2013 sign-on letter from the 6 Wins Coalition and others regarding transit operations, housing allocations and anti-displacement policies. This letter contains comments regarding the Climate Initiatives Program, the DEIR's Air Quality Mitigations and the importance of developing an EIR and Plan that convey SB 375's CEQA streamlining benefits to qualifying Transit Priority Projects.

As co-sponsors of both AB 32 and SB 375, NRDC has been active in the development and implementation of Sustainable Communities Strategies throughout the state. With the issuance of the Draft Plan Bay Area, the Bay Area once again has shown itself to be a leader in regional planning and sustainable development. Already a region committed to open space preservation, public transit and encouraging compact development, the Draft Plan Bay Area reveals a vision for the Bay Area that continues this legacy. We provide the following comments and recommendations on three specific aspects of the Draft Plan Bay Area and DEIR in the spirit of improving what is already a quality effort.

## CLIMATE INITIATIVES PROGRAM

The per capita GHG emissions reduction target for 2035 assigned to the Bay Area by the California Air Resources Board is 15%. According to the Draft Plan Bay Area, per capita GHG emissions will be reduced by 16% by 2035, surpassing the CARB target. This will be accomplished by a combination of land use changes and transportation system investments, and a set of innovative programs contained in the Climate Initiatives Program (CIP), which includes car sharing, incentives for clean vehicle purchases and commuter incentives.

The Bay Area is to be commended for its ambition in support of the CIP. It is vital that new and promising transportation strategies be explored, brought to scale, and analyzed. In putting forward these programs and committing to their meaningful implementation, the Draft Plan Bay Area is providing a service to sustainable transportation innovation, both in the Bay Area and nationally. There is a lot to be excited about here.

**B20-2** Nevertheless, there remains the very real possibility that the CIP's failure to perform to the Draft Plan Bay Area's expectations could jeopardize the Plan's legal responsibility to meet CARB's 2035 targets. The CIP is held responsible for reducing per capita GHGs by 6.6%. If the CIP's projections are off by as little as even a fifth, the Bay Area's 2035 GHG target will not be reached. It is therefore essential to be as specific as possible in describing the CIP elements and including reasonable, careful assumptions about travel preferences and the likelihood of the recommended strategies achieving the targets.

From NRDC's perspective, the two CIP elements that need the most attention are **Car Sharing (-2.8% per capita GHG)** and **Smart Driving Strategies (-1.6% per capita GHG)**.

**B20-3** Car sharing is a relatively new transportation innovation, and although there is some academic study of car sharing, the record is not particularly deep. For example, while research has shown steady growth in car sharing memberships, car sharing is disproportionately concentrated in urban areas and, particularly, in college and university settings. Applying assumptions from this limited set of users to the general adult population is therefore problematic. While the Draft Plan Bay Area does distinguish between likely membership densities in urban and suburban areas, there are more questions in need of consideration. It is unclear, for example, whether a car sharing member who signs up in their early twenties will continue to use car sharing the same way, or to the same extent, as they move through their lives, particularly the high VMT decades of the 30s and 40s when work and family-related travel spike household VMT. Further consideration of this dynamic, among others, as well as more documentation about the assumption of 15% adoption in dense urban areas by 2035, is therefore recommended. Car sharing is given a significant share of the Draft Plan's 2035 emissions reductions—17% of the *total*—so it is essential that the assumptions and analysis underlying the strategy be sound.

**B20-4** Smart Driving Strategies, also known as "eco-driving," have significant potential for reducing GHG emissions by improving the efficiency of vehicle operations. Unfortunately, there is no evidence of which we are aware that shows that widespread changes in driving behavior (such as driving at the speed limit, trip linking, keeping tires inflated or trunks empty, etc.) can be accomplished, or sustained, through a public information effort or advertising campaign, as envisioned in the Draft Plan Bay Area. Assigning such a significant emissions reduction to a largely unproven strategy is problematic.

MTC is in the midst of a pilot program to test whether and how a public information approach can change driving behavior, and will presumably adjust this emissions reduction target based on the outcomes. However, given the significant lack of technical support for such significant

reductions, we would recommend adjusting the projection now to a more modest level, or even eliminating the strategy altogether as a “line item” reduction. We do know that the installation of meters and other types of real-time driving information—which is an element of the Smart Driving Strategies program—can impact driving speed and miles travelled. Perhaps a revised projection can be based solely on that aspect of the Smart Driving Strategies approach; in that case, the empirical basis for the reduction would be on more solid footing.

NRDC supports, and is excited by, the other Climate Initiatives Programs. The Commute Benefit Ordinance strategy is particularly well-supported, the Bay Area already relies on a robust system of employer vanpools, and we strongly support ABAG/MTC’s efforts to implement a vehicle buy-back program (and are at your service to help with such a program, if it would be helpful). The Bay Area is also a natural place to commit to the expansion of our EV charging infrastructure and to encourage the purchase of clean vehicles. The emissions reduction projections for these strategies in the Draft are reasonable.<sup>1</sup>

## DEIR AIR QUALITY MITIGATIONS

B20-5

Concentrating all new development within the existing urban footprint is among the signature accomplishments of the Draft Plan Bay Area. No other Sustainable Communities Strategy adopted so far has zero greenfield development. This is a tremendous accomplishment. The DEIR acknowledges, however, that siting new development in this way can place sensitive receptors in close proximity to existing high volume roadways, increasing their exposure to vehicle-based pollutants. Such exposure has been associated with elevated cancer risk, the development and onset of asthma, and premature mortality. In Mitigation 2.2(d), the DEIR lays out a set of recommended site-specific mitigations that we support. The filtration, site configuration recommendations, tree planting and limitations on land uses are all consistent with recommendations NRDC has made in other forums.

We would only recommend that Mitigation 2.2(d) provide more specific guidance as to *when and under what circumstances* such project-specific mitigations would be appropriate. Providing no guidance in this area may imply that there are no sites that necessarily require mitigation or, conversely, that all sites should be subject to the mitigation. To clarify, then, we propose the following language to be added to Mitigation 2.2(d):

To help determine the appropriateness of project and site-specific mitigation, MTC/ABAG recommends that implementing agencies and/or project sponsors utilize the BAAQMD’s most recent *Recommended Methods for Screening and Modeling Local Risks and Hazards* guidance and BAAQMD’s Google Earth screening tool to identify areas/sites that may surpass health-based air quality thresholds and thereby be appropriate for mitigation.

<sup>1</sup> This is not to say that any decrease in the projected reductions from Car Sharing or Smart Driving Strategies can necessarily be recouped simply by scaling the other CIPs up.

## SB 375 and CEQA STREAMLINING

B20-6

As the Draft Plan Bay Area notes, “to encourage integrated land use and transportation planning, Senate Bill 375 sets up a process whereby certain projects consistent with the adopted Plan Bay Area may qualify from relief from some CEQA requirements.” Indeed, a fundamental premise of SB 375’s environmental review provisions is that certain environmental impacts can and should be analyzed, and mitigated, at the regional level. Projects that are consistent with the Plan can then save time, money and minimize legal vulnerability by “tiering” off of the Plan’s EIR.

While the Draft Plan Bay Area notes that these benefits are part of SB 375, and that exploring them is an option for Bay Area localities, there is no detailed treatment of how the Plan and the DEIR can *facilitate* tiering and promote quality development. While it is indeed only an option for localities to utilize the SB 375 CEQA streamlining provisions, that option is not truly available if the Plan Bay Area EIR does not satisfactorily address environmental impacts and mitigations. We have also learned from other Sustainable Communities Strategies that “consistency” with an SCS is not self-evident, so guidance is needed here, as well.

The overall highest priority is that the Plan Bay Area FEIR contains sufficient analysis to convey CEQA streamlining benefits to qualifying projects. This could include, of course, a comprehensive analysis of all Transit Priority Areas, or, short of that, an analysis of a range of TPA/PDA types, or detailed analysis of a selection of TPAs/PDAs that appear to have the most promise for investment and development in the relatively near term. In our view, the Sacramento Area Council of Governments has done an exceptional job in this very area and we encourage consulting with them on this priority. Good first steps could also include:

- Committing MTC/ABAG, as part of Plan Bay Area’s implementation, to *actively encouraging and facilitating* the use of SB 375-related environmental review provisions to encourage Transit Priority Projects and other sustainable development consistent with the Plan. Such explicit mention of utilizing these provisions could, for example, be added by retitling the “Improve Permit Process” section (p. 122) to “Utilize SB 375’s Environmental Review Provisions to Facilitate Quality Development” and expanding the section to include a detailed workplan of how MTC/ABAG can achieve this goal. This could include integrating this goal into MTC/ABAG’s legislative, consultative and grant seeking functions;
- Create guidance to assist localities in determining consistency with Plan Bay Area. SACOG has put together a useful worksheet that could inform a Plan Bay Area effort.<sup>2</sup>

<sup>2</sup> <http://www.sacog.org/2035/files/Determination-MTP-SCS-Consistency-Worksheet.pdf>

- Create a specific section or appendix in the FEIR and Plan Bay Area that collects all relevant SB 375 CEQA streamlining provisions in one location for easy reference and utilization. In the Land Use and Physical Development Section of the DEIR alone, for example, there are three separate discussions of the streamlining provisions. Creating a type of handbook for localities looking to utilize these provisions would be a preferable approach;

Thank you very much for your time and attention. We understand that developing a Sustainable Communities Strategy and its Draft Environmental Impact Report in such a short timeframe was a serious endeavor and we commend you for your hard work and significant accomplishments with this Plan and the DEIR.

If you have any questions or need any additional information, please contact me at [jhorner@nrdc.org](mailto:jhorner@nrdc.org) or at (415) 875-6100.

Sincerely

A handwritten signature in black ink, appearing to read 'Justin Horner', with a stylized, flowing script.

Justin Horner, MCP  
Transportation Policy Analyst



May 16, 2013

Metropolitan Transportation Commission  
Amy Rein Worth, Chair  
Steve Heminger, Executive Director  
Miriam Chione, Staff  
101 8<sup>th</sup> Street  
Oakland, CA 94607

Association of Bay Area Governments  
Mark Luce, President  
Ezra Rapport, Executive Director  
Marisa Raya, Staff  
101 8<sup>th</sup> Street  
Oakland, CA 946107

Re: Draft Plan Bay Area and Draft Environmental Impact Report

These comments on the Draft Plan Bay Area and the Draft Plan Bay Area Environmental Impact report are submitted on behalf of the Rose Foundation for Communities and the Environment and New Voices Are Rising. The Rose Foundation for Communities and the Environment is a non-profit public charity with offices in Oakland, California. New Voices Are Rising is a youth leadership development project, sponsored by the Rose Foundation, that works with low income students and students of color in Oakland and nearby cities. Most of our students live in areas identified as Priority Development Areas under the draft Plan.

We appreciate the effort that has gone into beginning to address the very real threat of climate change in the current Draft Plan Bay Area. We also appreciate the Draft Plan's acknowledgement of the need to slow the increasingly heavy and inequitable burden of housing and transportation costs borne by our students families and other low-income bay area residents and bay area residents of color.

B21-1

We write to urge Metropolitan Transportation Commission and Association of Bay Area Governments incorporate measures from Alternative 5, the Environment, Equity and Jobs Alternative, into the final Plan. We particularly urge:

- Increase investment in affordable housing at least to the levels included in Alternative 5
- In line with Alternative 5, new housing development, especially affordable housing, be planned for, and incentivized in, all transit-rich and job-rich areas throughout the region, not just in the Priority Development Areas.
- Increase investment in public transit operations (especially bus transit operations at least to the levels included in Alternative 5
- Use part of increased transit funding to support free youth transit passes and/or significantly reduced-price multi-modal transit passes for low-income riders
- Restore transit service to levels that were normal before extensive transit cuts began in 2006.
- Incorporate and fund adequate explicit measures to make streets safe and accessible for pedestrians, bicyclists and transit riders as part of the final RTP.

- Include a regional incentive program to encourage development of transit-accessible affordable housing away from freeways and other sources of pollution.

These measures would help mitigate the proposed Plan's impact on human health and the environment. They would also mitigate displacement pressures on our students' communities tied to extensive population growth in areas where residents are currently disproportionately burdened by housing costs. These measures would also help slow growing housing/transportation cost burdens on our students' families and their low income neighbors to a greater degree than would relying on measures proposed in the Draft Plan alone.

As the Equity Analysis indicates, low-income households (households with incomes \$38,000/year or below) are currently paying out an average of 72% of their income for housing and transportation. This burden is projected to worsen under all of the alternatives analyzed in the draft Environmental Impact Report and Equity Analysis; Alternative 5 however, results in the smallest increase in combined housing and transportation expenses for low-income families.

By reducing displacement pressure, these measures in Alternative 5 also reduce some of the pressures that contribute to the growing trend toward suburbanization of poverty. As a result these measures also have the potential to reduce upward pressures on per capita greenhouse gas emissions throughout the region, by reducing the likelihood that low income residents will be priced out of current neighborhoods, moving to more distant communities without significant employment opportunities. For many of our students' families and other low-income households, these factors have led to longer, more expensive and/or more polluting commutes.

#### Explanation of recommendations:

We urge that investment in affordable housing be increased at least to the levels included in Alternative 5, and that, again in line with Alternative 5, new housing development, especially affordable housing, be planned for, and incentivized in, all transit-rich and job-rich areas throughout the region, not just in the Priority Development Areas. Both of these measures are key to reducing displacement pressure on low-income households and communities of concern. As the Equity Analysis indicates on page 4-19, projected displacement risk for overburdened renter households (households paying out more than 30% of income on rent) within communities of concern is significantly higher under the Draft Plan than under Alternative 5.

We also urge that investment in public transit operations (especially bus transit operations) be increased at least to the levels included in Alternative 5, with some portion of increased transit funding used to support free youth transit passes and/or significantly reduced-price multi-modal transit passes for low-income riders. Some portion of added transit funding should be allocated to restoring transit service to levels that were available before extensive transit cuts began in 2006. A Health Impact Assessment conducted by the Alameda County Department of Public Health, released May 15, 2013, found that increased transit costs and decreased transit reliability stemming from past funding cuts and service cuts, have had significant negative health impacts for low-income residents and residents of color within Alameda County.

We also urge that the final Plan incorporate and fund adequate explicit measures to make streets safe and accessible for pedestrians, bicyclists and transit riders as part of the final RTP. The current plan relies too heavily on reduced per capita VMT as a mechanism for reducing accidents and injuries.

In addition, the final Plan should include a regional incentive program to encourage development of transit-accessible affordable housing away from freeways and other sources of pollution. There is substantial evidence that locating sensitive receptors 1,000 feet or more away from freeways and other heavily traveled roadways significantly reduces cancer risk, risk of asthma attacks and other health risks from diesel PM, other particulate and other pollutants. While MTC/ABAG may lack authority to compel creation of such buffers, MTC/ABAG absolutely can provide incentives to appropriate agencies, and to proponents of individual development projects, to encourage this pattern of development as a mitigation strategy.

#### DEIR comments:

We note that there are several ways in which the DEIR fails to adequately analyze the environmental and health impacts of the project and the alternatives.

**B21-2** First, the draft EIR does not adequately analyze the potential of locating residences and sensitive receptors at least 1000 feet from freeways and other heavily traveled roadways to mitigate the draft Plan's (Preferred Alternative's) cancer risks and other health impacts. This question was raised repeatedly in comments during the scoping process, yet the draft EIR fails to address it.

**B21-3** Second, although the draft plan reduces per capita VMT, the draft Plan is projected to increase in VMT for the region overall. This increase in VMT will increase PM 10 pollution from entrained road dust, particularly in freeway corridors. The draft EIR does not adequately analyze the impacts of this increase on human health and the environment, nor does it adequately analyze equity impacts of this increase in PM 10 levels. Alternative 5, with lower VMT and lower PM 10 levels, offers a model for mitigation measures for these impacts, which should be incorporated into any final Plan.

**B21-4** Third, the draft Plan fails to incorporate or fund adequate explicit measures to make streets safe and accessible for pedestrians, bicyclists and transit riders. The draft EIR does not adequately analyze the health and safety impacts of increased population in Priority Development Areas and other transit-rich areas without these additional investments in pedestrian, bike and transit related-infrastructure.

**B21-5** Fourth, the draft EIR does not adequately analyze the effect of a VMT tax as distinct from the impacts of investments funded by the tax. The draft EIR does not quantify what impact, if any, a VMT tax would have in reducing vehicle miles traveled, as distinct from the impact of the other measures and investments included in Alternative 5, (such as increased funding for transit operations, increased funding for affordable housing, funding for street improvements to increase safety and access for pedestrians, bicyclists and transit riders, etc.) Therefore, in endorsing Alternative 5, we endorse the investments and other strategies it contains, without specifically endorsing the VMT tax. These investments could be funded by a different, and potentially less politically controversial source. [For example, one revenue source that has been suggested is proceeds of emission permit auctions conducted under the California Global Warming Solutions Act (AB32).]

**B21-6** Fifth, the DEIR fails to adequately analyze the Plan’s potential to accelerate community displacement and the suburbanization of poverty, and, as a result, also fails to accurately reflect the extent to which Alternative 5 outperforms the proposed Plan on greenhouse gas emissions and criteria pollution.

**B21-7** In addition, neither the DEIR nor the draft Equity Analysis adequately analyzes the equity impacts of the displacement pressures identified in the draft “Plan Bay Area” document.

The draft “Plan Bay Area” acknowledges that the draft Plan will lead to displacement of a higher percentage of low-income residents than either Alternative 5 or the No Project Alternative. However, the EIR fails to recognize, analyze and propose mitigations for this impact. The DEIR does not provide support for an assumption that low-wage residents displaced from core Bay Area communities, (such as San Francisco, Oakland and San Jose,) for more distant communities with lower housing costs, such as (Antioch, Stockton, Manteca, or the Sacramento suburbs,) will find jobs near their new homes, rather than continuing to commute to their current jobs. The EIR’s conclusion that the draft Plan will not lead to an increase in the rate of in-commuting from outside the region, nor in any increase in the rate of cross-commuting between counties therefore is not credible.

As a result, the EIR may significantly underestimate the extent to which Alternative 5 outperforms the proposed Plan in reducing commute-related greenhouse gas emissions and criteria pollution.

**B21-8** Sixth, the draft EIR fails to adequately analyze the impact of increasing transit ridership without investing in transit operations in amounts sufficient to restore bus service throughout the region to service levels that existed before significant service cuts began in 2006.) The DEIR’s assumptions related to transit over-crowding significantly underestimate the level of overcrowding that currently exists, particularly at peak hours, on both buses and BART. The recently released Alameda County Department of Public Health Impact Assessment shows that overcrowding is already creating health impacts for transit riders, especially for transit dependent riders for whom over-crowding not only impacts the quality of their experience riding transit but also the extent to which they can rely on scheduled service times in commuting to work and school, in as much as overcrowded buses cannot accommodate additional riders, and sometimes simply pass by, forcing riders to wait for the next bus. The health impacts of transit crowding are also immediate and often painful for elderly and disabled riders.

Thank you for the opportunity to submit these comments on the Draft Plan Bay Area and its Draft Environmental Impact Report.

Sincerely,

Jill Ratner  
President, Rose Foundation for Communities and the Environment

Myesha Williams  
Co-Director, New Voices Are Rising



May 16, 2013

Amy Worth, Chair, and Commissioners, Metropolitan Transportation Commission  
 Mark Luce, President, and Members, Association of Bay Area Governments  
 101 Eighth Street  
 Oakland, CA 94607

Dear MTC Chair Worth and ABAG President Luce, and Commissioners/Members:

We strongly support regional planning that coordinates Bay Area transportation and housing/land use decisions to reduce greenhouse gas emissions and to meet the region's full housing needs for people of all incomes, in accordance with SB375. Done well, regional planning will protect our environment, improve our economy, increase social equity, conserve agricultural lands and make our lives safer, healthier, and more secure. These are issues of region-wide importance that require thoughtful regional policies.

**B22-1** | The recently released Draft Environmental Impact Report (DEIR) and Equity Analysis provide a wealth of information that should be used to improve the Draft Plan Bay Area approved for study last summer. In particular, we note that the DEIR identifies the Environment, Equity, and Jobs (EEJ) scenario (Alternative 5) as the “environmentally superior alternative among the scenarios analyzed.” The EEJ alternative also outperforms the other alternatives on most of the performance targets and equity metrics your agencies have adopted.

**Compared to all the other alternatives, the EEJ alternative would bring us less traffic, healthier residents, fewer traffic deaths, more affordable neighborhoods, and it would do a better job of allowing our most vulnerable neighbors to stay in their homes.**

**We urge MTC and ABAG to incorporate the best elements from the EEJ Alternative and add key mitigations into the Final Plan Bay Area to improve outcomes on a host of issues vital to the future of the region.** The following policies should be considered to improve the Draft Plan and mitigate its impacts. Because environmental protection, public health, economic prosperity, and social equity of our region are interconnected, addressing each of these issues will benefit multiple bottom lines. In brief, we urge you to improve the Draft Plan's performance in the following ways:

- B22-2** | • **Transit:** Substantially increase funding for transit operations and institute a regional youth bus pass.
- B22-3** | • **Highways:** Ensure Express Lanes expand transportation choices, mitigate impacts on low-income commuters, and optimize use of existing highways without building new lanes.
- B22-4** | • **Affordable Housing:** Plan for sufficient housing affordable to low-wage workers in all infill locations with access to jobs or transit.
- B22-5** | • **Displacement:** Strengthen OneBayArea Grant program to better incentivize local anti-displacement and affordable housing policies. Fund mitigations, such as land banking and housing rehab.

B22-6

B22-7

B22-8

B22-9

- **Health and Active Transportation:** Fund more active transportation and complete streets programs to maximize health co-benefits of physical activity and transit use. Better mitigate air pollution.
- **Jobs:** Quantify construction jobs and ripple economic impacts from infrastructure investments. Work to ensure that the plan creates local jobs with decent wages, benefits, and career ladders.
- **Sea Level rise:** Incorporate stronger mitigations in impacted areas, embracing emissions reductions strategies, such as setbacks, wetland restoration, and other green infrastructure solutions.
- **Conservation:** Strengthen policies to conserve and invest in parks, open space, habitat, and working lands. Incorporate conservation data into plans and project development and approvals.

Many of us will submit more detailed recommendations on specific elements of the plan, and we are participating in the public workshops and other opportunities to respond to the draft documents. We ask that your staff present options for better addressing these critical issues in the Final Plan by incorporating these and other policies. If we all work together over the next few months, we are confident that the final Plan Bay Area can build on the Bay Area's strengths to lead the way for the rest of California and the nation.

To follow up on this letter please contact Sam Tepperman-Gelfant with Public Advocates ([stepperman-gelfant@publicadvocates.org](mailto:stepperman-gelfant@publicadvocates.org), 415.431.7430 x324) and Clarrissa Cabansagan with TransForm ([ccabansagan@transformca.org](mailto:ccabansagan@transformca.org), 510.740.3150 x333).

Sincerely,

Jenny Bard, Regional Director, Programs and Advocacy  
**American Lung Association in California**

Roger Kim, Executive Director  
**Asian Pacific Environmental Network**

Carl Anthony and Paloma Pavel, Co-Directors  
**Breakthrough Communities**

Andy Katz, Director of Air Quality and Government Relations  
**Breathe California**

Rosa De León, Lead Organizer  
**Californians for Justice - San Jose**

Wendy Alfsen, Executive Director  
**California WALKS**

Tim Frank, Director  
**Center for Sustainable Neighborhoods**



Gen Fujioka, Public Policy Manager  
**Chinatown Community Development Corporation**

Amie Fishman, Executive Director  
**East Bay Housing Organizations**

Stephanie Reyes, Program Director  
**Greenbelt Alliance**

Joshua Hugg, Program Manager  
**Housing Leadership Council of San Mateo County**

Cynthia Kaufman, Director  
**Institute for Community and Civic Engagement**

Marion Taylor, President  
**League of Women Voters of the Bay Area**

Justin Horner, Policy Analyst  
**Natural Resources Defense Council**

Dianne Spaulding, Executive Director  
**Non-Profit Housing Association of Northern California**

Karyl Eldridge, Leader  
**Peninsula Interfaith Action Affordable Housing Task Force**

Richard Marcantonio, Managing Attorney  
**Public Advocates**

Anne Kelsey Lamb, Director  
**Regional Asthma Management and Prevention**

Marty Martinez, Bay Area Policy Manager  
**Safe Routes to School National Partnership**

Kirsten Snow Spalding, Policy Consultant  
**San Mateo County Union Community Alliance**

Alex Andrade, Program Officer  
**Silicon Valley Community Foundation**

Bena Chang, Director of Housing and Transportation  
**Silicon Valley Leadership Group**

Liz O'Donoghue, Director of Infrastructure and Land Use  
**The Nature Conservancy**

Jeff Hobson, Deputy Director  
**TransForm**

Allen Fernandez Smith, President & CEO  
**Urban Habitat**

Elizabeth Stampe, Executive Director  
**Walk San Francisco**

Brian Darrow, Director of Land Use and Urban Policy  
**Working Partnerships USA**

Cc: Steve Heminger, MTC  
Ezra Rapport, ABAG  
Ken Kirkey, MTC  
info@OneBayArea.org  
eircomments@mtc.ca.gov



Chair  
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Stuart Sunshine  
Michael Teitz  
Mike Theriault  
James Tracy  
Will Travis  
Molly Turner  
Jeff Tumlin  
Steve Vettel  
Francesca Vietor  
Fran Weld  
Allison Williams  
Cynthia Wilusz Lovell  
Cindy Wu

SPUR URBAN CENTER  
654 Mission Street  
San Francisco, California  
94105

415.781.8726

[www.spur.org](http://www.spur.org)

SPUR SAN JOSE  
38 West Santa Clara Street  
San Jose, California  
95113

408.510.5688

[www.spur.org/sanjose](http://www.spur.org/sanjose)

May 16, 2013

Amy Worth, Chair  
Metropolitan Transportation Commission (MTC)

Mark Luce, President  
Association of Bay Area Governments (ABAG)

***Re: Comments on Plan Bay Area and the Plan Bay Area EIR***

Dear MTC Chair Worth and ABAG President Luce:

SPUR offers the following comments on the complete draft of Plan Bay Area and its corresponding Environmental Impact Report. SPUR is an urban policy think tank and advocacy organization with over 4,000 members and offices in San Francisco and San Jose.

In general, **SPUR supports the draft plan and encourages MTC Commissioners and ABAG Board members to adopt it**, pending a few specific adjustments and other considerations we describe in this letter.

**We think Plan Bay Area is an important step forward in comprehensive regional planning in the Bay Area.** Ever since ABAG produced the Bay Area's first regional plan in 1966, the Bay Area has been in need of regional planning with stronger tools to shape growth and travel behavior. While there still remains a gap between our vision of a more concentrated region and the actual tools to achieve it, Plan Bay Area contributes to the broader trend and best practice of integrating land use planning with transportation funding and decisions.

**We applaud the regional agencies for producing a draft plan where the projected land use pattern places the vast majority of growth in existing urbanized areas.** We also particularly applaud MTC and ABAG for analyzing specific policy levers that can be used to help achieve some of the overall goals of the plan. Finally, we are encouraged that the Plan continues the pattern of "Fix it First" and increasing the percent of investments focused on maintenance relative to T2035.

**We do have some recommendations for changes to the Plan based on the results of the EIR and the previous rounds of analysis.** We offer the following comments on what we like about the plan, recommendations for how to improve the Plan, and suggested changes to include in the next Plan. These are based on our participation in the process, our reading of the results of the EIR and our thoughts generally on best practices in comprehensive regional planning.

*Land use distribution and policies*

**SPUR supports the overall land use emphasis in Plan Bay Area**, which prioritizes growth inside urban growth boundaries within existing urbanized places and along major transit routes. In addition, we support the Plan's approach to concentrating most growth in the urban core. For example, the three central cities are projected to capture 38% of 1.1 million in new jobs and 41% of 660,000 new housing units.

**We support the approach of maintaining strict urban growth boundaries in all of the Plan alternatives.** By our own analysis, the Plan on its own will support the preservation of 93 percent of the remaining agricultural land within the nine-counties, an important economic and environmental priority.

**Even while we support the overall framework of allocating growth to locally identified PDAs, this approach misses some key areas.** There are some places that were not nominated as PDAs that are appropriate places to plan for growth (such as the western half of San Francisco and parts of San Jose). There are other places that are PDAs where transit service is marginal and unlikely to affect travel behavior and/or the planned transit service performs poorly in MTC's analysis. We should not be projecting significant growth in these places, as they will not help achieve the implied goals of the plan. We think it is appropriate to shift growth from these places towards some of the Transit Priority Project (TPP) areas with the highest quality transit.

**We think the Plan should more strongly articulate the benefits of concentrating employment near transit.** Based on MTC's own analysis, commuters are more likely to take transit to work if their job is located near transit, even when their home is not. As a result, we think this concept is an important one and should not be lost amidst a goal of achieving a concentrated residential pattern. While the plan does assume 80 percent of homes and 66 percent of jobs will locate in PDAs, it is not clear alone that the lower percent of jobs in PDAs reflects a less concentrated pattern given the diversity among PDAs. For future Plans, we would like to see a clearer articulation of the number of jobs that are within a short walk of high frequency transit.

**We support One Bay Area Grant as an investment tool, but encourage the regional agencies to more strongly condition funds in the future to performance criteria.** While we support the current criteria focused on complete streets policies and a RHNA-compliant General Plan, we encourage MTC to consider other performance criteria such as demonstrated support for transit investments and the production and preservation of affordable housing. We also support the One Bay Area Grant funding that is targeted at improving the preservation and economic viability of agricultural land within Priority Conservation areas.

**We are encouraged by the inclusion and analysis of a development impact fee for high VMT areas and think this should be included in the next Plan.** This is one of the few tools possible to price the impact and cost of auto-oriented growth. This type of policy is one that could be implemented by the Air District and should be further studied and included in the subsequent Plan.

**We also applaud MTC for including an analysis of sea level rise in this EIR even though it was not required.** This provides a clear picture to many about some of the Mid Century impacts of sea level rise. We do recommend that the next SCS analyze and plan for additional sea level rise plus storm surge scenarios. This should be based on revisiting the science and using that science to redo the scenarios. We also suggest that you also provide some interpretation of what the info is not showing.

B23-1

**We also applaud that MTC noted the importance of conditioning future MTC infrastructure funding on an adaptation strategy.** However, your recommendations stop short of conditioning MTC funding on adaptation strategies for infrastructure project. We think this is a mistake and puts future development in potentially.

**We encourage ABAG and MTC to examine ways to make development in PDAs more resilient, particularly to address earthquake hazards.** These can include making improvements to the land itself to reduce hazards as well to build in special ways in hazard zones to reduce damages when earthquakes occur.

We suggest incorporating the following changes to the final preferred land use scenario based on the results of the EIR and other analysis:

1. **Shift more of the projected growth to Transit Priority Project area (TPP) as suggested in Alternatives 3 and 5,** particularly transit rich places like the western half of San Francisco and non-PDA places in the South Bay (such as some parts of San Jose). The suggestion would be to shift from lower density PDAs with poor quality transit to non-PDA TPP's with high quality and high frequency transit.
2. **Pursue a study of a fee on development in high VMT areas** and make this policy tool available for inclusion in the next Plan. This is a tool that would be appropriate for the Air District to lead and help implement.
3. **Pursue as many measures as feasible to help produce the affordable housing identified in the Plan,** including preparing for a regional measure to fund affordable housing and further linking future OBAG funds and other investments to actual affordable housing approvals and production.

B23-2

B23-3

### *Transportation investments and policies*

**SPUR is supportive of the overall transportation investment approach in the Plan,** particularly the approach of “Fix it First” and the increasing share that was non-committed. Of the \$289 billion in forecasted revenue over the 28-year Plan, \$57 billion was non-committed at the beginning of the planning process, the largest percent ever and a good step towards increasingly using objective performance criteria in determining transportation priorities. Of the \$57 billion in discretionary funding, 87 percent of all funds will go to maintenance, another positive reflection of “Fix it First”.

**While the Plan identifies the unfunded transit capital needs, it does not take seriously enough the consequences of not identifying this funding.** The Plan assumes \$17 billion in unfunded transit capital needs, a gap that must be filled to ensure the ongoing maintenance of the region's essential

transit assets. Further, with the rapidly growing ridership on regional rail systems of BART and Caltrain, the capital funding shortfall could seriously harm those systems in the future.

**We support the improved project performance assessment in this Plan but think the summation of the voluntary targets themselves are not the best reflection of a project’s merits.** Some targets are also much more significant than others but the project performance assessment treats each target equally.

**In terms of the investment framework, we are supportive of many of the projects.** We support BART Metro, BART to San Jose, Caltrain to the Transbay Transit Center, the electrification of Caltrain, the Central Subway, various BRT projects listed in the Plan as well as other key plans. We are encouraged that these projects are included as fully funded in the Plan.

**We support the creation of HOT lanes and the concept of allowing single occupant drivers able to pay to go into carpool lanes.** However, we are concerned with some of the aspects of the full build-out of the MTC Express Lane Network. We suggest **eliminating the extensions that are included in the Plan.**

**We think the plan should more seriously explore converting mixed flow lanes to HOV and HOT,** particularly in places where there are no HOV and there is congestion (i.e. the urban core). We also support increasing to HOV3 from HOV2 in some areas.

**We support the notion of pricing on highways and are encouraged by the analysis of road pricing – namely the establishment of a VMT fee.** There is no doubt that the federal gas tax is no longer a viable source of transportation funds and self-help at the regional level is key. MTC should further pursue a VMT fee and seek legislative authorization for a pilot project that explores a VMT fee. Such a pilot is being done in Oregon. The Bay Area should try to put itself at the vanguard of innovative policy solutions and not continue to cede that to other regions.

**We also think that MTC should pursue a different form of road pricing –namely highway tolls on all lanes of certain “freeways”** (such as Highway 101 and I-280 from San Francisco south and on I-80 from the Carquinez Bridge to the Bay Bridge). We have argued for the inclusion of highway tolls previously in this process. We think the results of the plan suggest more strongly the importance of incorporating such an approach to funding transportation with user fees as well providing a clear price signal that freeways have costs that should be borne by users most directly.

**On transit, we have previously expressed thoughts about the Transit Sustainability Project and how it was a missed opportunity to reshape important parts of the transit network.** There is still the need to manage our regional transit operators as a more unified network and MTC should continue this discussion.

We suggest incorporating the following changes to the transportation investments and policies based on the results of the EIR (and our own analysis):

1. **Eliminate Highway expansions in the HOT /Express Lane network** and explore/study the conversion of mixed-flow lanes to HOV/HOT.

2. **Include the VMT fee/tax in the final version of the Plan** and begin studying how to implement tolls on all lanes on key Bay Area highway segments.
3. **Increase funding for transit operators to support increasing capacity in the urban core** where most of the transit ridership is. We also support significant increase in funding for transit in places with transit-supportive land uses and support for such growth. Yet we think that MTC should more condition the increase in any transit operating funds on performance criteria beyond what was addressed in the Transit Sustainability Project.
4. **Eliminate the Electric Vehicle Purchase incentive from the Climate Protection program.** There is already significant private market support for expanding clean vehicles. This program produces a small GHG reduction for a high cost. A more promising climate program is the Clean Vehicles Feebate. We think MTC should consider targeting this program for low and moderate income households as an incentive to switch to automobiles with reduced emissions and lower operating costs.
5. **Establish a Higher Peak Toll on Bay Bridge.** The current peak pricing program is successful and such pricing tools are an effective way to manage supply.
6. **Expand the Transit Performance Initiative** and strengthen an incentive program focused on paying a bounty to transit properties based on increased ridership.

### *Advocacy going forward*

Many of the ideas in the Plan will require legislative changes in Sacramento and/or Washington. We wanted to highlight a few here that the Plan suggests and a few that we encourage MTC and ABAG (with other partners) to push for.

We support the Plan's suggestions of pursuing the following policy changes:

- **Securing a lower vote threshold (such as 55 percent) to pass transportation measures and other local taxes.**
- **Identifying and funding a replacement for redevelopment.**
- **Reforming CEQA.**

In addition to the policy platform listed in the plan, we suggest adding the following to the legislative agenda:

- **Secure support from the State and Caltrans to convert mixed-flow highway lanes to HOV/HOT.**
- **Secure support from the State and Federal government to toll all lanes on state and federal highways.**
- **Explore reductions in the fiscalization of land use through** a sales or other local tax sharing or deleveraging from Proposition 13 through the analysis of a split roll.

### *Suggestions for the Next Plan*

In addition to what was written above, for the next plan, we are interested in the following changes:

- **Separate out effects of different policy levers:** We applaud MTC in analyzing different policy levers. For future plans it would help the Plan process for MTC to separate out the



effects of each policy lever. This would allow participants to understand the relative impact of each policy lever.

- **Rethink PDA framework:** We also think it is appropriate to take stock of the PDA framework. For the future we suggest you make changes to the future definition of the PDAs to include employment density and employment centers as a criteria for PDAs.
- **Include additional Sea Level Rise Scenarios:** We suggest that the next plan establish two sea level rise scenarios: Scenario 1 would be sea level rise plus King Tide (this is minimum impact). Scenario 2 would be the 100 year storm event but would include the expanding range of uncertainty with both a low and high range, not just the midpoint. Given the rapidly changing climate projections, both scenarios should be done based on the updated science at that time.

Thank you for the opportunity to share these comments. This is a very important planning process and the level of interest and involvement in this Plan encourages us.

Regards,

A handwritten signature in black ink, appearing to be 'GT' with a long, sweeping horizontal stroke extending to the right.

Egon Terplan  
Regional Planning Director  
SPUR

cc. Steve Heminger (MTC), Ezra Rapport (ABAG), Jack Broadbent (BAAQMD), Larry Goldzban (BCDC)

May 16, 2013

Amy Worth, Chair, and Members, Metropolitan Transportation Commission  
Mark Luce, President, and Members, Association of Bay Area Governments  
101 Eighth Street  
Oakland, CA 94607

RE: Comments on the Draft Plan Bay Area & Draft Environmental Impact Report (EIR)

Dear MTC Chair Worth, ABAG President Luce, and Commissioners/Members:

I am writing to express TransForm's strong support of regional planning for the Bay Area and to make detailed comments for specific changes from the Draft Plan Bay Area, based in part on the Draft Environmental Impact Report (DEIR).

Since 1997, TransForm has worked to create world-class public transportation and walkable communities in the Bay Area and beyond. We have been deeply involved in numerous regional, county, and local transportation decisions, including the past five regional transportation plans. We frequently help shape funding decisions and groundbreaking policies to support public transportation, smart growth, affordable housing, and bicycle/pedestrian safety.

Over the past two-plus years of the Plan Bay Area process, TransForm has contributed to the performance targets, the committed projects policy, the Project Performance Analysis, One Bay Area Grant program (including its implementation by county agencies), and the preferred scenario you adopted in May 2012. We worked closely with your staff to help design the Equity, Environment, and Jobs (EEJ) alternative analyzed in the DEIR.

**B24-1** Your DEIR identified the EEJ scenario as the "Environmentally Superior Alternative." The EEJ scenario outperforms the draft plan on most of the performance targets and equity metrics your agencies adopted. Compared to the other alternatives, the EEJ alternative would bring us less traffic, healthier residents, fewer traffic deaths, more affordable neighborhoods, and it would do a better job of allowing our most vulnerable neighbors to stay in their homes.

We have joined with dozens of other organizations in urging you to incorporate the best elements of the EEJ scenario as you prepare a final plan. This letter focuses primarily on our recommendations regarding MTC's proposed Express Lane Network, the network of high-occupancy toll (HOT) lanes that would allow solo drivers to enter the lanes for a fee. We also include at the end a brief set of recommendations on transit, combating displacement, and affordable housing, which are discussed in more detail by other partners' letters.

**B24-1.5** **We urge your agencies to change the Express Lane network so that it will:**

- **expand transportation choices;**
- **mitigate impacts on low-income commuters; and**
- **optimize use of existing highways without building new lanes.**

These recommendations are based on a detailed analysis of the network and how it compares to practices in regions around the country, presented in the attached white paper: *Moving People, Not Just Cars: Ensuring Choice, Equity & Innovation in MTC's Express Lane Network*.

**MAIN OFFICE: 436 14TH STREET, SUITE 600, OAKLAND, CA 94612 | T: 510.740.3150 |**  
**SACRAMENTO: 717 K STREET, SUITE 300, SACRAMENTO, CA 95814 | T: 916.706.2035 |**  
**SILICON VALLEY: 48 SOUTH 7TH STREET, SUITE 103, SAN JOSE, CA 95112 | T: 408.406.8074 |**

A well-designed express lane plan could provide a regional highway network where transit and high-occupancy vehicle lanes work together to seamlessly provide convenient and swift transit connections through the Bay Area. Planned as a transit system, one that sells excess system capacity to non-carpool vehicles, this network could help us meet the SCS targets while providing new transportation choices: transit, carpools, vanpools, and other alternatives to solo driving.

But MTC's proposed Express Lane Network is out of balance. The 2<sup>nd</sup>-largest project in Plan Bay Area, the Express Lane Network has no plans to capitalize on the new high-occupancy lanes by providing any revenues to improve public transit, carpooling, vanpools, or any other alternatives to solo driving. And there is no funding to ensure low-income families receive equitable benefits from the network. Instead, most of the \$6.5 billion in tolls to be collected from drivers will be used to build – or pay financing costs for – hundreds of miles of new highway lanes.

Once billed as an innovative way to help manage traffic and provide a wide array of new transportation choices, MTC's Express Lane network has now primarily become a highway-building program whose main beneficiaries will be solo drivers who can afford to buy their way into new lanes. It now appears that the design objective for the network is to maximize the number of lane miles in the network.

Other regions have recognized the potentially inequitable impacts of HOT lanes, as higher-income drivers use them much more frequently and are the main beneficiaries of the travel-time savings. In Seattle, over 50% of HOT lane users had household incomes over \$100,000, while only 15% had incomes under \$50,000. The U.S. Government Accountability Office concluded that equity concerns are particularly acute in situations like MTC's proposed network, where pricing is used to build new highway capacity. These concerns have prompted other regions to incorporate expanded transportation choices – transit, vanpools, carpools, and other alternatives to solo driving – when they design their HOT network.

The Bay Area can do better. Some positive elements of MTC's current network point the way. The network includes plans to convert 173 miles of existing carpool lanes to HOT, mostly by 2015. These conversions are cost-effective: if done alone, they would produce net revenues that could be invested in a broad range of transportation improvements.

But the network also includes another 170 miles of new highway lanes, costing \$2.8 billion, plus billions more for financing costs. This new construction would use up the revenues generated by the rest of the system and leave nothing left for more transportation choices or mitigations for low-income families. By focusing only on building new lanes where there is no existing carpool lane, MTC's network fails to provide any solutions for highly-congested areas such as I-880 through Oakland, US-101 in most of San Mateo County, and CA-24.

Instead, the Bay Area could pursue what we call an “optimize-a-lane” approach. This approach could move more people at lower cost, with less pollution, and a more equitable distribution of benefits and costs. “Optimize-a-lane” would convert one existing general purpose lane to HOT, save \$10+ million per mile, and use revenues to dramatically increase transportation options along the same corridor.

Properly managed, this HOT lane would flow freely, potentially carrying even more vehicles per hour than the previously-congested general purpose lane. And with higher average vehicle occupancy from transportation choices paid for by HOT revenues, the optimized HOT lane would carry more people.

By contrast, MTC's plans to build new highway lanes with no new transportation choices will sink the vast majority of drivers' tolls into another fruitless attempt to build our way out of congestion. If we

don't change course, we will spend 20+ years paying off construction bonds with driver tolls that could have been used to provide more people with more choices.

### **Recommended Changes to Plan Bay Area**

We urge your agencies to make the following changes to the draft plan:

1. Dedicate at least 50% (\$3.25 billion) of the projected \$6.5 billion in projected HOT revenue to provide new transportation choices – transit, vanpools, carpools, and other alternatives to solo driving – along HOT corridors and to mitigate the network's impacts on low-income families.
2. For each uncommitted project in the draft Plan Bay Area that is an HOT lane that adds new highway capacity, change its description to state that MTC will work with the relevant CMA and Caltrans to study the an "optimize-a-lane" alternative: convert an existing mixed flow lane, rather than build a new lane, and use revenues to dramatically increase transit, vanpools, carpools, and other alternatives to solo driving along the same corridor.

### **Recommended Policy Commitments and Mitigations**

We recognize that many of the changes that need to happen in MTC's Express Lane Network will be achieved outside the SCS process. We recommend that your agencies make the following policy commitments, some of which may be most appropriately adopted as mitigations incorporated in the Final EIR adopted alongside the final Plan Bay Area later this year:

#### **To expand transportation choices:**

- B24-2** 3. Create a transportation choices expansion plan as part of the express lane network and include a commitment that with the opening of every new HOT lane, there will be a simultaneous improvement in transportation choices along the same corridor, over and above existing service.

#### **To mitigate impacts on low-income commuters:**

- B24-3** 4. Design and implement mitigations to ensure low-income families receive an equitable share of the benefits and do not bear a disproportionate burden of the HOT network. Mitigations may include access to the network itself, as well as transit investments.

#### **To optimize use of existing highways without building new lanes:**

- B24-4** 5. Along with the relevant CMA and Caltrans, study the "optimize-a-lane" approach (defined above) before pursuing new-construction projects in MTC's Phase II (after 2015) or beyond, and for any congested corridor with at least 8 mixed flow lanes and no HOV lanes.
- B24-5** 6. Work with relevant CMAs to seek approval from Caltrans, the state legislature, and if necessary federal authorities to conduct pilot tests of "conversion HOT+Transportation Choices" projects in at least two locations in the Bay Area.

#### **To ensure the network meets agency targets:**

- B24-6** 7. Expand the inadequate Environmental Justice analysis of the HOT lane network to include a primary research question concerning the distribution of benefits across different income and ethnic groups, based on differences in expected frequency of use of the HOT lanes.
- B24-7** 8. Ensure that the design of the overall HOT network, including the combined effects of the road network and transit improvements funded by HOT revenues, reduces greenhouse gas pollution as a complete network, not just as part of an overall SCS plan that reduces GHGs.

For detailed background on these recommendations, and the reasons for them, please see our attached white paper, *Moving People, Not Just Cars*. Incorporating these changes will help ensure that the Bay Area's Express Lane network meets its potential to move more people.

In addition, TransForm adds our support to recommendations that Plan Bay Area incorporate the best elements of the EEJ scenario. Your agencies' analysis shows that the draft plan has a much higher risk of displacement for renter-burdened households and does not plan transit service beyond current service levels. To redress these problems, we urge you to adopt the following changes in the final plan:

- **Transit:** Substantially increase funding for transit operations as new operating-eligible funds become available: cap and trade, revenues from increased bridge tolls, HOT lane revenues, and other new sources.
- **Displacement:** Modify the OBAG program to require recipients of funds to implement strong anti-displacement protections and provide substantial funding for community stabilization measures as land banking, housing rehabilitation and preservation of affordable housing, over and above the funding already provided through the Transit-Oriented Affordable Housing program.
- **Affordable Housing:** Plan for sufficient housing affordable to low-wage workers in all infill locations with access to jobs or transit.

Incorporating these changes will lead to a Plan Bay Area that will improve the quality of life for all Bay Area residents and protect our most vulnerable neighbors. We ask that you direct your staff to bring forward these recommendations for consideration in the joint MTC Planning Committee / ABAG Administrative Committee in June.

We look forward to your careful consideration of these and other recommendations, and we thank you for your continued commitment to creating a better Bay Area.

Sincerely,



Jeff Hobson  
Deputy Director

Enclosure: *Moving People, Not Just Cars: Ensuring Choice, Equity & Innovation in MTC's Express Lane Network*

CC: Steve Heminger, MTC  
Ezra Rapport, ABAG  
Ken Kirkey, MTC  
Lisa Klein, MTC  
info@OneBayArea.org  
eircomments@mtc.ca.gov

1(415) 856-7017  
gordonhart@paulhastings.com

May 16, 2013

Carolyn Clevenger, MTC EIR Project Manager  
Metropolitan Transportation Commission  
101 Eighth Street  
Oakland, CA 94607  
Phone: (510) 817.5736  
Fax: (510) 817.5848  
Email: [eircomments@mtc.ca.gov](mailto:eircomments@mtc.ca.gov)

Re: Comments on Draft Environmental Impact Report

Dear Ms. Clevenger:

On behalf of Public Advocates, Urban Habitat, the California Affordable Housing Law Project and California Rural Legal Assistance ("CRLA"), we respectfully submit the following comments on the Draft Environmental Impact Report ("DEIR") for Plan Bay Area ("Plan"). A technical memorandum prepared by transportation modeling experts from Sustainable Systems Research, LLC ("SSR") evaluating the modeling approaches and results contained in the DEIR is incorporated into these comments by reference, and is attached hereto as Exhibit 1. All four groups are submitting a separate comment letter regarding the draft Plan itself; that comment letter is also incorporated by reference herein, and is attached hereto as Exhibit 2.

Public Advocates and Urban Habitat worked with other organizations to develop and propose the Equity, Environment and Jobs ("EEJ") scenario, which would improve local transit service levels, distribute more affordable housing to high-opportunity suburban job and transit hubs, and protect vulnerable families from displacement. The original EEJ proposal has largely been incorporated (albeit with key differences discussed below) into the DEIR as Alternative 5, which was selected as the environmentally superior alternative. Accordingly, our evaluation of whether the DEIR complies with the requirements of CEQA includes a particular focus on issues relevant to the comparison of the environmental impacts of the Plan with those of the EEJ alternative.

### **Introduction and General Comments**

We commend the MTC and ABAG for the extensive amount of effort spent by the agencies on the Plan, the DEIR and all of the companion reports. Notwithstanding the time and resources spent during the planning process, each of the core components of the DEIR suffers from critical legal deficiencies:

- The DEIR does not fulfill its basic legal function to fully inform the public



Carolyn Clevenger, MTC EIR Project Manager  
May 16, 2013  
Page 2

- The DEIR does not contain a legally-adequate project description
- The DEIR's identification and analysis of alternatives is legally inadequate
- The DEIR's analysis of project impacts is legally inadequate
- The DEIR's mitigation measures are legally inadequate

B25-2

A number of these legal deficiencies stem in part from the fact that there are key differences in how the land-use model, UrbanSim, was used to determine the housing distribution in the Plan on the one hand, and in the EEJ alternative and other alternatives on the other hand. As described in detail in the SSR technical memorandum, the DEIR adjusted the modeling results for the Plan by using undisclosed "calibration techniques," but did not make the same adjustments in the modeling results for the alternatives. The use of different methodology for the Plan and the alternatives violates the California Transportation Commission's modeling guidelines for regional transportation plans, and likewise renders the analyses of impacts and alternatives in the DEIR legally deficient under CEQA, for the reasons discussed below.

### Specific Comments

B25-3

#### 1. The DEIR is Inadequate as an Informational Document.

This DEIR fails to fulfill the basic legal function of an EIR, which is to fully inform the public and decision makers about the environmental impacts of a project so that the public can provide informed input and the decision makers can make an informed decision. Moreover, "[a]n EIR must include detail sufficient to enable those who did not participate in its preparation to understand and to consider meaningfully the issues raised by the proposed project." *Laurel Heights Improvement Ass'n v. Regents of University of California* (1988) 47 Cal.3d 376, 405 (emphasis added). "A prejudicial abuse of discretion occurs if the failure to include relevant information precludes informed decisionmaking and informed public participation, thereby thwarting the statutory goals of the EIR process." *Kings County Farm Bureau v. City of Hanford* (1990) 221 Cal. App. 3d 692, 712; see also *San Joaquin Raptor/ Wildlife Rescue Center v. County of Stanislaus* (1994) 27 Cal.App.4th 713, 722.

The DEIR, and its tangled web of ancillary documents, is so complex and confusing that it is impossible for the public to fully understand its methodology and evaluate its conclusions. As a result, it utterly, fails to facilitate informed decision-making and public participation.

B25-4

#### a. The DEIR's overreliance on ancillary documents undermines its informational value.

Section 15147 of the CEQA Guidelines provides that "highly technical and specialized analysis and data" should be in appendices rather than the main body of the EIR. However, it also provides that "the information contained in an EIR shall include summarized technical data, maps, plot plans, diagrams, and similar relevant information sufficient to permit full assessment



Carolyn Clevenger, MTC EIR Project Manager  
May 16, 2013  
Page 3

of significant environmental impacts by reviewing agencies and members of the public.” (14 Cal. Code Regs. §15147.)

The DEIR presents information in a manner that depends upon comprehension of a multitude of obscure, related documents, without adequately summarizing those documents in the body of the DEIR as required by this CEQA Guideline. Below are several examples of relevant information contained in ancillary documents, and not adequately explained in the body of the DEIR, that directly pertain to issues of particular significance to the four groups submitting this letter.

**B25-5** We have been unable to determine whether any low performing transportation projects were dropped from the Plan. To do so, one would need to review Table A-1 to MTC's January 24, 2012 Memorandum Re: Plan Bay Area: Project Performance Assessment – Revised Results (posted on the One Bay Area website on a link described as “Related Material” on a page entitled “Measuring Progress”), and the transcript or report regarding the outcome of the March 9th joint MTC Planning Committee/ABAG Administration Committee meeting (presumably posted elsewhere on MTC's website), and then compare the list of any adopted “compelling” low-performing projects to the list of transportation projects proposed in Appendix C to the DEIR. A revised version of Appendix C dated April 10, 2013 is posted the One Bay Area website. Anyone interested enough to have reviewed the DEIR in hard copy form might have easily missed the later posting of an updated Appendix C.<sup>1</sup>

**B25-6** Similarly, to even attempt to decipher the methodology of the key land use models, the public has to plow through a technical appendix that was incorrectly described in the DEIR. As best we can tell, the “Plan Bay Area Land Use Model Data Summary supplemental report” described on page 2.3-32 of the DEIR actually refers to the “Draft Summary of Predicted Land Use Responses,” a technical appendix to the draft Plan document. Although we believe that MTC and ABAG were very well meaning in making available extensive information regarding the data used to support the Plan, the end result in this instance is that information used as the basis for a critical analysis is contained in an appendix to a misnamed report identified as a “supplemental report”.

**B25-7** The land use methodology that is critical to analyzing the land use modeling must be clearly presented and analyzed as part of the DEIR. Neither the public nor decisionmakers can reasonably be expected to meaningfully consider issues raised by the Plan that are buried in ancillary sources and not explained in the DEIR. The tangle of documents posted on the One Bay Area website falls far short of meeting CEQA's informational mandate.

<sup>1</sup> Although, the DEIR itself was published on April 2, 2013, multiple companion reports and technical reports that are referenced by and that contain information essential to the analyses contained in the DEIR were published and/or revised after April 2nd. As a result, the public has had less than the 45 days required by CEQA Guidelines Section 15105(a) to review all of the documents necessary to make an informed decision regarding the analysis contained in the DEIR. We note also that the Draft Plan Bay Area, was revised as late as April 15th. See, Draft Plan Bay Area, pp. 157-158.



Carolyn Clevenger, MTC EIR Project Manager  
May 16, 2013  
Page 4

b. The DEIR fails to provide information about health impacts.

B25-8

The DEIR also fails to inform the public in more basic ways. Even though the DEIR identifies increased emissions in disproportionately-impacted communities as potentially significant impacts, the DEIR provides no information to the decisionmakers or the public of the health effects of these emissions. This information is required under CEQA. See *Berkeley Keep Jets Over the Bay Comm. v. Board of Port Comm'r.*, 91 Cal. App. 4th 1344, 1371 (Cal. App. 1st Dist. 2001) ("The EIR's approach of simply labeling the effect "significant" without accompanying analysis of the project's impact on the health of the Airport's employees and nearby residents is inadequate to meet the environmental assessment requirements of CEQA").

B25-9

The DEIR relies on a significance threshold identified in the Bay Area Air Quality Management District's previously published draft CEQA Guidelines to identify disproportionately impacted communities. The impacts to these communities are then identified as potentially significant; however, the DEIR does not analyze the significance of the impacts. DEIR, pp. 2.2-26 - 2.2-27. The DEIR fails to inform the decisionmakers and the public of the health effects of the increased emissions identified as potentially significant. As a result, neither decisionmakers nor the public are in a position to understand the importance of the effects or whether MTC and ABAG have done all they can do to mitigate these effects.

B25-10

More specifically, the DEIR fails to adequately analyze or disclose the extent to which the Plan's PM<sub>2.5</sub> and Toxic Air Contaminant ("TAC") emissions will impact public health. The DEIR shows that already-burdened communities will be disproportionately impacted by PM<sub>2.5</sub> emissions from on-road mobile sources in all counties except for San Francisco. However, the DEIR does not disclose the *impacts* of the increase in PM<sub>2.5</sub> or TAC emissions on the existing cancer risk or the increase in cancer risk for disproportionately impacted communities. It discloses increases in emissions in terms of percentages, but does not provide information regarding the levels of pollution to which these already-burdened communities are now exposed. Nor does it disclose the increased levels of pollution to which the Plan can be expected to expose already-burdened communities and resultant increases in cancer risk during the life of the Plan. The DEIR identifies these disproportionate impacts on Community Air Risk Evaluation ("CARE") communities as a potentially significant impact. (DEIR, pp. 2.2-24-27.) But as explained, the DEIR provides no analysis to inform the public or decision-makers of the extent of these impacts, as required under CEQA. These unanalyzed *physical impacts* should be the crux of the discussion.

2. The Project Description in the DEIR is Inadequate.

B25-11

A meaningful project description is the foundation of an EIR. "An accurate, stable and finite project description is the *sine qua non* of an informative and legally sufficient EIR." *County of Inyo v. City of Los Angeles* (1977) 71 Cal.App.3rd 185, 193 ("County of Inyo"). Moreover, an ill-defined project description thwarts one of CEQA's most fundamental goals of facilitating

Carolyn Clevenger, MTC EIR Project Manager  
May 16, 2013  
Page 5

informed public participation. ("A curtailed, enigmatic or unstable project description draws a red herring across the path of public input." *Id.* at 198.). It is impossible for a DEIR to adequately inform the public and decisionmakers about the impacts of a project unless the DEIR clearly and consistently describes the project in the first place. This DEIR fails that test – its description of the project is curtailed, enigmatic and unstable.

a. The Project Description in the DEIR is Curtailed.

At a very basic level, the DEIR fails to provide a clearly identifiable project description at all. Unlike every other EIR that has been prepared for SB 375 plans, and for that matter almost every other EIR that is prepared for any purpose, this DEIR does not have a separate chapter, or section, entitled "Project Description." Instead, Chapter 1.2 of the DEIR is called "Overview of the Proposed Plan Bay Area." As its title suggests, it provides a curtailed overview of certain features of the Plan, but not a complete project description.

The description of the core land use component required by SB 375, the Sustainable Community Strategy ("SCS"), is woefully inadequate and incomplete. The description of the SCS in the Overview chapter basically amounts to the statement that it "calls for focused housing and job growth around high-quality transit corridors, particularly within areas identified by local jurisdictions as Priority Development Areas." (DEIR, 1.2-24). The Overview Chapter does not even mention the land use policy measures the Plan would employ to achieve its focused growth. There is a list of policy measures buried in a table called "Policy Measures Comparison" in the Alternatives Chapter (DEIR, Table 3.1-1, pages 3.1-8), but there is no explanation or discussion of the policy measures. For example, the table states that the Plan includes the policy measures "Subsidies for PDA Growth" and "Strict Boundaries," but there is no other discussion or explanation – either in the Overview chapter or in the Alternatives chapter – about the nature of the subsidies or of the boundaries.

For "details" about the SCS, DEIR readers are directed to the draft Plan document, which in turn directs readers to the "Jobs-Housing Connection Strategy" ("JHCS") published a year before the DEIR. However, neither of these documents clearly delineate what policy measures constitute the Plan. The Jobs-Housing Connection Strategy describes a set of 38 "Implementation Actions," but does not clarify which of these actions are integral parts of the project, and which are simply optional actions that could help achieve the objectives the project. The technical appendix to the draft Plan document discussed above describes a set of "policy levers" (Draft Summary of Predicted Land Use Responses, pages 22 to 27), but it is not clear if all of the policy levers used to model the Plan are integral parts of the project. Furthermore, what appears to be the most important lever – development subsidies – is only vaguely described as "a subsidy similar in magnitude to the Bay Area's former redevelopment program to support development in PDAs where the market is weak." (Draft Summary of Predicted Land Use Responses, p. 27.)



Carolyn Clevenger, MTC EIR Project Manager  
May 16, 2013  
Page 6

If indeed these land use policy levers are integral to the project, then describing them only in a technical appendix to the draft Plan document rather than the DEIR itself constitutes an improperly curtailed project description that is legally inadequate under *County of Inyo, supra*. If these land use policy levers are not integral to the project, then the DEIR's project description is likewise inadequate because it is too enigmatic under *County of Inyo, supra*, as described below. In that case, the analysis of alternatives would also be legally inadequate because it is based on the comparison of the policy measures in Table 3.1-1 described above.

b. The Project Description is Enigmatic.

**B25-14** *Is the SCS component of the project simply the housing and jobs outcome (the number and location of housing units) or is the project also the policy and implementation measures used as inputs to the model, that the modeling assumes will result in that forecasted scenario? In other words, is the Project the outputs of the model, the inputs or the unmodeled outcomes of the JHCS?*

The attempts in the various documents to describe the SCS component of the project all fail to clearly answer that fundamental question, and to the extent they do answer it, they seem to answer it in different ways.

**B25-15** The "Policy Measures Comparison" table described above seems to be based on the assumption that the policy measure inputs are the core features of the project, since those are the bases used for showing the differences between the Plan and the alternatives. However, as described in detail in the attached SSR technical memorandum, the modeling approach used to generate the housing and job outputs in the EEJ alternative does not actually model the consequences of implementing many of these policy measures; and that approach was not used to generate the housing and job results for the Proposed Plan Alternative at all. Instead, the land use outputs under the Proposed Plan Alternative are forced to match outcomes defined in the *Jobs/Housing Connection* using undisclosed calibration techniques. This suggests that the "project" is simply the housing and job outcomes, since none of the policy measures or policy levers were deemed essential enough to drive the modeling.

**B25-16** Ultimately, the answer to this fundamental question, and therefore the definition of the project, remains an enigma, which is impermissible under CEQA. Even the modeling experts at SSR who thoroughly reviewed the technical support materials and asked for clarification from modeling staff at MTC and ABAG, state that the exact steps used to create the housing distribution in the Proposed Plan Alternative remain unclear. (Exhibit 1, p. 2.)

c. The Project Description is Unstable.

**B25-17** The one thing that is clear about the project is that Priority Development Areas ("PDAs") play a central role. And yet, the different documents that purport to describe the project have inconsistent descriptions of how many PDAs there are, and of how many housing units and jobs

Carolyn Clevenger, MTC EIR Project Manager  
May 16, 2013  
Page 7

would be directed into them. The JHCS states that there are 198 PDAs, and the DEIR and the draft Plan both similarly state that there are "nearly 200" PDAs. However, the PDA Readiness Assessment, one of the many support documents published at the same time as the DEIR and the draft Plan, states that "a number of changes or modifications have been made since" the JHCS was published, so "the current number of PDAs is 169" (p. 2, fn.1). Even though the core feature of the Plan is to encourage growth around PDAs, neither the DEIR nor any of the documents it references provide a list of PDAs (only maps that are not at a scale that allows one to distinguish individual PDAs in proximity to each other, or to count them individually).

B25-18

There is also an inconsistency in the description of how much housing and jobs will go into the PDAs under the Plan. Among the DEIR, SCS and JHCS, the housing number is variously described as "77 percent", "79 percent", "80 percent" and "over 80 percent". The jobs numbers are expressed as "63 percent" sometimes and "66 percent" other times. This is a discrepancy of more than 40,000 jobs.

B25-19

These inconsistencies in the description of fundamental feature of the Plan – focusing housing and jobs growth in the PDAs – are not indicative of the type of "fixed, stable and accurate" project description required under CEQA.

B25-20

### 3. The DEIR's Discussion and Analysis of Alternatives is Inadequate.

It is the policy of the State to "consider alternatives to proposed actions affecting the environment" and that agencies not approve projects if there are feasible alternatives or feasible mitigation measures available which would substantially lessen the significant environmental effects of a project. *Citizens of Goleta Valley v. Board of Supervisors* (1990) 52 Cal. 3d 553, 564-65 (citing Pub. Res. Code §§ 21001(g), 21002). A "feasible" alternative is one capable of being accomplished in a successful manner within a reasonable period of time, taking into account economic, environmental, legal, social, and technological factors. *Id.* at 565; 14 Cal. Code Regs. § 15364.

An EIR must identify and evaluate the merits of "a range of reasonable alternatives to the project, or to the location of the project, which would feasibly attain most of the basic objectives of the project but would avoid or substantially lessen any of the significant effects of the project." *Save San Francisco Bay Ass'n v. San Francisco Bay Conserv. & Dev. Comm'n* (1992) 10 Cal. App. 4th 908, 919 (citing 14 Cal. Code Regs. § 15126.6(a)). Each EIR must also identify an "environmentally superior alternative," aside from the "no project" alternative. 14 Cal. Code Regs. § 15126.6(e)(2). The discussion of alternatives is subject to a rule of reason and must include sufficient information about each alternative to allow evaluation, analysis, and comparison with the proposed project. 14 Cal Code Regs §15126.6(d); *Laurel Heights Improvement Ass'n v Regents of Univ. of Cal.* (1988) 47 Cal. 3d 376, 407 (also noting that EIRs must "evaluate the comparative merits of the alternatives ... even if these alternatives would impede to some degree the attainment of the project objectives, or would be more



Carolyn Clevenger, MTC EIR Project Manager  
May 16, 2013  
Page 8

costly,” and that the “key issue is whether the selection and discussion of alternatives fosters informed decisionmaking and informed public participation.” Id. at 401, 404).

- a. The DEIR’s mischaracterization of the EEJ Alternative causes the DEIR to fail to analyze a reasonable range of alternatives.

The DEIR deserves praise for its inclusion of an Equity, Environment and Jobs Alternative (“EEJ”), and for acknowledging that the EEJ alternative is the environmentally superior alternative. However, there are important differences between the EEJ alternative proposed to ABAG and MTC and the one analyzed in the DEIR that result in the DEIR significantly understating the performance of the EEJ alternative (see below). There are also inconsistencies in the analysis of the alternatives. As result, the DEIR fails to meet its legal burden of analyzing a reasonable range of alternatives.

B25-21

As proposed by Public Advocates, Urban Habitat and others, the EEJ scenario was a robust combination of synergistic components. In a document shared with them at a meeting in mid-April, however, MTC and ABAG disclosed that many of the “policy levers” that had been discussed were simply not included in the modeling and analysis of the EEJ alternative. Had they been studied, a number of these policies (such as imposing anti-displacement conditions on the One Bay Area Grant (“OBAG”) program and directing subsidies to deed-restrict affordable housing) would have resulted in even greater performance of the EEJ alternative relative to the Proposed Plan Alternative.

B25-22

In addition to failing to capture in the model the benefits that the EEJ alternative would achieve through deed-restricted affordable housing and of ABAG anti-displacement protections some other important differences between the robust EEJ scenario proposed and the weaker EEJ alternative studied<sup>2</sup> include (1) forcing housing into the desired infill zones in the preferred alternative, but not the EEJ alternative;<sup>3</sup> (2) and improperly assuming no SB 375 CEQA streamlining in Transit Priority Project areas (“TPPs”) under the EEJ alternative.

B25-23

The assumption about CEQA streamlining appears to be based upon a misunderstanding of informal statements made by proponents of the EEJ alternative.<sup>4</sup> What the ABAG and MTC staff, or the EEJ proponents, think about the application of CEQA

<sup>2</sup> A more complete list of differences is included in “Environment, Equity and Jobs Alternative – Policy Levers” attached hereto as Exhibit 3.

<sup>3</sup> Draft Summary of Predicted Land Use Responses, at 8 (noting that for the EEJ alternative, “UrbanSim simulates the impact of land use and transportation projects/policies on land use outcomes .... For the Proposed Plan Alternative, UrbanSim is used to fill in land use details not available through the methodology developed for the *Jobs/Housing Connection*, including detailed land uses, densities, and intensities outside of PDAs.”)

<sup>4</sup> See DEIR at 3.1-7 to 8, noting that “[w]hile streamlining would still be legal, as per SB 375, based on the input of the EEJ stakeholders, this alternative would not reference TPPs, thus making it impossible for project sponsors to streamline”.

Carolyn Clevenger, MTC EIR Project Manager  
May 16, 2013  
Page 9

streamlining to developments in TPPs is irrelevant. The fact is that under SB 375 certain developments in TPPs are eligible for CEQA streamlining; because the EEJ alternative would promote more development in TPPs, the impact of CEQA streamlining being applied to projects in TPPs should have been modeled for the EEJ alternative, just as it was for the Plan and other alternatives. As a practical matter, since the EEJ alternative would substantially increase the amount of development in TPPs that are not PDAs, there is likely to be more CEQA streamlining under the EEJ alternative rather than less.

As result of these differences between the robust EEJ alternative as proposed and the weaker EEJ alternative analyzed in the DEIR, the DEIR fails to meet its legal burden of analyzing a reasonable range of alternatives because it has not in fact analyzed a fully-developed EEJ alternative.

B25-24

- b. The analysis of the impacts of the EEJ alternative is flawed because it understates the benefits of the alternative.

The analysis of the impacts of the EEJ alternative inappropriately masks how much better the EEJ alternative performs compared to the preferred alternative. By representing differences between the two alternatives as seemingly-small percentage point differences and repeating the misleading statement that the EEJ's benefits are only "marginal," the DEIR neglects to provide the factual information in its possession that actually quantifies these benefits in tons of emissions reduced or energy saved. In fact, the conversion of the percentages in the DEIR into raw numbers demonstrates that the EEJ, even in the far less robust form in which the DEIR studies it, performs *substantially* better than the preferred alternative. Compared to the preferred alternative, the benefits of EEJ scenario include:

- 1,900 fewer tons of carbon dioxide emitted each day;
- 568,000 fewer tons of greenhouse gases emitted each year;
- 6.4 fewer tons of Toxic Air Contaminants ("TACs") each year;
- 1,290 fewer tons of carbon monoxide emitted each year; and
- Daily energy savings of 68 billion BTUs, the equivalent of burning 600,000 fewer gallons of gasoline each day.

Furthermore, SSR concluded that if the modeling had been applied consistently, the EEJ alternative would show improved performance even beyond the performance that caused the DEIR to select it as the environmentally superior alternative. "If the EEJ scenario had been modeled as the Proposed Plan Alternative had (with all housing unites assigned to the infill zones), performance results would have improved on most measures". (Exhibit 1 at p. 14)

B25-25

- c. The analysis of the impacts of the alternatives is fundamentally flawed by employing different modeling approaches for the Plan than for the alternatives.



Carolyn Clevenger, MTC EIR Project Manager  
May 16, 2013  
Page 10

The analysis of alternatives in an EIR must provide information sufficient to allow an informed comparison of the impacts of the project alternatives with the impacts of the project. See *Kings County Farm Bureau v. City of Hanford* (1990) 221 Cal. App. 3d 692, 734-35. The DEIR fails in this regard because it employs different modeling approaches for the Plan than for the alternatives.

This methodological difference is directly contrary to the modeling guidelines for regional transportation plans issued by the California Transportation Commission ("CTC"), which state,

The same land use model used in the RTP modeling should be used in the impact assessment for the No Action alternative, the Proposed Plan alternative, and the Environmentally Preferable Alternative. Only in this way will all of the outputs in the RTP and EIR be comparable.

[CTC Guidelines p. 51].

The SSR memorandum summarizes this fundamental flaw in the alternative analysis as follows:

By employing UrbanSim differently between the Proposed Plan Alternative and the EEJ alternative, MTC and ABAG effectively applied different land use modeling methods to assess the Proposed Plan Alternative and the environmentally superior EEJ Alternative. This modeling decision violates the CTC guidelines and limits the utility of comparing the performance of each alternative.

(Exhibit 1, at p. 6.)

As a result, "the EIR fails to reasonably evaluate the comparative merits of the alternatives and its discussion of the alternatives fails to foster informed decisionmaking or informed public participation." *Laurel Heights Improvement Ass'n v. Regents of Univ. of Cal.* (1988) 47 Cal. 3d 376, 401, 404.

- d. The discussion of the EEJ alternative as the environmentally superior alternative inappropriately infers that it is infeasible.

B25-26

Although the DEIR drops hints that the EEJ alternative may be infeasible, it does not evaluate its feasibility at a level of detail that would be necessary for ABAG and MTC to make a specific finding of infeasibility grounded in substantial evidence in either the final EIR or the administrative record. See *Preservation Action Council v. City of San Jose*, (2006) 141 Cal. App. 4th 1336, 1357 ("Neither the FEIR nor the administrative record contains any meaningful

Carolyn Clevenger, MTC EIR Project Manager  
May 16, 2013  
Page 11

detail or independent analysis of the validity of Lowe's claim that [the environmentally superior alternative] is infeasible, and the City Council made no specific finding validating that claim. On this record, the trial court correctly held that the City's rejection of the reduced-size Lowe's alternative cannot be upheld." The DEIR instead only states that feasibility of one aspect of the EEJ alternative (the VMT fee) "will be discussed," and that it "may prove to be infeasible," because of the "difficulty of predicting" whether the large Democratic majority in the legislature will stay in office and pass a VMT tax (which *may* require approval by a 2/3 majority)." DEIR, p. 3.1-148 (emphasis added).

Any such analysis of the EEJ alternative would need to evaluate the feasibility of the entirety of the alternative, and not simply assume that because *one component* may not be feasible, that the EEJ alternative as a whole is infeasible. *City of Del Mar v. City of San Diego*, 133 Cal. App. 3d 401 (1982) (noting that an alternative's "feasibility involves a balancing of various economic, environmental, social, and technological factors") (citing Pub. Res. Code § 21061.1). In fact, the VMT fee is not an essential part of the EEJ alternative. While it provides a useful tool for analyzing the benefits that a big boost in transit service would bring to the region, the bulk of those benefits can be achieved without a VMT fee through making \$3 billion in additional transit operating funds available in the final Plan, as recommended below.<sup>5</sup> In addition, a feasibility analysis would need to fairly apply the same feasibility standards to the preferred alternative, by, for example, acknowledging that it may not be feasible to assume that the same revenues that existed prior to the dissolution of the redevelopment agencies will somehow be made available or, more importantly, that the housing distribution outcomes assumed in the draft Plan are not feasible.<sup>6</sup>

B25-27

#### 4. The DEIR's Analysis of Project Impacts is Inadequate.

One of the principal purposes of an EIR is to identify a project's significant effects on the environment. Pub. Res. Code § 21002.1(a); see also 14 Cal. Code Regs. §§ 15126 and 15126.2(a). An EIR should be prepared with a sufficient degree of analysis to provide decisionmakers with information which enables them to make a decision which intelligently takes account of environmental consequences. 14 Cal. Code Regs. § 15151. Drafting an EIR

<sup>5</sup> See details of three feasible ways to shift \$3 billion to transit operations without a VMT fee in section C (1) of the attached comments on the draft Plan.

<sup>6</sup> The EPS report, entitled "Priority Development Area Development Feasibility and Readiness Assessment," dated March 29, 2013, available at [http://onebayarea.org/pdf/Draft Plan Bay Area/Draft PBA PDA Development Feasibility and Readiness.pdf](http://onebayarea.org/pdf/Draft%20Plan%20Bay%20Area/Draft%20PBA%20PDA%20Development%20Feasibility%20and%20Readiness.pdf), concludes that only 62 percent, and at best 80 percent, of the housing assigned to the PDAs can feasibly be developed. See attached Exhibit 2, comment letter on the draft Plan, section D (2). See also Exhibit 1, SSR memo, p. 6 ("Regional planning goals are important policy tools, but real estate markets will continue to operate in the context of these goals").



Carolyn Clevenger, MTC EIR Project Manager  
May 16, 2013  
Page 12

necessarily involves some degree of forecasting; an agency must use its best efforts to find out and disclose all that it reasonably can. 14 Cal. Code Regs. § 15144.

a. Flawed Project Description and Modeling Approaches Precludes Meaningful Impact Analysis.

The failure discussed above of the DEIR to base the impact analysis on a fixed, stable and accurate project description is a fundamental flaw that permeates all of the individual sections of the impact analysis. The undisclosed "calibration techniques" used in the land use analysis of the project is one extreme example of the fact that the impact analysis conducted through complex computer modeling appears to be result-oriented and not a fair effort to characterize the actual impacts of the actual policy decisions that are supposed drive the analysis. SSR evaluated the inconsistencies in the modeling approaches and determined that "they are likely to substantially affect the magnitude and direction of the Plan's environmental impacts." (Exhibit 1, at p. 6.)

B25-28

Specifically, the SSR technical memorandum includes the following remarkable and disturbing conclusion about the impacts of the Plan if it had been using the same methodology as the EEJ and other alternatives:

[L]and use outcomes for the Proposed Plan Alternative would likely be similar to the No Project Alternative which assumes no change in current zoning. That alternative allocates 24% of housing growth to PDAs compared to 77% for the Proposed Plan and 57% for the EEJ Alternatives (DEIR, p. 3.1-15). With relatively less housing near transit in a free market version of the Proposed Plan Alternative, its performance on the key metrics of greenhouse gas emissions and vehicle-miles traveled would be likely to decrease.

(Id.)

In other words, had the Proposed Plan alternative and the EEJ alternative been analyzed in a comparable manner, the Proposed Plan's housing distribution would have looked more like the current sprawl conditions, and less like a compact, transit-oriented, development footprint. Yet the numerous physical impacts of that likely sprawl are not discussed in the DEIR.

b. No Analysis of Health Effects on Disproportionately-Impacted Populations.

B25-29

As discussed above, the DEIR also fails to analyze the health effects on disproportionately-impacted populations of the increased emissions that the DEIR identifies as potentially significant, resulting in an inadequate impact analysis. *See Berkeley Keep Jets Over*

Carolyn Clevenger, MTC EIR Project Manager  
May 16, 2013  
Page 13

*the Bay Com. v. Board of Port Cmrs.*, 91 Cal. App. 4th 1344, 1371 (Cal. App. 1st Dist. 2001) (EIR may not satisfy CEQA by simply label effect on affected populations as “significant” without accompanying analysis of project’s impact on health).

B25-30

c. No Analysis of Environmental Effects Resulting from Economic Displacement.

ABAG acknowledged in its 2007 to 2014 Housing Needs Plan that displacement caused by urban housing demand results in “negative impacts on health, equity, air quality, the environment and overall quality of life in the Bay Area.”<sup>7</sup> Despite that candid assessment of the indisputable physical impacts of economic displacement, the DEIR fails to analyze environmental and health impacts that will result from it. The DEIR plainly acknowledges this omission, stating that “displacement as a result of affordability is addressed in the proposed Plan as part of the Equity Analysis, rather than in this EIR.”<sup>8</sup> DEIR, at 2.3-32. Moreover, that Equity Analysis concluded that implementation of the draft Plan would lead to significant displacement of lower-income households – placing 36% of struggling lower-income renters at high risk of displacement.<sup>9</sup> Ignoring this finding and omitting altogether any analysis of economic displacement in the DEIR violates CEQA.

CEQA requires analysis of direct and indirect effects, including effects resulting from social and economic consequences of the project. 14 C.C.R. § 15064(e); see *El Dorado Union High Sch. Dist. v City of Placerville*, 144 Cal. App. 3d 123, 132 (1983) (social effects of increased student enrollment and potential for overcrowding could lead to construction of new facilities and were thus relevant under CEQA); see also *Bakersfield Citizens for Local Control v. City of Bakersfield*, 124 Cal. App. 4th 1184, 1215 (2004) (EIR improperly dismissed possibility that large shopping center could drive other retailers out of business as an economic effect when urban decay and other blightlike conditions could result). The DEIR must therefore evaluate the physical, environmental, and health consequences associated with economic displacement. For example, among other steps, the DEIR should model displacement and identify likely trends in displacement, including areas likely to face pressure, number of households affected, the communities expected to absorb these households, and the location and quantity of resulting demand for and additional housing construction. It is puzzling that this analysis was not conducted, since UrbanSim was designed to “provide information regarding the actual responses of individuals and families to changing market conditions and

<sup>7</sup> ABAG, Housing Needs Plan, 2007-2014.

<http://www.abag.ca.gov/planning/pdfs/SFHousingNeedsPlan.pdf> p. 30

<sup>8</sup> The DEIR appears to equivocate on this point. On the same page, the DEIR states that “Land use displacement that would result in low-income residents moving farther away from jobs (to find replacement low-income housing) is evaluated in relation to how it impacts other issue areas, for instance in terms of impacts related to transportation and air quality.” However, neither of those chapters discuss displacement and the physical, environmental, and health impacts that would result.

<sup>9</sup> See Draft Equity Analysis Report,

[http://onebayarea.org/pdf/Draft\\_Plan\\_Bay\\_Area/Draft\\_Equity\\_Analysis\\_Report.pdf](http://onebayarea.org/pdf/Draft_Plan_Bay_Area/Draft_Equity_Analysis_Report.pdf), p. 4-19.



Carolyn Clevenger, MTC EIR Project Manager  
May 16, 2013  
Page 14

transportation investments.”<sup>10</sup> In fact, UrbanSim has been used for this very purpose in an analysis of the impacts of light rail in Arizona.<sup>11</sup> Moreover, that Equity Analysis concluded that implementation of the draft Plan would lead to significant displacement of lower-income households – placing 36% of struggling lower-income renters at high risk of displacement.<sup>12</sup> Ignoring this finding and omitting altogether any analysis of economic displacement in the DEIR violates CEQA.

d. Inadequate Consideration of Social and Economic Impacts.

B25-31

Social and economic project impacts are also relevant in assessing the significance of physical changes caused by the project. 14 C.C.R. §15131(b). And yet, the DEIR does not analyze the social and economic effects of displacement, even as it acknowledges that “[c]hanging development types and higher prices resulting from increased demand could disrupt business patterns and displace existing residents to other parts of the region or outside the region altogether.” DEIR, p.2.3-35. Instead, these issues are given (inadequate) consideration in the Equity Analysis, which is not part of the CEQA analysis and which does not include any mitigation measures. Under CEQA, the DEIR should consider well-established adverse effects of displacement, including increased rent burden, decreased access to health care, decreased access to healthy food, decreased financial stability, potential job loss and difficulties at school, potential mental health and stress-related physical illness, unhealthy, substandard housing, lower-opportunity neighborhoods, fractured neighborhoods, social isolation, etc. These potential effects, while social and economic in nature, bear on the significance of the physical effects of the project. See 14 C.C.R. §15131(b). The DEIR document thus inappropriately fails to account for disproportionately-burdened communities, and those individuals that are displaced.

B25-32

5. The DEIR’s Mitigation Measures are Inadequate.

Public agencies are required to describe and discuss mitigation measures that could minimize *each* significant environmental effect identified in an EIR. Pub. Res. Code § 21002.1(a)-(b); *see also* CEQA Guidelines, 14 Cal. Code Regs § 15126.4. Mitigation measures are “the teeth of the EIR” because “[a] gloomy forecast of environmental degradation is of little or no value without pragmatic, concrete means to minimize the impacts and restore ecological equilibrium.” *Environmental Council of Sacramento v. City of Sacramento* (2006) 142 Cal. App. 4th 1018, 1039. Such measures must be at least “roughly proportional” to the impacts of the project, and must not be remote or speculative. 14 Cal. Code Regs. § 15126.4

<sup>10</sup> See Exhibit 1 -SSR memo, pp. 8-9.

<sup>11</sup> See Exhibit 1 -SSR memo, p. 8 citing Joshi, H., S. Guhathakurta, G. Konjevod, J. Crittenden, and K. Li, Simulating the Effect of Light Rail on Urban Growth in Phoenix: An Application of the UrbanSim Modeling Environment. *Journal of Urban Technology*, 2006. 13(2): 91-111.

<sup>12</sup> See Draft Equity Analysis Report, [http://onebayarea.org/pdf/Draft\\_Plan\\_Bay\\_Area/Draft\\_Equity\\_Analysis\\_Report.pdf](http://onebayarea.org/pdf/Draft_Plan_Bay_Area/Draft_Equity_Analysis_Report.pdf), p. 4-19.

Carolyn Clevenger, MTC EIR Project Manager  
May 16, 2013  
Page 15

(a) (citing *Dolan v. City of Tigard*, 512 U.S. 374 (1994)); see also *Federation of Hillside & Canyon Ass'ns v City of Los Angeles* (2000) 83 Cal. App. 4th 1252, 1261.

a. The mitigation measures for displacement impacts are inadequate.

To the extent the DEIR does identify certain, localized displacement impacts as significant, the proposed mitigation measures are woefully inadequate even in the context of the artificially constrained impacts they purportedly address (i.e., "focusing on the physical impacts such as displacement", without analyzing the impacts of displacement of the disproportionately-impacted households most likely to be displaced as a result of the Plan). DEIR, p. 2.3-32. Displacement mitigation measures 2.3(b) and 2.3(c) focus on enhancing pedestrian and bike access, and general planning. DEIR, p. 2.3-39.

By summarily concluding that "any displacement or disruption would mostly occur locally" (notwithstanding findings made in the Equity Analysis), MTC and ABAG similarly conclude that regional displacement is less than significant, thus, shirking their legal duty to mitigate displacement impacts on disproportionately-impacted populations. DEIR, p. 2.3-35 – 2.3-36. As a result, nothing is proposed to add real protections against displacement pressures, such as increasing the amount of housing growth or providing deed-restricted affordable housing in transit-oriented suburban job centers. Nor is the required finding made that significant and unmitigated displacement impacts will result in identified localized areas.

B25-33

b. Compliance with existing regulations is not adequate mitigation.

In addition, many of the mitigation measures (particularly for air impacts) set forth in the DEIR are already required by applicable state or local regulations, and thus already required by law to be in the project. For example, (a) use of Tier 2 off-road equipment, (b) anti-idling requirements, and (c) controlling fugitive dust. DEIR, p.2-2-34. These measures are already legally required and should have been assumed to be part of the baseline of the project. By inappropriately calling them out as mitigation measures, MTC and ABAG are avoiding their obligation to identify other mitigation measures that could reduce pollution, improve public health, and save lives.

B25-34

As the Attorney General pointed out in her lawsuit challenging SANDAG's SB 375 plan, measures already required by law to be in a project cannot be added to the RTP/SCS, or to an individual transportation project, as mitigation. These measures should have been assumed to be part of the baseline, rather than discretionary measures that can be added to the project in order to reduce or eliminate the impact over time of the RTP/SCS. (Amended Opening Brief in Support of the People of the State of California's Petition for Writ of Mandate in Intervention at 20, *Cleveland National Forest Foundation v. San Diego Association of Governments*, No. 37-2011-00101593-CU-TT-CTL (Superior Court of San Diego County, October 12, 2012)) appeal docketed, No. D62388 (4th Appellate District Division 1).



Carolyn Clevenger, MTC EIR Project Manager  
May 16, 2013  
Page 16

- c. The DEIR should include the EEJ Alternative as components of the project or as mitigation measures.

The DEIR correctly points out in many places that mitigation of a number of the identified impacts identified are outside the jurisdiction of ABAG and MTC. Nevertheless, ABAG and MTC have not adequately leveraged the mitigation potential of programs that are within their jurisdiction, namely the One Bay Area Grant program and the statutory Regional Housing Needs Allocation. These programs give both agencies significant leverage to direct the course of future development under their respective jurisdiction. We urge ABAG and MTC to maximize their leverage under the programs to identify and require as additional mitigation measures certain key components of the EEJ alternative.

The EEJ alternative does a much better job of targeting those programs to achieve the objectives of SB 375 and state and federal transportation and housing laws than the preferred alternative. ABAG and MTC can significantly improve the Preferred Alternative by including select components of the EEJ that would substantially enhance the performance of the Preferred Alternative.

Specifically, we recommend adding the following specific measures, either as components of the project or as mitigation measures, to address significant impacts in the draft Plan such as substantially increased per capita VMT on heavily congested roads, increased PM<sub>10</sub> emissions from on-road mobile sources, localized increase in sensitive receptors in TPPs exposed to increased air pollution, larger increases and/or smaller decreases in air pollution in disproportionately impacted communities, and displacement of substantial numbers of people from their homes:

- Transit operations: Provide \$3 billion in additional operating revenue for local transit service in the final Plan, and commit to adopt a long-range, high-priority "Regional Transit Operating Program" to boost transit operating subsidies by another \$9 billion over the coming years, as new operating-eligible sources of funds become available.
- SCS and RHNA housing distribution: Shift 25,000 RHNA units from PDAs to "PDA-like places," with a corresponding shift in the SCS.
- Displacement protections: Modify the conditions of OBAG grants to ensure that recipients adopt and implement strong anti-displacement protections, and provide substantial regional funding for community stabilization measures, such as land banking and preservation of affordable housing in at-risk neighborhoods that are pushing struggling families to the distant edges of the region and beyond.

We appreciate your consideration of these comments and look forward to ABAG's and MTC's response.



**PAUL**  
**HASTINGS**

Carolyn Clevenger, MTC EIR Project Manager  
May 16, 2013  
Page 17

Sincerely,



Gordon E. Hart  
of PAUL HASTINGS LLP



Richard A. Marcantonio  
PUBLIC ADVOCATES, INC.

Enclosures:

GEH

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Metropolitan Transportation Commission

Mark Luce, President (by email: [mark.luce@countyofnapa.org](mailto:mark.luce@countyofnapa.org))

Association of Bay Area Governments

101 Eighth Street  
Oakland, CA 94607

## Re: Comments on Draft Plan Bay Area

Dear MTC Chair Worth and ABAG President Luce:

Public Advocates, the California Affordable Housing Law Project, California Rural Legal Assistance and Urban Habitat submit these comments on the draft Plan and the regional planning process.

With MTC and ABAG's study of the Equity, Environment and Jobs (EEJ) scenario as Alternative 5 in the draft EIR, it is clear that the three modifications it proposes – improving local transit service levels, distributing more housing growth to suburban job and transit hubs, and protecting vulnerable families from displacement – will dramatically boost performance in critical areas where the draft Plan falls short. We include three specific recommendations for relatively modest policy and investment changes that would dramatically improve the final Plan's performance against our regional targets and performance measures, while delivering a fairer share of the Plan's benefits to our region's most disadvantaged families.

The analysis in the draft Plan and EIR demonstrates that the EEJ alternative – which MTC and ABAG have appropriately identified as the “environmentally superior alternative” – performs significantly better than the draft Plan on a host of performance measures tied to the targets and goals our region has chosen to pursue. By removing tens of thousands of cars from our congested roads and increasing transit ridership dramatically, the EEJ alternative will reduce daily VMT by 3.5 million miles and annual emissions by over half a million tons. The EEJ alternative will put tens of thousands fewer families at risk of flooding from sea-level rise and billions of dollars more into filling potholes on local streets and roads. And it will provide the greatest benefits to

disadvantaged families while protecting them the most from displacement.

The crucial elements of the EEJ alternative can easily be incorporated into the final Plan Bay Area. Three specific changes that build on the draft Plan in relatively modest ways will yield outsized benefits in meeting the goals and targets we identified as a region at the outset of the planning process:

- The draft Plan directs \$220 billion to transit operations. The EEJ alternative achieves its benefits with an increase in that total of only 5 percent.
- The draft Plan puts 95 percent of new housing growth into fifteen cities. Reducing that concentration to 80 percent in the SCS brings enormous benefits if the remainder is shifted to places with good transit, lots of jobs, and/or high-opportunity neighborhoods – the “PDA-like places” which ABAG’s executive board agreed to emphasize in its unanimous July 2011 vote.<sup>1</sup> This corresponds to a shift of about 25,000 homes in the eight-year RHNA.
- The draft Plan devotes \$320 million to the region’s innovative One Bay Area Grant program (OBAG), which has already demonstrated the power to incentivize local affordable housing plans consistent with the region’s goals. EEJ would incorporate into OBAG specific requirements to ensure strong local action to meet the region’s target of zero displacement.

These changes will boost the final Plan’s performance, including on measures essential to reaching Plan Bay Area’s important public health targets. If we also include policy recommendations to encourage project sponsors to pay their workers Area Standard Wages and to require the inclusion in the construction team of local apprentices enrolled in State of California approved Apprenticeship Programs, we not only get better health and environment outcomes, but improved economic outcomes, as well.

Two important points about the design of the EEJ alternative should be made at the outset. First, the EEJ alternative – unlike alternatives that MTC analyzed in past RTP cycles – is not only entirely fiscally-constrained, but plays by exactly the same rules as the draft Plan. It puts no funds toward transit operating purposes except those that MTC staff acknowledges are eligible for that use. And it includes all of the draft Plan’s “committed” projects.

Second, the VMT fee is not an essential part of the EEJ alternative. While it provides a useful placeholder for analyzing the benefits that a boost in transit operating revenue would bring to our region, we can enjoy the bulk of those benefits without a VMT fee. In fact, \$3 billion in additional transit operating funds can readily be made available in the final Plan, as discussed below.

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<sup>1</sup> Attachment B, available at [http://www.publicadvocates.org/sites/default/files/library/proposal\\_to\\_modify\\_the\\_focused\\_growth\\_scenario\\_adopted\\_on\\_07\\_21\\_11.pdf](http://www.publicadvocates.org/sites/default/files/library/proposal_to_modify_the_focused_growth_scenario_adopted_on_07_21_11.pdf)

The agencies' study of the EEJ alternative shows that, taken together, the modest changes we propose bring enormous and crucial benefits to the Bay Area. These benefits are individually significant, resulting in hundreds of thousands of tons in emissions reductions compared to the draft Plan, well over one hundred thousand added transit riders and more than 15,000 fewer families at high risk of displacement, and benefits on many other targets the region adopted to ensure progress toward our shared goals. Cumulatively, the increment in additional benefits is massive. And the sooner we invest in reaping those benefits, the larger they will grow as they compound over time.

Our comments are organized as follows:

**Section A** addresses the process, with reflections on what worked and what could be improved next time. It shows that if we do not incorporate a "trade-offs" decision point at which elements of the EEJ can be discussed and put to a vote, then much of what was good in the process will have been for naught.

**Section B** summarizes the enormous benefits that the elements of the EEJ alternative could bring to improving the draft Plan.

**Section C** addresses transportation issues, demonstrating several examples of how staff can make over \$3 billion in additional transit operating revenue available. It also notes some troubling discrepancies in the draft Plan's analysis of transit operating shortfalls.

**Section D** addresses the irrationality, infeasibility and unfairness of loading 95 percent of the housing allocation into just fifteen cities, while allocating insufficient housing to high-opportunity suburban job centers and transit hubs with thousands of low-wage workers who commute long distances to work.

**Section E** addresses the issue of community disruption and displacement due to the gentrification that PDA-focused housing growth will bring.

**Section F** concludes with a description of the three policy and investment changes that MTC and ABAG's governing boards should include in the final Plan.

### **A. Reflections on the Process**

We are just months from the end of a regional visioning and planning process that began in earnest three years ago. That process saw many voices come together for a discussion that, at its best, was thoughtful, respectful and inclusive. It was not always at its best. Both to reflect on what worked, and to learn what should be improved in the next round, we begin with an evaluation of the process.

Early on, a crucial decision point was the adoption of a federally-required Public Participation Plan. Already at this early stage, a broad spectrum of groups involved themselves in the process, recognizing the importance of equitable long-range planning. Those groups include many community-based membership organizations, and represent overlapping concerns with social and environmental justice, public health, affordable housing, transit service, environment and economic issues. Fifty of them commented on MTC's draft participation plan, asking above all

that the process “start with the needs.”<sup>2</sup> Specifically, they asked for “an early process for assessing and prioritizing the critical transportation needs of the region as a whole, and of low-income communities and communities of color in particular.”

It was a shortcoming of the process that this needs assessment never took place. Instead, the starting point was lists of pet projects that counties put together in processes that were scarcely public, much less inclusive. As MTC/ABAG bring this planning cycle to a close and begin looking to the next one, they will benefit from an early discussion that can inclusively identify and prioritize the needs of the region. A related request that was not honored sufficiently this time, and must be improved in the next round, was that MTC “ensure transparency in the CMAs and the Partnership Board.”

By contrast, a highlight of the process was the adoption of targets and performance measures in early 2011. The agencies should commit to issuing an annual report card of performance against these targets, equity metrics and others performance measures.<sup>3</sup> In addition, the translation of goals into targets and metrics can be done better next time. We recommend as an early step that the agencies commission a “state of the research” study on the ways in which progress toward meeting our region’s equity, economic and environmental goals can be measured, in triple-bottom-line fashion, and that this research inform the selection and measurement of targets.

Another positive change was the creation of a Regional Equity Working Group and the preparation of equity analyses at earlier stages of the decision-making process, rather than at the end, after the preferred alternative has already been selected. Too often, however, the agencies ignored the strong and constructive recommendations of the REWG and other advisory groups. One key recommendation that should be implemented next time is to measure equity by first identifying gaps in key indicators between demographic groups in the base year, then designing scenarios with policies and investments specifically targeted to closing those gaps, and then measuring the extent to which the gaps are indeed closed.<sup>4</sup>

MTC’s decision to conduct a project performance assessment of uncommitted transportation projects proposed for inclusion in Plan Bay Area was the right decision. But that evaluation should affect the outcome. As far as we can tell, no poor-performing projects were eliminated from the draft Plan on the basis of this assessment. The draft Plan includes 194 projects that would increase freeway lane-miles, at a total cost of \$5.4 billion in uncommitted funds. Nearly all of them – 171 – scored “low” (meaning less than 1) on MTC’s benefit-cost measure. By

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<sup>2</sup> That comment letter is available at [http://www.publicadvocates.org/sites/default/files/library/ppp\\_comment\\_letter\\_final\\_with\\_new\\_signatories\\_9-14-10.pdf](http://www.publicadvocates.org/sites/default/files/library/ppp_comment_letter_final_with_new_signatories_9-14-10.pdf).

<sup>3</sup> For an example of an annual monitoring report from another MPO, see [http://www.dvrpc.org/asp/pubs/publicationabstract.asp?pub\\_id=13044](http://www.dvrpc.org/asp/pubs/publicationabstract.asp?pub_id=13044).

<sup>4</sup> See Karner, A. and D. Niemeier, *Innovations in the Equity Analysis of Regional Transportation Plans* (Transportation Research Board. 2013) (citing Martens, K., A. Golub, and G. Robinson, *A Justice-Theoretic Approach to the Distribution of Transportation Benefits: Implications for Transportation Planning Practice in the United States*. Transportation Research Part A: Policy and Practice, 2012. 46(4): 684-695).

Chair Amy Worth and President Mark Luce

May 16, 2013

Page 5 of 24

contrast, strong and medium-strong projects scored 5 or greater.<sup>5</sup> And measured against MTC's targets, many of these highway expansion projects also performed poorly, with 81 having a "minimal impact" at best, and many having adverse impacts. In addition, the draft EIR indicates that 11 of these projects, with a total capital cost of \$1.25 billion, are located within the mid-century sea level rise zone, while another 6 (capital cost \$1.28 billion) are within the mid-century low-lying zone.<sup>6</sup>

The performance assessment will continue to have contributed no value to the outcome unless the process of final adoption includes the opportunity to trade off poor performance in favor of better-performing alternatives. The time in the process for that opportunity is now.

*The question at this moment, more broadly, is whether the performance of both projects and alternatives against the targets and metrics the region adopted earlier will inform the final stage of the decision making process.*

The development of scenarios and selection of some for study was a low point in the process. Many participant groups had repeatedly asked to be involved in that process from the start; instead, five scenarios developed by staff without public input appeared on the scene in June 2011. A community-developed scenario, the Equity, Environment and Jobs scenario (EEJ), was quickly brought forward for discussion – and ultimately studied in the current draft EIR. The EEJ scenario reflected an unusually broad consensus of community and policy groups across the region, and excited the interest of a number of MTC/ABAG policy board members. But the agencies' failure to bring this scenario forward as part of the original group of staff scenarios meant that it was not incorporated in discussions that led to selecting a "preferred" alternative. This was a deep flaw in the process that can be remedied in part only by having a substantial discussion about modifying the draft Plan now that EEJ has been studied.

That said, we commend the agencies for their decision to study the EEJ scenario as an EIR alternative under CEQA. Whether the EEJ scenario was analyzed against the preferred alternative in a proper and comparable manner (it was not) is discussed in our separate comments on the DEIR, attached and incorporated herein. Whether its study, and its numerous and cumulative performance benefits, will result in an improved final Plan is the subject of this letter.

In sum, the process to date has had its high and its low points, resulting in a draft Plan that, despite some strong potential, falls far short of its goals. The test for the process, and for the substance of the outcome, is whether we take this opportunity to make the relatively modest changes that the process to date has shown will result in a much better final Plan.

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<sup>5</sup> The projects are those listed as deleted in the EEJ in Appendix C to the draft EIR. Project scores are from the online project database at <http://www.bayarea2040.com/>. Groupings of scores (e.g., "low" benefit-cost, or "minimal impact" on targets) come from MTC's Summary of Benefit-Cost Ratios and Target Scores (App. A-1), dated Jan. 24, 2012.

<sup>6</sup> Source: Draft EIR, Tables 3.1-30 and 3.1-31.

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**B. The EEJ Alternative Significantly Outperforms the draft Plan.**

The performance charts in chapter 5 show that, on target after target, the EEJ outperforms the draft Plan. While the differences are misleadingly represented as seemingly small percentage point differences, they are in fact significant both individually and cumulatively.<sup>7</sup>

First, by boosting transit operating funding by just 5 percent, the EEJ alternative showed that we can dramatically increase transit service levels,<sup>8</sup> providing:

- 12.5% more local transit service (bus and light rail)
- 13% more express bus service, and
- 6.5% more BART service

Adding transit service close to housing and jobs will mean:

- 83,500 fewer cars on the roads
- 3.5 million fewer miles of auto travel per day.
- 108,000 fewer people traveling by car each day
- 165,000 more people riding transit each day<sup>9</sup>

Dramatically reduced levels of driving, in turn, not only translate into less congestion on our roads, but also result in dramatic public health and environmental benefits over the draft Plan Bay Area, including these:

- 1,900 fewer tons of CO<sub>2</sub> emissions per day and 568,000 fewer tons of GHG emissions per year
- 6.4 fewer tons of Toxic Air Contaminants (TACs) per year
- 1,290 fewer tons of carbon monoxide emissions per year
- Daily energy savings of 68 billion BTUs, the equivalent of burning 600,000 fewer gallons of gasoline each day.<sup>10</sup>

It will also provide the public health benefits associated with

- 250 more hours of active transportation (biking and walking) per day.<sup>11</sup>

EEJ also would avoid wasting scarce public funds – \$2.5 billion worth – on building highway expansions in places that are expected to be at risk of flooding by 2050.<sup>12</sup> Nor would it put more

<sup>7</sup> As noted in the attached memorandum of Sustainable Systems Research, LLC, the actual performance of the EEJ relative to the preferred alternative would have been even greater had the modeling inputs and methods been comparable and had displacement impacts been modeled. Sustainable Systems Research, LLC “Technical Memorandum: Review of the Draft Environmental Impact Report for Plan Bay Area” May 15, 2013, p. 12. (Attachment C, hereinafter “SSR Memorandum”)

<sup>8</sup> SSR Memorandum, Appendix A.

<sup>9</sup> *Id.*

<sup>10</sup> *Id.*

<sup>11</sup> *Id.*

<sup>12</sup> SSR Memorandum, Table 3.



Chair Amy Worth and President Mark Luce

May 16, 2013

Page 7 of 24

residents at risk of flooding. By moving some of our housing growth and transportation investment out of these risky areas, it would:

- Put 30,000 fewer residents in neighborhoods subject to flood risk due to sea level rise by 2050, and
- Have enough money left over to repave more than 4,400 miles of local streets and roads.<sup>13</sup>

EEJ would also be fairer to the region's most disadvantaged communities and families: it would

- Put 15,800 fewer struggling families at high risk of displacement, and
- Save low-income families \$79 million a year in rent.<sup>14</sup>

In short, the EEJ alternative offers the Bay Area substantial impacts across a wide range of benefits.<sup>15</sup>

Moreover, the additional benefits of increasing non-auto mode share will compound over time, as land uses will follow ridership, creating a virtuous cycle.<sup>16</sup>

Since the three adjustments the EEJ alternative proposes will bring our region so much closer to the outcomes we set our sights on when we set regional goals and targets, and will do so more fairly than the draft Plan, the appropriate question for thoughtful consideration at this stage of the process is: What can we learn from the EEJ alternative that can improve the draft Plan?

The remainder of these comments addresses what we have learned so far, and fleshes out the three recommendations that would strengthen the final Plan while retaining what is strong in the draft.

### **C. The Final Plan Should Use Existing Operations-Eligible Funds to Boost Local Transit Service, and Commit to a "Regional Transit Operating Program."**

Two-thirds of all transit boardings in the Bay Area today occur on local bus lines.<sup>17</sup> Local bus service not only provides a vital lifeline for low-income families, youth and seniors, it is also our most adaptable mode of transit and our most cost-effective means of reducing driving and GHG emissions. Yet the history of local bus operations in the Bay Area is a history of service cuts and

<sup>13</sup> The EEJ alternative includes additional revenue of \$3.4 billion to put toward closing the Local Street and Road maintenance shortfall. SSR Memorandum, p. 9.

<sup>14</sup> SSR Memorandum, Appendix A.

<sup>15</sup> Modeling results state that EEJ performs 1% worse than the draft Plan on gross regional product. But Cambridge Systematics, commissioned by the agencies to prepare an analysis of economic impacts, calls the methodology used "notoriously unreliable." Economic Impact Analysis at 5. Despite repeated public requests, no other job or economic measures were studied in the draft Plan and EIR.

<sup>16</sup> SSR Memorandum, p. 12.

<sup>17</sup> Of just over 1.5 million daily boardings, just under a million are on local bus routes, with another 200,000 on light rail. Draft Summary of Predicted Traveler Responses (Mar. 2013), p. 55, available at [http://onebayarea.org/pdf/Draft\\_Plan\\_Bay\\_Area/Draft\\_PBA\\_Summary\\_of\\_Predicted\\_Traveler\\_Responses.pdf](http://onebayarea.org/pdf/Draft_Plan_Bay_Area/Draft_PBA_Summary_of_Predicted_Traveler_Responses.pdf).

Chair Amy Worth and President Mark Luce

May 16, 2013

Page 8 of 24

fare hikes that have reduced service in many parts of the region to levels lower than they were years ago. For instance, in FY 2011 the region ran at least 10 percent less bus service than it did in FY 2003.<sup>18</sup>

The draft Plan, according to the DEIR, will increase overall transit service levels by 27.3 percent over existing service levels.<sup>19</sup> Yet while 66 percent of boardings are on local bus, fully three-quarters of the projected service increase in the draft Plan comes on modes (heavy rail, commuter rail and ferry) that tend to serve more affluent “choice” riders – those who have the choice to drive instead. Only 20 percent would benefit the riders of local bus and light rail systems, who are far more likely to be transit-dependent, and to be riders of color.<sup>20</sup>

By contrast, the EEJ alternative not only improves existing transit service levels more dramatically – 37 percent overall – it also distributes that improvement more fairly, putting nearly 30 percent of its service increase into local transit.

And the EEJ alternative proves that boosting local service pays big dividends in increasing ridership, in agreement with the national research. The travel modeling data used in the draft EIR demonstrates that adding local transit service – and in particular, local bus service – is the most cost-effective way to build transit ridership. Of the 179,106 additional daily transit boardings that the EEJ alternative generates over the draft Plan on local bus, light rail and BART, local bus service accounts for 111,000, and light rail service for another 51,000, making a total of 162,000 additional boardings on local transit modes. By contrast, BART boardings account for under 17,000.<sup>21</sup>

The contrast is significant because not only do local transit boardings account for 90 percent of the EEJ alternative’s increased boardings over the draft Plan’s, they do so much more cost-effectively than other modes of transit. We know this because the EEJ alternative devoted \$3.2 billion to additional BART Metro service improvements (beyond those included in the draft Plan), while devoting \$6.7 billion to mostly local transit service operated by AC Transit, VTA, SamTrans, and several smaller operators.<sup>22</sup>

Dollar for dollar, the investment in local transit operations produced 4-1/2 times more ridership increase than the BART investment:

<sup>18</sup> Revenue vehicle hours of service fell 13 percent, from 86,207,000 to 75,067,000. During the same period, revenue vehicle hours dropped 10 percent, from 7,175 to 6,453. *Source*: MTC Statistical Summary of Bay Area Transit Operators, June 2012, p. 5; id., Mar. 2008, p. 5. Since these totals combine express and local bus service, the reduction in local service was likely greater.

<sup>19</sup> DEIR Table 3.1-7 (data in seat-miles).

<sup>20</sup> See Attachment D, based on data provided in DEIR Table 3.1-7.

<sup>21</sup> See SSR Memorandum, Table 2.

<sup>22</sup> The smaller operators are Marin Transit, Golden Gate Transit, LAVTA, County Connection, Santa Rosa CityBus, and Sonoma County Transit.

| <b>Mode</b>   | <b>Dollars invested in EEJ operations</b> | <b>Ridership increase in EEJ over draft Plan</b> | <b>Dollars per additional boarding</b> |
|---------------|-------------------------------------------|--------------------------------------------------|----------------------------------------|
| Local transit | \$6.7 billion                             | 162,000                                          | \$ 41,358                              |
| Heavy rail    | \$3.2 billion                             | 17,000                                           | \$188,235                              |

The EEJ alternative demonstrates that we get a huge bang for our buck by increasing our investment in local transit operations. To bring our transit service levels up to the levels in the EEJ alternative, we should put \$3 billion more into local transit service in the final Plan, and make a high-priority commitment to find another \$9 billion as new funding sources come available in the future.

### **1. The Final Plan Should Boost Operating Revenue for Local Transit Service by \$3 Billion.**

The EEJ alternative shows that we can dramatically boost local transit service levels, both immediately and in the long term. While EEJ includes a VMT fee as a placeholder for demonstrating the benefits of significant additional operating funding for local transit, much of the boost in transit service levels can be accomplished in this plan, today, using funds that MTC staff has identified as eligible for that purpose.

Staff has the expertise to make this happen. Simply to illustrate that it is well within the realm of feasibility, we provide three examples of how it could be done:

First illustration: Last June, an MTC staff report included a table entitled “Potential Shifts to Transit Operating” (Att. B) identifying \$5.9 billion in operations-eligible funding sources that were proposed for uses other than transit operations (such as OBAG and the Freeway Performance Initiative (FPI)). By using some of that, and shifting savings from low-performing freeway projects to backfill OBAG and FPI, we can immediately boost bus service levels by \$3.3 billion without reducing transit capital replacement funding, as shown in this chart:

| Project/<br>Program                     | <b><u>Draft Plan<br/>Allocation</u></b> | Operating<br>Eligible<br>Funds <sup>23</sup> | Shifted to<br>Transit Ops  | Cancelled<br>Uncom-<br>mitted<br>Projects | Restored<br>Cancelled<br>Capital<br>Projects | <b><u>Revised<br/>Allocation</u></b> |
|-----------------------------------------|-----------------------------------------|----------------------------------------------|----------------------------|-------------------------------------------|----------------------------------------------|--------------------------------------|
| Transit Capital<br>Replacement          | \$2.6 billion                           | \$2.6 billion                                |                            |                                           |                                              | \$2.6 billion                        |
| OBAG                                    | \$2.0 billion                           | \$2.0 billion                                | (\$2.0<br>billion)         |                                           | \$2.0 billion                                | \$2.0 billion                        |
| Regional<br>Express Lanes<br>Network    | \$0.3 billion                           | \$0.3 billion                                | (\$0.3<br>billion)         |                                           |                                              | \$0.00                               |
| FPI                                     | \$1.0 billion                           | \$1.0 billion                                | (\$1.0<br>billion)         |                                           | \$1.0 billion                                | \$1.0 billion                        |
| Uncommitted<br>Freeway Exp.<br>Projects | \$5.4<br>billion <sup>24</sup>          |                                              |                            | (\$5.4<br>billion)                        |                                              | \$0.00                               |
| Local Streets<br>and Roads              |                                         |                                              |                            |                                           |                                              | \$2.4 billion                        |
| Transit<br>Operations                   |                                         |                                              |                            |                                           |                                              | <b>\$3.3 billion</b>                 |
| <b>Total</b>                            | <b>\$11.3<br/>billion</b>               | <b>\$5.9 billion</b>                         | <b>(\$3.3<br/>billion)</b> | <b>(\$5.4<br/>billion)</b>                | <b>\$3 billion</b>                           | <b>\$11.3 billion</b>                |

In short, not only can we boost transit service levels substantially, we can direct another \$2.4 billion to cover shortfalls in local street and road maintenance in the process.

**Second illustration:** MTC's express lane proposal is projected to generate \$6 billion in unrestricted revenue over the life of the Plan, but proposes to plow all of that money back into building more express lanes. If only half of those revenues were used to boost transit service, we could dedicate \$3 billion towards improving transit service levels, while also making for a more equitable project.

**Third illustration:** The draft Plan includes no AB 32 Cap and Trade revenue, projected to amount to a half-billion dollars in the next fiscal year alone. In its "Cap-and-Trade Auction Proceeds Investment Plan," the Department of Finance and the Air Resources Board recommend that one of three investment categories, "sustainable communities and clean transportation," receive the

<sup>23</sup> Source: Staff Memo of June 1, 2012, available at [http://apps.mtc.ca.gov/meeting\\_packet\\_documents/agenda\\_1888/Item\\_4\\_EIR.pdf](http://apps.mtc.ca.gov/meeting_packet_documents/agenda_1888/Item_4_EIR.pdf), p. 21 (relevant excerpt is Attachment D).

<sup>24</sup> Source: MTC document, Summary of EEJ Funding Shifts (draft Aug. 30, 2012) (attached to SSR Memorandum as part of appendix A).

largest allocation. The final Investment Plan, issued May 14,<sup>25</sup> expressly highlights “transportation infrastructure and operations” (p. 27) as funding priorities, putting to rest any doubts in the draft. In fact, the final Investment Plan includes among the “existing programs” to which funds are recommended to be allocated State Transit Assistance, the primary state funding source for transit operations (p. B-4). The Bay Area’s share of additional STA operating funds could easily exceed hundreds of millions of dollars over the life of the Plan, and those funds should be earmarked in the final Plan for local transit operations.

These are only illustrations of several feasible possibilities. Staff has the expertise to fine tune these solutions, mix and match them, and come up with others. The Commissioners and Board Members of MTC and ABAG should direct staff to suggest the best source for increasing local transit operating revenues in the final Plan by at least \$3 billion.

**2. The Final Plan Should Include a High-Priority “Regional Transit Operating Program,” at the Level of Resolution 3434, which Targets Another \$9 Billion in Transit Operating Revenue.**

With a downpayment of \$3 billion in the final Plan for additional local transit service, we should take the further step of adopting a long-range, high-priority policy, parallel to the successful Regional Transit Expansion Program in MTC Resolution 3434. This “Regional Transit Operating Program” should include two components. First, it should set a target of increasing transit operating funding for the region by another \$9 billion, to fully fund local transit service, a region-wide free youth bus pass, and BART Metro. And second, it should commit MTC to take advantage of all new operations-eligible funding that comes to the region from state and federal sources, such as Cap and Trade revenues under AB 32, federal “windfalls,” and so on, and should set expectations that future county sales tax measures include a fair share for transit operations.

**3. The draft Plan Leaves Unanswered Questions about the Extent of Transit Operating and Maintenance Shortfalls.**

The addition of transit operating revenue in the final Plan is particularly crucial because it appears that draft Plan may fall short for many operators even of its stated objective of maintaining existing levels of service.

By way of background, in the draft Plan, as in the past, MTC has identified both capital and operating shortfalls for transit. Funding both the capital maintenance needs and the operating needs of our transit systems is critical to preserving existing levels of service and ridership.

We commend MTC for a major policy shift in the draft Plan which, for the first time, proposes to fully fund operating shortfalls.<sup>26</sup>

<sup>25</sup> Dept of Finance and Air Resources Board, “Cap-and-Trade Auction Proceeds Investment Plan: Fiscal Years 2013-14 through 2015-16,” (May 14, 2013), available at [http://www.arb.ca.gov/cc/capandtrade/auctionproceeds/final\\_investment\\_plan.pdf](http://www.arb.ca.gov/cc/capandtrade/auctionproceeds/final_investment_plan.pdf).

<sup>26</sup> In 2009, as in every previous RTP going back to at least 1998, MTC applied regional discretionary funds to cover transit capital shortfalls, in whole or in part, but none of the operating

This policy change is important because MTC's past failure to cover operating shortfalls has contributed to the consistent decline of transit service levels for some operators from one RTP to the next. For instance, the draft Plan shows a drop of 12 percent in AC Transit service levels over its 2009 RTP baseline (= FY 2007); other operators have also lost significant service baselines from the 2009 RTP to the draft Plan, including SF MUNI (-7%) and SamTrans (-11%). Overall, baseline service levels are down 3 percent for the large operators, and 5 percent for small operators in the draft Plan over the last RTP.

On top of the erosion of baseline service levels from one RTP to the next, the draft Plan leaves serious questions unanswered about whether shortfalls were properly identified and covered so as to maintain even the new baseline service levels. These questions should be answered in the final Plan, and to the extent that shortfalls have been understated, additional operating funds should be allocated to cover those shortfalls in full.

One overarching question is the source of the data in the appendix on Transit Operating and Capital Needs and Revenue Assessment.<sup>27</sup> In the past, MTC's process was to obtain information on current service baselines and operating revenue needs from the operators in their Short Range Transportation Plans. In this planning cycle, for the first time, it appears that those ten-year plans were not the basis of the projections. MTC states that "Where there were questions on the assumptions, MTC generally worked with the transit operator to get clarification and used information deemed most accurate by the transit operator," but evidently this process was not as careful as it should have been. The apparent failure to adequately vet the data with the operators raises additional questions, including the following:

First, the transit operating and maintenance analysis in Table 1 of the Transit Operating and Capital Needs and Revenue Assessment states that MTC used a FY 2013 baseline of existing transit service levels. In other words, MTC identified the FY 2013 service level for each operator, and then calculated how much it will cost to continue operating at that level for 28 years. But the baseline data appear to be wrong. For AC Transit, for instance, the Table states that AC Transit ran 1,624,000 Revenue Vehicle Hours of service in FY 2013. In fact, AC Transit's approved FY 2013 budget<sup>28</sup> is predicated on running 1,790,916 hours of service, 10% more than the draft Plan acknowledges.

Second, Table 1 shows that, even for this lower level of baseline service, AC Transit has an operating shortfall of about \$1.5 billion, and that this shortfall is funded with "CMA discretionary funds." It appears that this refers to the Alameda County Transportation Commission sales tax measure that failed at the last election. See pp. 1-2 ("Revenues from Alameda County's proposed sales tax measure, a 1/2-cent augmentation to an existing measure,

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shortfall. In 2009, for instance, MTC applied \$6.3 billion toward capital maintenance shortfalls; 42 percent of that funding benefited one operator, BART. Operating shortfalls of nearly \$8 billion were left unfunded. (2009 RTP, Project Notebook, p. 4-1.)

<sup>27</sup> Available at [http://onebayarea.org/pdf/Draft\\_Plan\\_Bay\\_Area/Draft\\_PBA\\_Transit\\_Operating\\_and\\_Capital\\_Needs\\_and\\_Revenue\\_Assessment.pdf](http://onebayarea.org/pdf/Draft_Plan_Bay_Area/Draft_PBA_Transit_Operating_and_Capital_Needs_and_Revenue_Assessment.pdf).

<sup>28</sup> Available at <http://www.actransit.org/wp-content/uploads/Final%20FY1112-FY1213%20book%20for%20online.pdf>.

was included in the revenue projections beginning in FY 2017-18.”) The assumptions regarding the adoption of new sales tax measures, and the amount of operating funding they will provide, should be specified. In addition, the draft Plan leaves unanswered questions of how much service AC Transit will be required to cut during the fiscal years prior to 2018, when new ACTC revenue is assumed to become available. The same questions apply to several other operators, as well.

Third, Table 2 in the Transit Operating and Capital Needs and Revenue Assessment shows “operating revenue available for capital replacement” for AC Transit in the sum of \$384 million, based on the apparent assumption that AC Transit will have more operating revenue than it needs, and that excess will spill over into buying new buses. But Table 1 depicts AC Transit’s operating needs and operating revenue as identical in amount, leaving no such excess.

One final note: The elimination of the level of detail formerly provided in the Project Notebook in this planning cycle was a change for the worse. MTC should provide detailed, operator-by-operator, year-by-year data on projected costs, revenues and shortfalls to operate existing service levels. MTC should also provide a look at the trends in service levels by operator and mode, going back several planning cycles.

#### **D. The draft Plan’s Sustainable Communities Strategy is Irrational, Infeasible and Unfair.**

The Sustainable Communities Strategy must “set forth a forecasted development pattern for the region, which, when integrated with the transportation network, and other transportation measures and policies,” will achieve the greenhouse gas emissions reductions targeted by the California Air Resources Board for 2020 and 2040.<sup>29</sup>

It must also address the Regional Housing Need Allocation, or RHNA, for the housing element planning period that begins in 2014.<sup>30</sup> The SCS shall “identify areas within the region sufficient to house an eight-year projection of the regional housing need for the region pursuant to Section 65584....”<sup>31</sup>

Despite the vagueness of the draft Plan’s development pattern, it is clear that ABAG expects locally-identified Priority Development Areas (PDAs) “to accommodate 80 percent (or over 525,570 units) of new housing” in the region by 2040,<sup>32</sup> and is on track to assign 70 percent of the RHNA need to PDAs. It is also clear that ABAG plans to assign 95 percent of the region’s housing growth to just 15 of the region’s 109 cities and counties over the next 28 years.<sup>33</sup> Currently, just half of the region’s population lives in these fifteen cities.

<sup>29</sup> Gov. Code § 65080 (b) (2) (B) (vii).

<sup>30</sup> *Id.*; § 65080 (b) (2) (B) (iii).

<sup>31</sup> *Id.*

<sup>32</sup> Draft Plan, p. 55.

<sup>33</sup> Draft Plan, p. 51.



This allocation of growth to PDAs, in both the SCS and the RHNA, is irrational, infeasible and is likely to have racial-disparate impacts.

### 1. The PDA-Centered Housing Distribution is Irrational.

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Priority Development Areas (PDAs) “are locally-identified, infill development opportunity areas within existing communities.”<sup>34</sup> “To be eligible to become a PDA, an area had to be within an existing community, near existing or planned fixed transit or served by comparable bus service, and planned for more housing.”<sup>35</sup>

The transit-focused location of a site makes it particularly suitable for housing development in a plan that is charged with reducing vehicle miles of travel. There are, however, many transit-oriented neighborhoods in the Bay Area that have not been locally-identified as PDAs but that are equally in need of housing development. These “Transit Priority Projects” areas, or TPPs,<sup>36</sup> are equivalent to PDAs in all respects but one: the city within which they are located has not planned to make it available for housing development in its General Plan and zoning code. Many of them are in neighborhoods that also have many low-wage workers commuting in to jobs. Yet only a minority of TPPs have been locally-designated as PDAs. There are also some job-rich and high-opportunity jurisdictions that need more lower-income housing to accommodate their local workforces, but which may not have sufficient transit service to qualify as a TPP or PDA.

Housing growth is needed near transit hubs and job centers throughout the region, and the fact that a city has not yet designated such areas for housing growth in no way reduces either the need or the consequences to the region of inadequate housing to accommodate local workers and optimize use of the transit network. To allocate the overwhelming share of SCS and RHNA housing need to a subset of TPPs based solely on whether a local PDA designation was made in the past cannot be justified. In fact, allocating RHNA based on local zoning is illegal.<sup>37</sup>

Allocating 80 percent of the housing need to the PDAs, and 95 percent of the housing growth to just fifteen cities, means that a number of job centers in high-opportunity suburban cities will continue to contribute auto emissions by importing low-wage workers, while excluding the families of those workers from the benefits of living in communities of opportunity.

Zoning, to be sure, is a local matter. But when ABAG sets the regional housing allocation (RHNA), California’s Housing Element Law makes it mandatory that each city and county adjust its zoning to allow housing in general, and affordable housing in particular, in an amount

<sup>34</sup> <http://www.bayareavision.org/initiatives/prioritydevelopmentareas.html>.

<sup>35</sup> *Id.*

<sup>36</sup> SB 375, sec. 14, adding Pub. Res. Code §§ 21155 et seq.

<sup>37</sup> As the California Department of Housing and Community Development noted in a recent letter to ABAG, “Pursuant to Section 65584.04(d)(2)(B) [of the Government Code], a council of governments may not limit its consideration of suitable housing sites or land suitable for urban development based on localities’ existing zoning ordinances and land use restrictions” in allocating the RHNA. Available at [http://www.publicadvocates.org/sites/default/files/library/rev\\_hcd\\_methodology-concerns-volunteer\\_pda.pdf](http://www.publicadvocates.org/sites/default/files/library/rev_hcd_methodology-concerns-volunteer_pda.pdf).

Chair Amy Worth and President Mark Luce

May 16, 2013

Page 15 of 24

sufficient to meet its allocated share of the regional need. ABAG's important role in meeting our regional need for housing is to assure that each jurisdiction in which housing is needed is allocated a share proportional to that need.

In short, job centers and locations served by transit have the same need for housing whether cities plan for it or not. One city's failure to plan for housing has consequences for the entire region, as the California Supreme Court has recognized.<sup>38</sup> The final Plan and the RHNA should allocate adequate housing to the PDAs, but should also allocate infill housing to other places in similar need.

## 2. The PDA-Centered Housing Distribution is Infeasible

B25a-2

MTC and ABAG commissioned Economic & Planning Systems, Inc. (EPS) to conduct a study of the feasibility of developing 80 percent of the region's projected housing growth within the PDAs.<sup>39</sup> After reviewing a representative sample of 20 PDAs for "a range of constraints, which will impede full development of the PDAs," including constraints relating to local policy, market forces, inadequate infrastructure, site issues, financing and financial feasibility, EPS found that

"After applying discounting factors for these types of constraints to the current planned capacity for development in each sample PDA, EPS estimates that, in aggregate, the sample PDAs are 'ready' to accommodate 62 percent of the housing growth allocated to them through 2040 in *Plan Bay Area*."<sup>40</sup>

At best, "EPS believes the 'readiness' of the 20 PDAs can be improved to at least 80 percent of their Plan Bay Area allocated growth through a combination of actions at the local, regional, state and federal level including, most significantly, the restoration of the originally intended authority of redevelopment agencies to assist with parcel assembly and tax-increment-based financial support for infrastructure and vertical development."<sup>41</sup>

If 20 percent of the growth allocated to the PDAs cannot occur due to feasibility constraints unrelated to the loss of redevelopment, and those units are not accommodated elsewhere in the region, we will fall short of meeting our projected housing need by over 100,000 units over 28 years. This translates into about 25,000 units in the 8-year RHNA. If these units are built at all, they are likely to take the form of greenfield sprawl due to lack of adequate zoning in infill locations to feasibly accommodate the region's housing needs.

<sup>38</sup> *Associated Homebuilders of the Greater East Bay, Inc., v. City of Livermore*, 18 Cal.3d 582 (1976).

<sup>39</sup> The EPS report, entitled "Priority Development Area Development Feasibility and Readiness Assessment," dated March 29, 2013, is available at [http://onebayarea.org/pdf/Draft\\_Plan\\_Bay\\_Area/Draft\\_PBA\\_PDA\\_Development\\_Feasibility\\_and\\_Readiness.pdf](http://onebayarea.org/pdf/Draft_Plan_Bay_Area/Draft_PBA_PDA_Development_Feasibility_and_Readiness.pdf).

<sup>40</sup> *Id.*, pp. 4-5.

<sup>41</sup> *Id.*, p. 29.

Re-allocating a portion of the PDA share of the SCS and RHNA to eligible TPPs and other infill locations near job centers that lack sufficient affordable housing will not only assure that housing is built where it is needed, but will also help widen the bottleneck the region's housing market will experience under the draft Plan's hyper-concentration of growth in PDAs that are not equipped for the scale and rate of housing production the draft Plan assumes.

B25a-3

### **3. The PDA-Centered Housing Distribution, and the draft RHNA, Violate Federal and State Civil Rights Laws**

The U.S. Department of Housing and Urban Development (HUD) recently noted that ABAG's draft allocation of the Bay Area's regional housing need may violate federal civil rights laws. In its April 9, 2013, letter to ABAG,<sup>42</sup> HUD expressed serious concerns about the fact that ABAG's housing plan "is largely based upon its PDA program which allocates the majority of housing development in areas that local jurisdictions have voluntarily committed for future housing, transit, and job growth." HUD noted that ABAG's PDA-heavy allocation limits housing growth in other cities with "neighborhoods comparably suited for the same type of growth," and expressed concern that this could "limit housing options for low-income families and negatively impact minorities," in violation of the Fair Housing Act, and other federal civil rights laws.

To ensure against civil rights violations, HUD instructed ABAG to

"analyze the extent to which local jurisdictions with neighborhoods eligible for PDA designation were participating in or foregoing participation in the PDA program in order to determine how the PDA program would impact housing in the Bay Area. In performing such analysis, ABAG should compare the areas designated as PDAs to areas that are not PDAs, particularly considering differences in the racial and ethnic demographics."

Though the analysis HUD requested is not hard to carry out, ABAG has so far failed to conduct it in any meaningful way. To frame the analysis, it is important to note that the fifteen cities to which the draft Plan assigns 95 percent of the long-range housing growth are significantly more minority and lower-income than the rest of the region: taken together, the white (non-Hispanic) population of those fifteen cities is under 35 percent, compared to over 50 percent for the remainder of the region. And the fifteen cities have a poverty rate of 11.2 percent, compared to 8.2 percent in the rest of the region.

These disparities can be traced back to significant differences in both race and income between PDAs and non-PDA areas. In aggregate, the population in PDAs is 8.4 percent African American, while outside of PDAs, that figure is just 4.8 percent. Similarly, 28.1 percent of PDA residents are Hispanic, while 19.6 percent of non-PDA residents are Hispanic. These disparities persist even when PDAs are compared to other TOD locations, the Transit Priority Project areas that were eligible for designation as PDAs but not so designated. These TPPs are 42.4 percent

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<sup>42</sup>

Available at

[http://www.publicadvocates.org/sites/default/files/library/letter\\_from\\_hud\\_to\\_the\\_association\\_of\\_bay\\_area\\_governments\\_4.9.13.pdf](http://www.publicadvocates.org/sites/default/files/library/letter_from_hud_to_the_association_of_bay_area_governments_4.9.13.pdf)

white (non-Hispanic), compared to 35.1 percent in the PDAs. Only 19 percent of their residents are in very-low income households, compared 27 percent in the PDAs.

This data demonstrates a clear disparate impact on low-income minority populations in PDAs, who are at high risk of displacement from their communities. It also demonstrates a clear impact of exacerbating patterns of segregation in high-opportunity communities in our region.

Because the extraordinary emphasis on PDAs over similarly-situated transit-oriented places is irrational, and because that intense PDA-focused development is not feasible, there is no substantial legitimate justification for this disparate impact.

Where a policy or practice has an unjustified discriminatory impact, federal and state civil rights laws require the selection of a less discriminatory alternative where one is available. One is available here: shift 100,000 SCS units and 25,000 RHNA units from the PDAs to TPPs and suburban job centers that were not volunteered as PDAs, and provide anti-displacement safeguards through the OBAG program, as described below.

B25a-4

#### 4. The PDA-Centered draft RHNA Violates the Housing Element Law.

In addition to the issues raised above, the draft RHNA allocation violates the Housing Element Law.<sup>43</sup> That law requires that ABAG's methodology for distributing the regional housing need "shall include" the statutory factors in Government Code § 65584.04 (d) and must be "consistent with all of the" objectives set forth in § 65584 (d). The proposed methodology instead severely limits access to job-rich, transit-connected "high opportunity" areas by weighting the RHNA allocation to those communities that happen to volunteer for PDA status. The methodology suffers from three statutory deficiencies.

First, it fails to include several of the statutory factors in determining the allocation of the vast majority of the RHNA to the locally-nominated PDAs. Specifically, the methodology fails to address: the loss of units contained in assisted housing developments (§ 65584.04(d)(6)), high housing cost burdens (§ 65584.04(d)(7)); and the housing needs of farmworkers (§ 65584.94(d)(8)). Ignoring the loss of affordable housing, housing costs and farmworker housing needs results in an inaccurate determination of the true need. And although the statute requires the methodology to include "opportunities to maximize the use of public transportation and existing transportation infrastructure,"<sup>44</sup> ABAG's proposed methodology includes this factor *only* with respect to PDAs, excluding other places with TPPs that are similarly situated in all relevant respects.

Second, the methodology makes prominent use of the one factor the statute expressly prohibits. While the *availability* of land suitable for development within a jurisdiction is a statutory factor that ABAG must include (§ 65584.04(d)(2)(B)), it may not rely upon that jurisdiction's *willingness to rezone* available land for housing as a factor.<sup>45</sup> The PDA criterion,

<sup>43</sup> Gov. Code §§ 65580- 65589.8.

<sup>44</sup> *Id.*, §65584.04(d)(3).

<sup>45</sup> § 65584.94(d)(2)(B).

notwithstanding this prohibition, expressly restricts the designation of PDAs to those places where a city has “planned or is planning for more housing.”<sup>46</sup>

Finally, the methodology arbitrarily applies some factors to some cities while failing to apply them in a similar manner to similarly-situated cities. This violates the requirement that the methodology “shall be consistent with all of the . . . objectives” set forth in § 65584 (d). The methodology is inconsistent with each of the four statutory objectives. The first objective is “[i]ncreasing the supply and mix of housing types, tenure and affordability in *all* cities and counties within the region in an *equitable* manner....”<sup>47</sup> The PDA-weighted allocation is clearly inconsistent with this objective. It likewise is inconsistent with the objective to promote socioeconomic equity as required by § 65584(d)(2) and runs afoul of fair housing and civil right obligations as discussed above. It is also inconsistent with the objective of “[p]romoting an improved intraregional relationship between jobs and housing”<sup>48</sup> because it exempts from any share of the 70 percent portion of the RHNA, or allocates a very small share of it to, many mid-size cities that are rich in jobs. And it is inconsistent with the fourth objective to alleviate overconcentration of lower income housing by exempting many cities from any share in the 70 percent portion of the RHNA thereby ensuring that the total RHNA that it distributes to these cities is so small that the lower-income portion of their RHNA is also extremely small.

B25a-5

#### **E. The Plan must Reduce and Mitigate Displacement and Disruption of Lower-Income Communities.**

In the Bay Area and nationally, low-income communities and communities of color are models of environmental sustainability. Living in core urban areas that have suffered from decades of disinvestment, residents in these neighborhoods use public transit frequently, own fewer cars, live in dense neighborhoods with compact homes, and travel shorter distances to work, shop, learn, worship, and socialize. In order to achieve both our environmental goals and our equity targets, regional and local plans must build on this strong foundation, rather than undermining it. As ABAG concluded in a 2009 report:

“There are regional benefits to creating socially and economically diverse neighborhoods – for the economy and environment as well as for social equity. The lack of affordable housing near transit leads families to look for housing they can afford that is further away, or to trade their housing and transportation costs, contributing to sprawl and congestion.”<sup>49</sup>

Recognizing the importance of preventing displacement to advancing a host of regional goals, ABAG and MTC adopted zero displacement as one of the performance targets for the SCS. Target 2 reads:

<sup>46</sup> *Application Guidelines for Priority Development Area Designation*, available at: [http://www.bayareavision.org/pdaapplication/ApplicationGuidelines\\_OCT2011\\_FINAL.pdf](http://www.bayareavision.org/pdaapplication/ApplicationGuidelines_OCT2011_FINAL.pdf).

<sup>47</sup> § 65584(d)(1) (emphasis added).

<sup>48</sup> § 65584(d)(3).

<sup>49</sup> ABAG “Development without Displacement, Development with Diversity” 2009 p. 7 available at <http://www.bayareavision.org/initiatives/dwd-final.pdf>.

“House 100% of the region’s projected 25-year growth by income level (very-low, low, moderate, above-moderate) without displacing current low-income residents.”<sup>50</sup>

The draft Plan wholly fails to achieve this goal. Instead, it places 36% of struggling renters at high risk of displacement from their neighborhoods. The predictable result of implementing draft Plan in its current form will be to force tens of thousands of struggling renters out of their homes and communities, and into long commutes from the distant fringes of the region.

The methodology used to determine displacement risk is simple and meaningful, though it likely under-represents the actual displacement that would result from implementation of the draft Plan.<sup>51</sup> It is based on the overlap of neighborhoods with high concentrations of renters paying more than 50% of their incomes in rent and neighborhoods with substantially above-average housing growth.<sup>52</sup> Rent-burdened households are unlikely to be able to afford further rent increases, and intensive new development is likely to cause just such rent increases. As a 2009 study of gentrification in the Bay Area observed: “It is easy to envision what occurs in this case: as an influx of newcomers increases area rents, these overburdened renters find themselves unable to pay an even higher share of their income for rent, so they depart, leaving more vacancies for new gentrifiers.”<sup>53</sup>

The conclusion that the draft Plan’s hyper-concentration of development near transit in existing lower-income neighborhoods will lead to high rates of displacement is squarely in line with past local and national studies. Past gentrification in the Bay Area has been highly correlated to transit proximity.<sup>54</sup> A national study of TOD areas spelled out the danger of displacement when there is investment in transit infrastructure:

“a new transit station can set in motion a cycle of unintended consequences in which core transit users—such as renters and low income households—are priced out in favor of higher-income, car owning residents who are less likely to use public transit for commuting.”<sup>55</sup>

<sup>50</sup> <http://www.onebayarea.org/pdf/ScenarioAnalysisOverview.pdf> (emphasis added).

<sup>51</sup> A more refined and less static measure of displacement risk could have been generated by the UrbanSim econometric land use model, which has the capacity to relate propensity to move to localized changes in housing cost. See SSR Memorandum, pp. 7-8.

<sup>52</sup> Choosing 50% of income spent on rent as the threshold likely leads to an under-estimation of the actual displacement risk, as many renters will be unable to afford rent increases even if they pay well under that share of their income. A 2009 report on gentrification in the Bay Area found that “if there is a high share of renters who pay *over 35% of their income* for rent, then the neighborhood is more susceptible” to gentrification. Chapple, Karen, “Mapping Susceptibility to Gentrification” 2009 (emphasis added) available at <http://communityinnovation.berkeley.edu/reports/Gentrification-Report.pdf>.

<sup>53</sup> *Id.* at 7.

<sup>54</sup> *Id.* at 5.

<sup>55</sup> The Dukakis Center “Maintaining Diversity In America’s Transit-Rich Neighborhoods” 2010 p. 1 available at <http://www.dukakiscenter.org/storage/TRNEquityFull.pdf>.



ABAG has observed just this pattern: “In some parts of the Bay Area, increased migration into existing transit-oriented neighborhoods (such as San Francisco’s Mission District and West Oakland) is associated with rent increases, evictions, loss of affordable housing units, and disrupted social networks.”<sup>56</sup>

Past patterns suggest that low income families driven from their neighborhoods as rents increase are likely to move to areas that are less well served by transit or to move out of the region entirely. For example, a 2012 study of the Bay Area by the Federal Reserve Bank of San Francisco found that between 2000 and 2009, “the percentage of the poor population living within half a mile of a rail station decreased by 1.5 percentage points, while the percentage of the total population with the same proximity to rail did not change.”<sup>57</sup> Similarly, San Francisco’s black population declined from a high of 88,000 in the 1970s to an estimated 46,779 by 2005, and Oakland lost 33,000 black residents, 25 percent of its black population, from 2000 to 2010. Over this same time period transit-, employment-, and service-poor areas of eastern Contra Costa and southern Solano Counties saw their black populations increase dramatically.

Despite the high risk of displacement the draft Plan creates, and a host of academic and government research documenting the dangers of gentrification and displacement in TOD areas, the draft Plan includes no policies to minimize or mitigate displacement. Again, EEJ points the way toward reducing displacement. By embracing a more equitable growth pattern, EEJ would cut the draft Plan’s displacement risk by 42 percent. This reduction would be even greater if the DEIR properly modeled displacement and a more full slate of anti-displacement protections and neighborhood stabilization activities had been incorporated into the study of EEJ.

A few targeted responses to this significant local and regional impact would help the Plan begin to address this shortcoming. There are three key actions that should be incorporated into the Plan to minimize and mitigate displacement:

- 1. Strengthen the OneBayArea Grant Program to Incentivize Appropriate Local Policies to Protect Tenants, Stabilize Communities, and Preserve and Create Affordable Homes.**

MTC’s new OneBayArea Grant (OBAG) program gives the region a powerful tool to realize SB 375’s vision by coordinating transportation expenditures and local land use policies. This tool is cited repeatedly in the DEIR as a mitigation, but to serve that purpose it must be targeted to address the substantial regional problem presented by localized community disruption and displacement predicted to result from implementation of the draft Plan.

We commend MTC and ABAG for designing the OBAG grant program in a manner that begins to incentivize local planning for affordable housing by requiring HCD-certified Housing Elements. This requirement has driven at least a dozen jurisdictions that were more than three years late in adopting their Housing Elements to come into compliance with state law.

<sup>56</sup> “Development without Displacement” p. 6.

<sup>57</sup> Matthew Soursourian, Suburbanization of Poverty in the Bay Area, January 2012 <http://www.frbsf.org/publications/community/research-briefs/Suburbanization-of-Poverty-in-the-Bay-Area.pdf>.



However, the current OBAG program fails to do anything to incentivize local jurisdictions to enact protections against displacement or producing and preserving affordable housing. While there have been requests from MTC Commissioners and ABAG Executive Board Members to strengthen subsequent rounds of the OBAG program, there is nothing in the draft Plan that would accomplish this goal.

The draft Plan should be modified to require adoption of appropriate local anti-displacement and affordable housing policies as a condition of future rounds of OBAG funding.<sup>58</sup> Incorporating these changes into the final Plan is vital and timely, as the Federal Cycle 3 funding criteria and allocations, the core of the OBAG program, must be made well before the next RTP/SCS is adopted in 2017.

Making anti-displacement and/or affordable housing policies a requirement of the OBAG program has been recommended consistently for more than two years by dozens of community organizations from throughout the region.<sup>59</sup> It has also been endorsed by the region's three largest cities, San Jose, San Francisco and Oakland, and three largest transit operators, BART, Muni, and AC Transit.<sup>60</sup> These eligibility requirements could be implemented in a way that recognizes the full diversity of Bay Area neighborhoods while ensuring that appropriate policies are adopted in all jurisdictions. This approach would build on the PDA Investment and Growth strategies being developed by the CMAs, which will analyze and identify local needs and responsive policies.<sup>61</sup>

## **2. Dedicate Regional Funding to Neighborhood Stabilization Activities in Communities at High-Risk of Displacement and Disruption.**

Measures to address local community disruption and displacement are urgently needed to meet regional environmental, economic, and equity goals. As discussed above, national studies and MTC and ABAG's own analysis conclude that that without strong policy interventions, new TOD investments are likely to cause substantial displacement of lower-income renters from around transit. This means that low income families will be forced to move to locations with more affordable housing that likely have less transit. These families will then be forced to drive

<sup>58</sup> Such policies include: just cause eviction protections, rent stabilization, condominium conversion restrictions, contemporaneous replacement housing requirements for existing units that are redeveloped or lost, priority right of return for displaced residents, prohibition of discrimination against Section 8 voucher holders, land banking, affordable housing or community stabilization impact fees, jobs-housing linkage fees, strong inclusionary zoning policies that target production of lower-income rental housing, programs for acquisition and rehabilitation of dilapidated housing to create permanently affordable units.

<sup>59</sup> Such a program would also be in line with a recommendation from ABAG's 2009 report, which suggested linking capital infrastructure funds to local progress toward meeting established equity goals to achieve income-diverse neighborhoods. "Development without Displacement" at p. 60.

<sup>60</sup> Available at [http://www.publicadvocates.org/sites/default/files/library/obag\\_6\\_wins\\_comment\\_letter\\_2-24-12\\_with\\_attachments.pdf](http://www.publicadvocates.org/sites/default/files/library/obag_6_wins_comment_letter_2-24-12_with_attachments.pdf).

<sup>61</sup> Resolution 4035 Attachment A, Appendix A-6, available at [http://www.mtc.ca.gov/funding/onebayarea/RES-4035\\_approved.pdf](http://www.mtc.ca.gov/funding/onebayarea/RES-4035_approved.pdf).

long distances to access jobs, services, and community centers – undermining GHG reduction goals. It also means that core transit riders will be displaced, likely replaced by higher income residents who are much less likely to use transit, thereby undermining the ability of transit operators to run and maintain successful service.<sup>62</sup> As ABAG concluded in 2009, “It is essential that Sustainable Communities Strategies explicitly promote community diversity and minimize the potential for residential displacement.”<sup>63</sup>

Because displacement pressures will be increased by the regional plan and displacement will have negative regional consequences, regional funds should be invested in activities to minimize and mitigate displacement pressures. Such investments would yield substantial regional environmental and transportation benefits, while providing vital protections to lower-income families.

Specifically, substantial funding should be devoted to community stabilization activities in at-risk neighborhoods, such as land banking, acquisition and rehabilitation, and affordable housing construction of units targeted toward existing or displaced low-income households.

### **3. Ensure that Private Developers Do Their Part to Address Gentrification and Displacement.**

The private real estate development market must also do its part to minimize and mitigate the risks of community disruption and displacement. While the final Plan may not delve into project-specific mitigation measures, it must establish the proper framework for future analysis and development of such mitigations. It can do this in a number of ways: providing a more transparent and localized analysis of displacement risk so that projects in high-risk neighborhoods receive proper study; making explicit that local general plans and area plans must address the risks of displacement and establish appropriate project-level mitigations; and including a menu of potential displacement mitigation actions that could be incorporated into projects. This makes it all the more important that the draft EIR’s failure to identify and mitigate economic displacement impacts be corrected.

### **F. Conclusion.**

To improve the performance of the final Plan on a range of individually and cumulatively significant measures, staff should bring forward for consideration and adoption by the policy boards of MTC and ABAG three proposed amendments, as follows:

1. Transit operations: a proposal to provide \$3 billion in additional operating revenue for local transit service, and a long-range policy to boost transit operating subsidies by another \$9 billion over the coming years, as new operating-eligible sources of funds become available

<sup>62</sup> See California Housing Partnership Corporation “Building and Preserving Affordable Homes Near Transit: Affordable TOD as a Greenhouse Gas Reduction and Equity Strategy” (January 2013) pp. 3-4, available at <http://www.chpc.net/dnld/AffordableTODReport030113.pdf>.

<sup>63</sup> “Development without Displacement” p. 63.

Chair Amy Worth and President Mark Luce

May 16, 2013

Page 23 of 24

2. SCS and RHNA housing distribution: Shift 100,000 SCS units from PDAs to “PDA-like places” – Transit Priority Project areas (TPPs) and job-centers in the 63 cities in the attached list; and shift 25,000 RHNA units from the “PDA share” to these locations.
3. Displacement protections: Modify the conditions of OBAG grants to ensure that recipients adopt and implement strong anti-displacement protections, provide substantial regional funding for community stabilization measures, such as land banking and preservation of affordable housing in at-risk neighborhoods, and perform the appropriate analysis to ensure that private developers do their part to address gentrification and displacement.

Sincerely,

Richard A. Marcantonio, Managing Attorney  
Samuel Tepperman-Gelfant, Senior Staff Attorney  
**Public Advocates, Inc.**

Allen Fernandez Smith, President & CEO  
**Urban Habitat**

Michael Rawson, Director  
**California Affordable Housing Law Project**

Ilene Jacobs, Director of Litigation, Advocacy & Training  
**California Rural Legal Assistance**

**Attachments:**

- A. Comments on draft Environmental Impact Report for Plan Bay Area.
- B. Proposal to Modify the Focused Growth Scenario, as adopted by ABAG Executive Board on 07/21/11
- C. Sustainable Systems Research, LLC “Technical Memorandum: Review of the Draft Environmental Impact Report for *Plan Bay Area*” May 15, 2013.
- D. Excerpt from Staff Memo of June 1, 2012 (available at [http://apps.mtc.ca.gov/meeting\\_packet\\_documents/agenda\\_1888/Item\\_4\\_EIR.pdf](http://apps.mtc.ca.gov/meeting_packet_documents/agenda_1888/Item_4_EIR.pdf), p. 21)
- E. MTC staff chart, “Environment, Equity, and Jobs Alternative – Policy Levers” (April 16, 2013)
- F. Letter to Ezra Rapport regarding RHNA allocation issues from Public Advocates et al., dated Oct. 26, 2011
- G. Letter to Ezra Rapport regarding RHNA allocation issues from PILP et al., dated July 16, 2012
- H. HUD letters to ABAG, dated Sept. 2012 and April 2013

Chair Amy Worth and President Mark Luce

May 16, 2013

Page 24 of 24

- I. HCD letter to ABAG, dated Feb. 6, 2013
- J. OBAG comment letter of Feb. 24, 2012, with attachments

Cc: Steve Heminger, MTC  
Ezra Rapport, ABAG  
[info@OneBayArea.org](mailto:info@OneBayArea.org)

May 16, 2013

DELIVERED BY EMAIL

Metropolitan Transportation Commission (MTC)  
Association of Bay Area Governments (ABAG)  
101 Eighth Street  
Oakland, CA 94607

**Re: Plan Bay Area Public Comment**

Dear MTC and ABAG:

The Redwood City/San Mateo County Chamber of Commerce offers the following comments on both the draft Plan Bay Area and the Environmental Impact Report (EIR) for the Plan. Ours is the third largest chamber of commerce in the Bay Area, representing approximately 1,000 businesses that employ more than 45,000 workers, including many of the largest employers on the Peninsula. The Chamber has a strong interest in ensuring that the region's transportation and housing needs are met, and supports efforts by local governments and regional agencies to promote economic vitality throughout the Bay Area. We have followed the progress of Plan Bay Area, and received a presentation from ABAG staff at our transportation and housing committee last November to keep our members informed.

The Chamber offers the following brief comments on both the plan and the EIR:

B26-1

- The **deadline for public comment on the draft Plan and the draft EIR should be extended** beyond the minimum legal requirement of 45 days. Both documents are lengthy and complex. One public hearing was held in each county since the release of the draft, and the hearing in San Mateo County was only two weeks ago. The previous opportunity for formal comment on the EIR was a year ago when the notice of preparation was released. An organization like our Chamber needs more time to offer meaningful comments on the draft, to have those comments reviewed by our board of directors, and to educate our members about the opportunity for them to comment.
- The **Plan should be more flexible on the percentage of transportation funds that must be invested in Priority Development Areas (PDAs)**. In San Mateo County, our City/County Association of Governments (C/CAG) has been proactive and innovative in creating incentives for cities to pursue the kind of growth that Plan Bay Area envisions. These efforts to tie land use to transportation investments predate the Plan and have been very successful. It is important for our County agency to have more flexibility to make informed judgments about how to invest regional transportation funds, and we are concerned that a strict requirement to invest 70% of those funds in PDAs will limit the agency's local effectiveness. In practice, most of these funds have gone, and will continue to go, into city-designated PDAs, but flexibility is preferable to a fixed percentage.
- We also offer a thought on the Plan Bay Area website. The website could be much clearer in helping the public to comment in writing. There is no indication of where to send comments on the home page of the Plan, the FAQ page, the Get Involved page, or the original news release. Only within the last few days was a reminder added to the release announcement that included the email address.

Thank you for your consideration, and for your continued work on integrated planning for the region.

Sincerely,

Amy Buckmaster  
President/CEO



May 16, 2013

MTC

Plan Bay Area Public Comment

101 Eighth Street

Oakland, CA 94607

**Re: Comments on the Plan Bay Area and its associated Draft Environmental Impact Report**

The purpose of this letter is to summarize the results of my overall review and traffic analysis conducted on the Plan Bay Area (the “Plan”) and the associated Environmental Impact Report (the “DEIR”). The primary issue I’ve identified is that both documents are very misleading about the potential traffic and economic impacts of the proposed plan.

**Comments on Plan Bay Area**

- B27-1** 1) Is the traditional transportation planning goal of maintaining the “*efficient movement of people and good*” identified as a goal for the Plan? Does the Plan eliminate this goal in favor of transit and environmental goals?
- B27-2** 2) Isn’t it true that the \$57 billion in discretionary revenue identified in the plan would be largely generated from motorists through increased bridge tolls, a 10 cent gas tax, creation of toll lanes on almost all the freeways, and cordon pricing for traffic entering Downtown San Francisco? What percentage of the \$57 billion in discretionary funds would be generated from future increases in taxes and tolls on motorists?
- B27-3** 3) According to my calculations it appears up to 70% or more of the \$62 Billion of the new funds available under the Plan will be dedicated to operations and maintenance of transit systems. Considering Table 1.2-10 of the DEIR, what is the exact percentage of new funding identified under Plan Bay Area proposed to be allocated solely to the operations and maintenance of transit?
- B27-4** 4) According to my calculations it appears about 6% or more of the \$62 Billion in new funds available under the Plan will be dedicated to expansion of roadway. Considering Table 1.2-10 of the DEIR, what is the exact percentage of the \$62 billion in new funding identified under Plan Bay Area proposed to be allocated to expansion of roads and bridges?

- B27-5 5) Isn't it true that Plan Bay Area does not allocate any discretionary funding toward the maintenance of the state highway system?
- B27-6 6) Isn't it true that for the proposed network of toll lanes to be financially viable they would most likely require that many existing HOV lanes which require carpools to have two persons would need to be increased to a minimum requirement of three (or more)? Is the retention of the 2 person carpool requirements built into the financial calculations or do they assume an increase in the carpool lane requirements to 3 persons?
- B27-7 7) Isn't it true that many of the Bus Rapid transit projects being funded largely by motorists would actually substantially increase traffic congestion? For example, the plan highlights projects like the Van Ness BRT project which will reduce Van Ness Avenue (U.S. 101) from three travel lanes to two in each direction and eliminate almost all the left-turn pockets.
- B27-8 8) Isn't it true that consumers in low-income ranges spend a much greater share of their income on gasoline and tolls and as a result bridge tolls, toll lanes, and gas taxes have a regressive impact, imposing greater difficulty on low-income consumers than on higher-income groups? How was this factored into the development of the plan and the evaluation of the toll lanes?
- B27-9 9) Isn't it true that AB 375 actually allows alternative planning strategies to achieve the greenhouse gas emission reduction targets? Isn't it misleading for the document to portray the Sustainable Communities Strategy as mandated while failing to mention the actual language of the Bill allows alternative planning strategies?
- B27-10 10) Isn't it true that extensive financial incentives in the Plan to "*encourage*" Cities to focus development in PDA's could theoretically be considered way to avoid the fact that the Plan Bay Area is not supposed to regulate land use? Isn't it true that SB 375 states that: "*the adopted strategies do not regulate the use of land and are not subject to state approval, and that city or county land use policies, including the general plan, are not required to be consistent with the regional transportation plan, which would include the sustainable growth strategy, or the alternative planning strategy.*"



**Comments on the Plan Bay Area DEIR**

- B27-11** 11) Isn't it true that one component of what's being proposed is to approve Plan Bay Area as a replacement to the existing Regional Transportation Plan (RTP 2035)?
- 12) If the above is true, isn't it misleading that the transportation analysis only compares the proposed Plan to existing conditions? Shouldn't a comparison of the traffic congestions and economic impacts of the proposed Plan be compared what would otherwise occur under the RTP 2035 if the plan were not approved?
- B27-12** 13) Table 1.2-10 of the DEIR is one of the few areas where any comparison between the RTP 2035 is compared to the proposed Plan Bay Area (which would replace the RTP). Isn't it true that this table specifies that Plan Bay Area would spend 69% of this additional funding (not included in the RTP 2035) on the operations and maintenance of transit?
- B27-13** 14) Isn't it true that MTC developed and analyzed the Plan Bay Area and EIR based on their own in-house models of future land use (UrbanSim) and travel forecasts (Travel Model One) which were based largely on MTC's 2000 Bay Area Household Travel Survey (BATS 2000)?
- B27-14** 15) Isn't it also true that ABAG and MTC were the lead agencies on the DEIR and that MTC conducted the most critical analyses in house using their own proprietary model?
- B27-15** 16) Isn't it true that MTC developed their own transportation significance criteria for the DEIR that compare the proposed Plan Bay Area only to existing conditions and not to the conditions that would otherwise occur under the RTP 2035 if the plan were not approved?
- B27-16** 17) Given that MTC and ABAG stand to be among the primary beneficiaries of the significant new authority and funding created under the plan, isn't it a conflict of interest (or at least an appearance of one) for MTC to develop the plan and then also serve as the lead agency on the DEIR? Isn't it true that MTC developed the plan using their own forecasts, established their own significance criteria on transportation, and then conducted the analysis of transportation impacts in house using their own proprietary model?

## Conclusions

**B27-17** Based on the results of my review I would strongly recommend that the affected Cities and Counties consider funding an independent third-party peer review of the Plan Bay Area DEIR. Before they could serve as the basis for reallocating billions of dollars in transportation funds (and to maintain the public's trust on these issues) I believe the following three items clearly warrant additional review by MTC as well as an objective third party.

**B27-18** 1) Additional review of the assumptions and results from the in-house computer models used for future land use forecasts (UrbanSim) and travel demand forecasts (Travel Model One) since they served as the basis for justifying the Plan and analyzing its traffic impacts in the DEIR.

**B27-19** 2) Additional review of the transportation impacts analysis in the DEIR with a particular focus on the traffic impacts of the plan as compared to those forecast to occur under the existing RTP 2035.

**B27-20** 3) Additional review of economic impacts. There does not appear to be an economic impact analysis provided. My review indicates there are significant unidentified economic impacts associated the Plan's proposal for substantial increases in costs to motorists (i.e. increased bridge tolls, toll lanes, increased gas taxes, etc.), the significant reduction proposed to the percentage of funding allocated to roadway and pavement maintenance, and the significant reduction proposed to the percentage of funding allocated to roadway expansion.

I appreciate the opportunity to submit these comments and I look forward to providing constructive input to help ABAG and MTC improve on the plan before final approval.

Sincerely,



Stephen C. Abrams  
President  
Abrams Associates  
T.E. License No. 1852



## Bay Area Regional Health Inequities Initiative

Alameda County | City of Berkeley | Contra Costa County | Marin County | Napa County | City and County of San Francisco | San Mateo County | Santa Clara County | Santa Cruz County | Solano County | Sonoma County

May 16, 2013

Amy Worth, Chair  
Metropolitan Transportation Commission  
Mark Luce, President  
Association of Bay Area Governments

### **Re: Comments on the Draft Plan Bay Area and Draft Environmental Impact Report**

Esteemed Commissioners:

The mission of the Bay Area Regional Health Inequities Initiative (BARHII), a collaborative of the eleven local public health departments in the San Francisco Bay Area and the County of Santa Cruz, is to eliminate health inequities – unjust differences in health status and life expectancy between different socio-economic, racial, and ethnic groups in our region. Public health relies on and partners with other public agencies to help achieve this vision of good health for all. In addition to addressing our region's climate change mitigation and economic development goals, Plan Bay Area is a welcome opportunity to address the health needs of Bay Area communities. We urge each of you to hold health and equity as high priorities in your consideration of the final Plan and any necessary mitigation strategies.

We sincerely applaud your staff's efforts to address the various issues raised by public health, affordable housing, equity, and other stakeholders throughout the process and your inclusion of a public health perspective in advisory bodies such as the Regional Equity Working Group and the MTC Policy Advisory Council. We believe that through an inclusive process, stakeholders and the regional agencies collectively created a stronger Plan, and have forged relationships that will serve future regional planning processes.

For many reasons, the Bay Area has emerged as a state leader in the development of its SCS. This is due to a robust participatory process, our ambitious GHG reduction targets, and the development of a sustainable communities strategy which goes beyond legislative emissions requirements by striving to create an equitable, prosperous, and healthy Bay Area region. There are many strong elements to the Draft Plan Bay Area and several of the alternatives, including strategic investments in sustainable transportation options that yield public health co-benefits, and thoughtful planning for future housing and jobs so that Bay Area residents can easily access all that is necessary for good quality of life.

However, BARHII believes some adjustments to Plan Bay Area and to the DEIR mitigation measures could greatly benefit health, economic development, and equity outcomes in the region. As you partake in trade-off discussions over the coming months, progressive strategies identified in some of the alternatives, in particular, the Equity, Environment and Jobs Scenario, should be considered for adaptation and adoption in a final environmental impact report and Plan Bay Area.

B28-1

**Increasing Housing Costs and Displacement**

B28-1.5

While the proposed plan performs admirably in many areas, it could be strengthened to support health by supporting housing affordability and limiting displacement. In both respects the plan fails to meet its targets, and is outperformed by other alternatives.

***Prioritize the development of affordable housing across the region.***

As evidenced by the Draft Equity Analysis Report, inequities in the region, especially around housing costs, are going to continue to grow. Housing affordability can significantly affect health. Facing unaffordable housing, households compensate by trimming other expenses such as health care, healthy food or transportation—often yielding worse health outcomes. Households also adapt by squeezing more people into smaller spaces, subdividing units and sharing rooms. This crowding is associated with poorer health. Where adaptation is not possible, families may be pushed out of their housing entirely, exposing them to the dramatic reductions in health associated with homelessness and displacement.

Concentrated investments and efforts should be made to equalize health outcomes across incomes and races, and to analyze the impact of neighborhood-specific housing and transportation plans on health in communities of concern. Incentivizing this through investments that MTC has jurisdiction over, such as the One Bay Area Grant program, would support local efforts.

***Support Efforts to Reduce Displacement and Gentrification***

Because the proposed plan directs significant development to traditionally low or mixed-income neighborhoods, it also exposes these communities to increased displacement pressure. The Draft Plan shows the worst displacement of all alternatives studied, suggesting that changes should be considered to mitigate the resulting health impacts.

Displacement can result in increased rent burden, decreased access to health care, healthy food and financial stability, as well as potential job loss and difficulties at school. Displacement can also be responsible for mental health and stress-related physical illness, and can push families into unhealthy, substandard housing and into lower-opportunity neighborhoods with less access to health promoting activities.

Additionally, displacement pressure can fracture neighborhood social and economic structures, leading to decreased social cohesion, increased social isolation (associated with higher rates of disease and death), financial losses, instability, and losses of political power, which can reverberate for generations. These factors, in turn, all show strong links to negative health outcomes.

B28-2

The DEIR inadequately addresses rising housing costs or resulting displacement pressure. It also fails to provide any measures to mitigate these impacts. These deficiencies are elaborated below.

1. **The DEIR fails to consider the impacts of residential and commercial displacement caused by increased housing costs.** The DEIR explicitly states that the land use and transportation changes proposed by the plan may affect affordability and cause displacement: “Changing development types and higher prices resulting from increased demand could disrupt business patterns and displace existing residents to other parts of the region or outside the region altogether”(2.3-35). However, it fails to evaluate the health or social impacts of this.

B28-3

2. **The DEIR does not provide effective measures to mitigate displacement.** As noted above, the DEIR finds that the plan could push people out of their neighborhoods or the region. However the

mitigation measures proposed do not provide any policies to reduce displacement due to rising housing costs.

B28-4

3. **The DIER assumes that no displacement will take place from the region entirely**, despite evidence that this assumption is not realistic. The result is an analysis that masks the contribution of affordable housing to decreasing VMT, GHG and toxic air pollution.

The DIER assumes that there will be no displacement out of the region (because the plan “houses” 100% of projected growth) and that all the scenarios will be the same in this regard. Unfortunately, MTC/ABAG’s empirical analysis suggests that the first assumption is inaccurate. The PDA (priority development areas) feasibility study conducted as part of the planning process found that the areas surveyed could accommodate only slightly more than half of the housing units allocated to them.

B28-5

The DEIR also incorrectly assumes that the alternatives studied will all perform the same in this regard. The alternatives show different levels of housing affordability. The likely result is that the scenarios with higher housing costs will yield higher rates of displacement out of the region, as households trade off longer commutes for lower housing costs. This displacement results in higher in-commuting rates, VMT, and air pollution, and decreases health, sustainability and environmental equity.

B28-6

**Regional funding should be leveraged to encourage local jurisdictions to adopt policies to prevent displacement.** Specifically, OBAG program guidance should be strengthened to ensure that all jurisdictions receiving OBAG funds have in place an appropriate set of policies that protect tenants, preserve existing deed restricted and “market rate” affordable housing, and promote new affordable housing production. The region should also consider how it could contribute to anti-displacement and community stabilization programs, such as land banking, acquisition and rehabilitation of substandard housing to create permanently affordable units, and community planning activities that focus on developing and implementing anti-displacement policies.

### **Investments in Public Transit**

A recent report by Alameda County Public Health Department, one of BARHII’s member local health departments, examines the health impacts of funding in bus transit service in Alameda County. It documents the importance of affordable, convenient, reliable public transit in helping all residents be healthy and thrive. Bus riders facing service cuts and fare increases had difficulties getting to school, work, social activities, and health care services, resulting in decreases in all of these activities. They also experience increased stress as a result of longer bus waits, crowded buses, and longer commutes, which as stated earlier, can have negative health impacts.

B28-7

**We recommend additional funding be allocated to local transit service** since the share of transit-dependent riders is predicted to increase over the next 25 to 30 years. The EEJ alternative would likely result in the best mobility-related public health benefits – improving access to destinations essential for good health, reducing stress and safety concerns, and helping support good health and quality of life for all. Though broadly distributed, these benefits make local transit service a worthy investment for the region.

Increases in active transport, the combination of walking and bicycling alone or in combination with public transit as a substitute for short car trips, can lead to substantial health improvements and savings in health care costs related to obesity and chronic disease. Active transport also reduces air pollution from cars. The EEJ scenario is predicted to have higher increases in average daily time for walking or biking per person for transportation.

These housing and transportation policies and investments will protect the most vulnerable populations in the region, enable the region's workforce to maintain the great quality of life that draws so many to the Bay Area, and contribute to improved health outcomes for all of our region's residents. Thank you for your consideration of our comments.

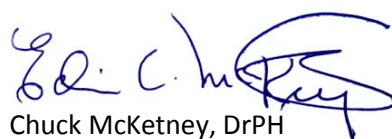
Sincerely,



Sandi Galvez, MSW  
BARHII Executive Director  
[sgalvez@phi.org](mailto:sgalvez@phi.org)  
(510) 302-3369



Karen Smith, MD, MPH  
Napa County Health and Human  
Services  
Co-Chair of BARHII  
[Karen.Smith@countyofnapa.org](mailto:Karen.Smith@countyofnapa.org)  
(707) 253-4270



Chuck McKetney, DrPH  
Alameda County Department of  
Public Health  
Co-Chair of BARHII  
[Chuck.mcketney@acgov.org](mailto:Chuck.mcketney@acgov.org)  
(510) 267-8000

Cc: Steve Heminger, MTC Executive Director  
Ezra Rapport, ABAG Executive Director

## Transportation Solutions Defense and Education Fund

P.O. Box 151439 San Rafael, CA 94915 415-331-1982

May 15, 2013  
By E-Mail

Amy Worth, Chair  
Metropolitan Transportation Commission  
101 Eighth Street  
Oakland, CA 94607

Re: 2013 SCS DEIR Comments

Dear Ms. Worth:

The Transportation Solutions Defense and Education Fund, TRANSDEF, is an environmental non-profit advocating the regional planning of transportation, land use and air quality at MTC for the past twenty years. We are pleased that, in its first Sustainable Communities Strategy, MTC is no longer planning most of the region's growth to be sprawl on the fringes of the region.

The front page of today's *Chronicle* announces the release of *A New Direction*. (Attachment H.) This U.S. PIRG study captures a profound change in travel preferences, in which millennials drive much less than past generations. This study suggests that agencies like MTC need to recognize a much greater degree of uncertainty in their assumptions about the future, including the magnitude of growth in travel demand for different modes.

MTC should now stop facilitating Single-Occupant Vehicle (SOV) travel. Investing in Express Lanes diverts resources from viable alternatives to SOV travel while merely delaying inevitable gridlock. The public and MTC's own environmental review support shifting funding away from the highway projects in the Proposed Plan.

Atmospheric CO<sub>2</sub> levels reached 400 ppm this week, an event unprecedented in the human habitation of this planet. Reducing GHG emissions from transportation is critical to our state's future, as motor vehicles are the largest GHG-emissions generating sector in California. The Draft 2013 Regional Transportation Plan/Sustainable Communities Strategy (SCS), also known as Plan Bay Area, is an inadequate response to that challenge.



## Introduction

The legislative findings for SB 375 identify that:

...greenhouse gas emissions from automobiles and light trucks can be substantially reduced by new vehicle technology and by the increased use of low carbon fuel. However, even taking these measures into account, it will be necessary to achieve **significant additional** greenhouse gas reductions from changed land use patterns and improved transportation. Without improved land use and transportation policy, California will not be able to achieve the goals of AB 32. (Chapter 728, Statutes of 2008, Section 1(c) and (i), emphasis added.)

**B29-1** The Draft 2013 Regional Transportation Plan/Sustainable Communities Strategy will result in:

- an 18% **overall increase** in transportation GHG emissions between 2010 and 2040.<sup>1</sup>

**B29-2** • a 28% **overall increase** in land use GHG emissions between 2010 and 2040.<sup>2</sup>

**B29-3** The addition of the Scoping Plan measures (new vehicle technology and low-carbon fuel) implemented by the Air Resources Board, will reduce emissions enough to create:

- a net 19% reduction in transportation GHGs by 2040.<sup>3</sup>
- a net 12% reduction in land use GHG emissions between 2010 and 2040.<sup>4</sup>
- a net 15% reduction in total regional GHG emissions between 2010 and 2040.<sup>5</sup>

**B29-4** Because the SCS does not reduce 2040 regional GHG emissions apart from reductions from Scoping Plan measures, the SCS violates the legislative intent of SB 375.\* The

**B29-5** SCS will interfere with the state's goal of an 80% reduction below 1990 GHG emissions by 2050.

Had the SB 375 GHG emissions reduction targets required an **actual** reduction in GHGs, that would have forced MTC to use its financial resources strategically, in sharp contrast to its past practice. As the mode share chart<sup>6</sup> shows, over a twenty year period, nothing has changed in Drive Alone or Transit mode shares. Carpooling and Walking

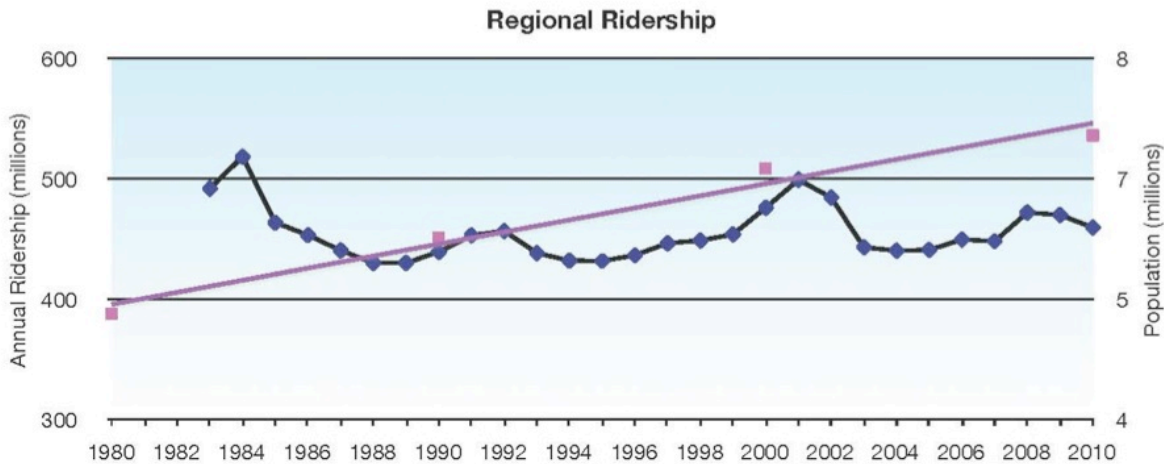
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\* TRANSDEF objected strenuously to ARB's adoption of regional emissions reduction targets recommended by the MPOs including MTC, because it was obvious then that the "GHG emissions reduction targets" would result in actual GHG emissions **increases**. TRANSDEF acknowledges that the SCS per capita GHG reduction achieves the regional emissions reduction target set by ARB, Criterion 1. However, the Bay Area's projected 30% increase in population (p. 3.1-11) will overwhelm the modest 18% per capita transportation GHG reductions (p. 2.5-50), making that reduction meaningless from a climate change perspective.

have declined. Work at Home has doubled, but not because of MTC. Bike access has improved, but that started from a very low base.

Over the past thirty years, MTC has failed to increase transit ridership. (see Regional Ridership chart below. The blue line is annual ridership while the magenta is population.) These two charts demonstrate MTC's inability and/or unwillingness to create a meaningful alternative to solo driving.

In 2001, TRANSDEF litigated MTC's failure to implement TCM 2, a commitment to a 15% increase in regional transit ridership, based on 1982 levels. TRANSDEF and its coalition received a court ruling declaring that MTC had failed to implement TCM 2, and ordering MTC to fulfil its commitment. This decision was later overturned on appeal. Despite a substantial increase in population and many billions of dollars spent on BART extensions, regional transit ridership<sup>7</sup> on the six largest operators has actually fallen since 1982. More than anything else, this chart demonstrates that MTC has no institutional discipline requiring it to achieve results when deploying financial resources.



#### **B29-6 The GHG Impact Analysis**

While the DEIR's analysis of GHG emissions is far more orderly and clear than SCAG's, for example, it is still inadequate, both in its criteria and its impact analysis conclusions. It fails to clearly distinguish between statewide level and the regional level requirements, and fails to maintain a clear distinction as to which emissions sectors are being counted. Key data are missing that are needed to tie all measurements together to a single point for analysis. For starters, a table of regulatory requirements and another with the performance of the SCS would be helpful. (See Attachments A and B.)

#### **B29-7 Scoping Plan**

The DEIR failed to demonstrate project consistency with the Scoping Plan's 2020 target of 427 MMTCO<sub>2</sub>e (the 1990 Level).<sup>8</sup> TRANSDEF's analysis is that 21 MMTCO<sub>2</sub>e of reductions are needed to attain the target, starting from the 2010 GHG inventory level of 448 MMTCO<sub>2</sub>e.<sup>9</sup> The Scoping Plan statewide measures for mobile sources, waste, electricity and natural gas sectors total 97.4 MMTCO<sub>2</sub>e (see Attachment D), or 56% of the total Scoping Plan measures. This results in a need for a statewide reduction of 11.8

MMTCO<sub>2</sub>e in these sectors (56% of 21; see Attachment C), which in turn is a 2.6% reduction from the 2010 levels in those sectors. While there are no numeric 2020 data in the EIR, a chart suggests that the 2020 regional GHG emissions in these sectors will be roughly 46.4 MMTCO<sub>2</sub>e,<sup>10</sup> a 4.9% reduction from 2010 levels. The SCS is therefore consistent with the Scoping Plan's 2020 target.<sup>†</sup>

#### Criterion 2

B29-8

Even with the acknowledged need to update the Scoping Plan, the DEIR analyses for 2040 and 2050 are problematic. For 2040, the GHG threshold of significance, Criterion 2, is legally inadequate. The selection of a 'net increase over 2010 GHG levels'<sup>11</sup> as the CEQA threshold of significance for 2040 is arbitrary, capricious and inconsistent with state law. First, as cited from SB 375 *supra*, the region is clearly expected to significantly reduce emissions. Second, a very challenging numeric 2050 target was set by Executive Order S-3-05.<sup>12</sup> While the DEIR claims that MTC is not responsible for implementing the Executive Order,<sup>13</sup> as the legislatively appointed Metropolitan Planning Organization for the Bay Area, MTC is required to operate within the state's policy framework. Under Criterion 2, maintaining level emissions from 2010 to 2040 would result in a finding of No Adverse Impact. That would clearly be contrary to the state's GHG regulatory framework, including SB 375 and Executive Order S-3-05.

B29-9

Reducing GHG emissions 80% below 1990 levels results in a statewide 2050 target of 85 MMTCO<sub>2</sub>e. This, in turn, is an 81% reduction below 2010 levels. A trendline is needed on Figure 2.5-8, indicating what an 81% reduction looks like. For the mobile

B29-10

sources, waste, electricity and natural gas sectors, a reduction like that would result in total regional 2050 emissions of 9.3 MMTCO<sub>2</sub>e. Compared to such a trendline, it is obvious that the SCS is not doing anywhere near enough to reduce future GHGs.

B29-11

The FEIR should carefully evaluate the entirety of this data, and make a reasoned determination of the appropriate threshold of significance for Criterion 2, supported by substantial evidence. Clearly, a 0% reduction below 2010 is too low a target for 2040, while an 81% reduction would be too high. The project's emissions reductions would then be compared to that threshold, most likely resulting in a potentially significant impact, for which mitigation strategies would need to be offered.

Rather than wait another 20 years or so to think further about the 2050 target, impacts on the region will be cumulatively less if the region were to proceed with a steeper reductions trendline now. Because such emissions reductions are both compounded by the network effect and cumulative over time, early reductions are much more beneficial than later ones. This was the rationale behind SB 375: change the pattern of land development to lock in lower per capita VMT before 2020, to avoid locking in more

<sup>†</sup> Upon reviewing ARB's GHG Inventories, it became clear that statewide GHG emissions have already peaked in California, and are now heading downwards, probably because of the 2008 economic downturn. (See Attachment E.) If this trend continues, the Scoping Plan's 2020 Business as Usual GHG emissions projection of 596 MMTCO<sub>2</sub>e (p. 2.5-25) will never be reached. (See linear BAU trendline projection to 2020 on Attachment E.)

Business as Usual development later. More change sooner will make the transition to a low-carbon future less disruptive.

**B29-12** Criterion 3

TRANSDEF's criticism of the Criterion 3 analysis<sup>14</sup> builds from its criticism of the Criterion 2 analysis. In particular, the following determination as to whether the project would substantially impede the attainment of 2050 goals is a *non sequitur*:

While modeling may not be able to show achievement of an 80 percent reduction today, given the overall downward trajectory beyond 2040, which indicates that implementation of the proposed Plan would not impede achievement of executive order goals, the impact is considered less than significant (LS).<sup>15</sup>

No evidence is offered in support of the allegation that "implementation of the proposed Plan would not impede achievement of executive order goals." Claiming that new technologies and measures will be available by 2050 is mere conjecture. Figure 2.5-7<sup>16</sup> purportedly demonstrates the SCS will not impede. However, even a cursory examination of the chart discloses less than a 20% per capita reduction from 2010 to 2050, a reduction that will be totally offset by population growth. It is not evidence of anything. (These per capita figures are inappropriate for this analysis, as the Executive Order goals refer to total emissions, not per capita emissions.) The finding of No Adverse Impact was in error. The FEIR must acknowledge that the SCS has a Potentially Significant Impact under Criterion 3.

**B29-13** Criterion 4<sup>17</sup>

The 18% increase in regional transportation GHG emissions<sup>18</sup> over the life of the SCS (prior to Scoping Plan measures) discussed in the Introduction, *supra*, is evidence that implementation of the SCS would be in direct conflict with the GHG emission reduction goals of SB 375. The FEIR must acknowledge that the SCS has a Potentially Significant Impact under Criterion 4, even though there is No Adverse Impact under Criterion 1, the SB 375 per capita GHG emissions goals.

**B29-14** MTC proposed its own per capita emissions reduction targets, and submitted them to ARB. Because they were lower than the rate of population growth, MTC put itself in direct conflict with the goals of SB 375.

**B29-15** The calculations demonstrating the 2020 attainment of Scoping Plan goals, *supra*, need to be part of the analysis of Criterion 4 impacts in the FEIR.

**B29-16** The FEIR should evaluate the 6.6 MT per SP per year threshold of significance recommended by BAAQMD for analyzing plan level impacts.<sup>19</sup>

**B29-17** Miscellaneous

Please provide the definitions of MMTCO<sub>2</sub>e and MTCO<sub>2</sub>e, perhaps by linking them with a footnote to Table 2.5-1, where they are first introduced.

**B29-18** It appears that the graphing of Figures 3.1-1<sup>20</sup> and 3.1-2<sup>21</sup> is incorrect. Straight lines are extended from the 2010 to 2040 segments back to 1990. This has the bizarre effect of showing the region's historic GHG emissions as being dependent on the choice of an alternative years in the future. Unless 1990 regional GHG emissions can be verified in the FEIR, these straight-line extrapolations should be eliminated.

**B29-19** On p. 2.5-50, the DEIR claims that "The proposed plan also results in an increase in the share of trips that are made by transit and by walking, while drive alone trips are expected to decline." No mode share data is presented to substantiate those claims.

**B29-20** **Regional Express Lanes Network**

The SCS documents are inconsistent in their characterization of the so-called Regional Express Lane Network Project, RTPID 240741. This project appears in the draft Air Quality Conformity Analysis as operational by 2040 and regionally significant. The only mention of cost in the Regional Express Lane Network section of Plan Bay Area is for \$600 million. (p. 82.) Appendix C displays no construction funding for HOT lanes, yet there is \$600 million in discretionary funds in RTPID 240732 for something called "Grant Funding." These data stand in conflict with those for RTPID 240732, hidden away in an obscure database (<http://www.bayarea2040.com/public/default.aspx>) called Plan Bay Area Project Search. The 5/1/13 printout shows the project will not be operational by 2040, and has no discretionary funds. These discrepancies cast doubt on the entire SCS analysis process, as this database appears to be the master source for the conformity analysis, financial reporting, travel demand modeling and Appendix C.

Worse yet, the database shows a cost of \$6.7B for RTPID 240741, but neither the regional significance box nor a project completion date is checked, implying that this project is not moving forward. However, it is allegedly included in SCS Alternatives 2, 3 and 4. With the documents available to the public, it is impossible to definitively determine whether the biggest single project in the SCS, Express Lanes, is alive or dead.

**B29-21** **Transportation Impact Analysis**

After extended deliberation and public input, MTC formally adopted these SCS 2040 performance targets for transportation:

Target 9a: Increase non-auto mode share by 10 percentage points (to 26% of trips).

Target 9b: Decrease automobile vehicle miles traveled (VMT) per capita by 10 percent.<sup>22</sup>

However, instead of using these targets as its thresholds of significance, the DEIR ignored mode share entirely, and adopted a different threshold than Target 9b as Criterion 4 : "A substantial increase in per capita VMT compared to existing conditions. A substantial increase in per capita VMT is defined as greater than 5 percent."<sup>23</sup>

CEQA gives the lead agency the discretion to select thresholds of significance, but there must be a rational basis for significance determinations. In this instance, the performance targets were selected as part of a comprehensive planning effort to avoid future adverse environmental and social impacts. These targets were not a means to optimize future benefits. Not achieving these targets would mean that future adverse



impacts would be worsened. Because mode share and VMT were readily available as outputs from the model, these two targets should have been DEIR impact criteria.

The DEIR fails its function as a public information document because it restricts the public's right to know and comment on the failure of the SCS to meet explicit lead agency goals. The selection of thresholds that ignored the policy context for the SCS--the region's need to increase non-auto travel and to reduce VMT per capita--was arbitrary and capricious, and a blatantly improper attempt to avoid a finding of an unavoidable significant impact. The Impact Analysis for the Transportation section of the DEIR is legally inadequate. There is no legal justification for avoiding the process of public comment under CEQA.

**B29-22** Even though Target 9a explicitly required calculating mode share, we were unable to find any results reported in the DEIR. This is inconsistent with 20 years of MTC's EIR practice. Plan Bay Area reported only a 4 percentage point increase was achieved.<sup>24</sup> The SCS resulted in a 2040 per capita VMT decrease of 6%,<sup>25</sup> which was reported in Plan Bay Area as a 9% decrease.<sup>26</sup> No matter which of these results was more truthful, both failed to reach the 10% Target 9b. Although these performance targets were evaluated in the Plan Bay Area document, their omission from the DEIR appears to be the burying of bad results.

**B29-23** As discussed in detail in *A New Direction* (Attachment H), the future of VMT growth is quite uncertain. Figure 9 on page 30 displays the historic trend for VMT, along with three future scenarios: Back to the Future, Enduring Shift, and Ongoing Decline. What VMT growth assumptions are built into MTC's travel demand model? Has the model been accurate in backcasting the decline in VMT since 2004? Is there any reason to have confidence in the model's projections if future travel demand remains lower than the historic trend?

**B29-24** Finally, the transportation analysis excludes intrazonal travel.<sup>27</sup> We are concerned that this distorts the overall results and fails to provide the fine-grained detail needed to evaluate the multimodal performance of PDA policy sets.

**B29-25** **Feasible Mitigations**  
Had the Criterion 2 significance threshold been set properly, the DEIR would have identified the 15% reduction of GHG emissions in 2040 relative to 2010<sup>28</sup> as a significant unavoidable impact, because it will interfere with attaining the state's adopted goal of an 80% reduction by 2050.

**B29-26** Had the Criteria 3 and 4 analyses been done properly, the DEIR would have identified the 20.5% reduction of GHG emissions in 2050 relative to 2010<sup>29</sup> as a significant unavoidable impact, because it will interfere with attaining the state's adopted goal of an 80% reduction by 2050, and with the Scoping Plan's emissions reduction goals.

**B29-27** The draft SCS had other significant impacts:

“Congested per capita VMT would increase by 29 percent during the AM peak hours, by 71 percent during the PM peak hours, and by 51% for the day as a whole. These

roadway traffic service levels reflect the impact of total VMT growth far exceeding the growth of roadway capacity.”<sup>30</sup>

In addition, had the impact criteria been legally adequate (see Transportation Impact Analysis, *infra.*), there would have been two additional significant impacts: a failure to reduce per capita auto VMT by 10% (only a 6% reduction was achieved<sup>31</sup>) and a failure to increase non-auto mode share by 10 percentage points (only a 4 percentage point increase was achieved<sup>32</sup>).

**B29-28** CEQA mandates that agencies not approve projects that will do significant environmental damage if mitigation is available and feasible. (Public Resources Code, §§ 21002, 20181(a); *City of Marina v. Board of Trustees of the California State University* (2006) 39 Cal.4th 341, 361-62.) TRANSDEF identifies the following mitigations as available and feasible:

- B29-29** 1. Alternative 5, the Environment, Equity, and Jobs Alternative (EEJ), has the lowest Daily VMT<sup>33</sup> of the alternatives. It would have had the lowest per capita Daily VMT, had the analysis<sup>‡</sup> not artificially lowered the population.<sup>34</sup> It is clear that the model validated the premise that VMT could be reduced by increasing the supply of local bus transit and deferring the construction of additional highway facilities. Therefore, those elements of the the EEJ Alternative must be moved into the Final SCS.
- B29-30** 2. In addition to reducing VMT, the EEJ alternative had the lowest 2040 transportation GHG emissions<sup>35</sup> and the lowest total regional GHG emissions<sup>36</sup> of all the alternatives. These results strengthen CEQA's mandate requiring the selection of the least impactful alternative.
- B29-31** 3. The EEJ's Vehicles In Use is 1.6% lower than that of the Proposed Plan.<sup>37</sup> (The DEIR does not explain how this term is different from Auto Ownership, or why EEJ would have a 1% higher Average Vehicles per Household.<sup>38</sup>) Because the availability of a vehicle is one of the most important determinants of mode choice, any other elements of EEJ that influence auto ownership must be moved into the Final SCS.
- B29-32** 4. Because car sharing is a direct method of supporting lower auto ownership, the Final SCS should contain additional policies that support car sharing. OBAG grants could be conditioned on the adoption of rules requiring a minimum number of car sharing spaces in new projects within PDAs, and on PDA streets.
- B29-33** 5. The SCS contains committed highway capacity expansion projects as well, including elements of the Regional Express Lane Network. Given the success of the EEJ in reducing projected VMT and GHGs, the FEIR must study an alternative that eliminates all highway capacity-increasing projects that are not yet under contract, and compare the trade-offs with other alternatives.

<sup>‡</sup> To be credible, any change in assumptions significant enough to change the impact ranking order for alternatives must be demonstrated, in the DEIR, to be non-arbitrary.



**B29-34** 6. The BART Berryessa to Santa Clara extension is shown in the SCS as having a Benefit/Cost ratio of 5, with a price tag of \$4.094 billion.<sup>39</sup> Given that the Van Ness Avenue BRT is able to achieve a B/C of 6 for only \$140 million,<sup>40</sup> this analysis is asserting that the BART extension produces 29 times the benefits of the BRT project. TRANSDEF finds this result unbelievable. As demonstrated above, MTC's transit investments over the past 30 years have failed to increase regional transit ridership. That history of over-promised benefits is a strong evidentiary basis for seriously doubting this benefit calculation. Because of the extraordinary cost of this project and MTC's historic failure to achieve transportation results, the FEIR must test an alternative that excludes this BART project. It is feasible to shift the funding proposed for this project, as it is not under contract. Eliminating the most expensive project and shifting the funds to smaller unfunded transit projects that are cost-effective should benefit a much larger transit-riding population, thereby reducing the significant adverse impacts of the draft SCS.

**B29-35** 7. RTPID 94525 discloses \$43.5 billion for BART's capital and operations, while RTPID 94636 discloses \$49 billion for Muni's capital and operations.<sup>41</sup> These two exceptional outlays demand close MTC supervision, as they represent a very large share of the region's resources. Given the past 30 years failure to achieve meaningful statistical results, MTC must develop an oversight plan to ensure that these extraordinary sums achieve maximum reduction of significant impacts, and achieve maximum benefits for the region.

**B29-36** 8. Funds saved through the cancellation of projects described above could be reprogrammed as additional transit operations funding to support the EEJ program (via a swap with a sales tax agency like LACMTA, if a change in the color of money is needed), or additional OBAG funding to support PDA infrastructure.

**B29-37** TRANSDEF proposed a similar program in its 2005 Smart Growth Alternative.<sup>42</sup> It excluded the BART Extension to San Jose via Warm Springs, the Central Subway and all highway expansions. In their place was a broad network of Rapid Buses, with commuter rail in the North Bay. The FEIR found it to be the Environmentally Superior Alternative, and demonstrated that the approach reduced VMT and provided the most benefits to low-income communities. Its program could readily serve as a source of mitigation projects.

**B29-38** In addition, TRANSDEF proposes as feasible mitigations the series of mitigations adopted by SCAG for its SCS, making those mitigations feasible by definition. Attachment F to these comments is the Appendix G that was adopted by SCAG as part of its SCS Final EIR. The GHG and Transportation measures excerpted below from Attachment F will be the ones most relevant for MTC. Appendix G was intended to provide local jurisdictions with a list of mitigations to consider, when adopting local projects.

Because SB 375 preserved local jurisdictions' land use autonomy, the accomplishment of regional GHG emissions reductions is dependent on the voluntary actions of many

decisionmakers, requiring incentives. TRANSDEF urges MTC to select elements from Appendix G for a carefully constructed set of prerequisites to qualify local jurisdictions for the receipt of OBAG funds.

Please note that SCAG was overly solicitous of the autonomy concerns of local jurisdictions, and phrased each proposed mitigation with a “may.” This approach lacked the needed reminder that lead agencies are required under CEQA to adopt all feasible mitigations, in an enforceable effort to reduce impacts to the maximum extent feasible.

TRANSDEF suggests the following measures from the Attorney General’s list:

- B29-39** • Adopt a comprehensive parking policy that discourages private vehicle use and encourages the use of alternative transportation
- B29-40** • Build or fund a major transit stop within or near development
- B29-41** • Provide public transit incentives such as free or low-cost monthly transit passes to employees, or free ride areas to residents and customers
- B29-42** • Incorporate bicycle lanes, routes and facilities into street systems, new subdivisions, and large developments
- B29-43** • Require amenities for non-motorized transportation, such as secure and convenient bicycle parking.

**B29-44** **GHG2:** Project sponsors may require Best Available Control Technology (BACT) during construction and operation of projects, including:

- a) Solicit bids that include use of energy and fuel-efficient fleets;
- b) Solicit preference construction bids that use BACT, particularly those seeking to deploy zero- and/or near-zero emission technologies;
- c) Employ use of alternative fueled vehicles;

**B29-45** **TR12:** Project sponsors of a commercial use may submit to the Lead Agency (or other appropriate government agency) a Transportation Demand Management (TDM) plan containing strategies to reduce on-site parking demand and single occupancy vehicle travel. The sponsor may implement the approved TDM plan. The TDM should may include strategies to increase bicycle, pedestrian, transit, and carpools/vanpool use. All four modes of travel may be considered. Strategies to consider include the following:

- Inclusion of additional bicycle parking, shower, and locker facilities that exceed the requirement
- Construction of bike lanes per the prevailing Bicycle Master Plan (or other similar document)
- Signage and striping onsite to encourage bike safety
- Installation of pedestrian safety elements (such as cross walk striping, curb ramps, countdown signals, bulb outs, etc.) to encourage convenient crossing at arterials
- Installation of amenities such as lighting, street trees, trash and any applicable streetscape plan.
- Direct transit sales or subsidized transit passes
- Guaranteed ride home program
- On-site carpooling program
- Distribution of information concerning alternative transportation options
- Parking spaces sold/leased separately

- Parking management strategies; including attendant/valet parking and shared parking spaces

B29-46

**TR43:** Transit Funding: Local jurisdictions may prioritize transportation funding to support a shift from private passenger vehicles to transit and other modes of transportation, including:

- Give funding preference to improvements in public transit over other new infrastructure for private automobile traffic;
- Before funding transportation improvements that increase roadway capacity and VMT, evaluate the feasibility and effectiveness of funding projects that support alternative modes of transportation and reduce VMT, including transit, and bicycle and pedestrian access.

B29-47

**TR67:** Parking Policy: Local jurisdictions may adopt a comprehensive parking policy to discourage private vehicle use and encourage the use of alternative transportation by incorporating the following:

- Reduce the available parking spaces for private vehicles while increasing parking spaces for shared vehicles, bicycles, and other alternative modes of transportation;
- Eliminate or reduce minimum parking requirements for new buildings;
- “Unbundle” parking (require that parking is paid for separately and is not included in the base rent for residential and commercial space);
- Use parking pricing to discourage private vehicle use, especially at peak times;
- Create parking benefit districts, which invest meter revenues in pedestrian infrastructure and other public amenities;
- Establish performance pricing of street parking, so that it is expensive enough to promote frequent turnover and keep 15 percent of spaces empty at all times;
- Encourage shared parking programs in mixed-use and transit-oriented development areas.

TRANSDEF appreciates this opportunity to comment on the 2013 SCS DEIR. We would be pleased to assist in the development of any of the ideas suggested herein.

Sincerely,

/s/ DAVID SCHONBRUNN

David Schonbrunn,  
President

Copies

Lisa Trankley, DOJ

Doug Ito, ARB

Jack Broadbent, BAAQMD

Steve Heminger, MTC

Ezra Rapport, ABAG

Attachments

- A- GHG Emissions Reduction Targets
- B- SCS Performance Re: Targets
- C- Scoping Plan Targets
- D- Scoping Plan Measures Not Included in Regional Totals
- E- CA GHG Emissions
- F- SCAG SCS FEIR Appendix G
- H- *A New Direction*, U.S. PIRG, 2013

DEIR Page References, unless otherwise noted:

- 
- <sup>1</sup> 2.5-55
  - <sup>2</sup> 2.5-53
  - <sup>3</sup> 2.5-55
  - <sup>4</sup> 2.5-54
  - <sup>5</sup> 2.5-56
  - <sup>6</sup> 2.1-15
  - <sup>7</sup> Data from Statistical Summary of Bay Area Transit Operators, MTC, various years.
  - <sup>8</sup> Adopted Scoping Plan, Air Resources Board, 2008; p. 5
  - <sup>9</sup> [http://www.arb.ca.gov/cc/inventory/data/tables/ghg\\_inventory\\_ipcc\\_00-10\\_sum\\_2013-02-19.pdf](http://www.arb.ca.gov/cc/inventory/data/tables/ghg_inventory_ipcc_00-10_sum_2013-02-19.pdf) and [http://www.arb.ca.gov/cc/inventory/archive/tables/ghg\\_inventory\\_ipcc\\_90\\_04\\_sum\\_2007-11-19.pdf](http://www.arb.ca.gov/cc/inventory/archive/tables/ghg_inventory_ipcc_90_04_sum_2007-11-19.pdf)
  - <sup>10</sup> 2.5-59
  - <sup>11</sup> 2.5-41
  - <sup>12</sup> 2.5-24
  - <sup>13</sup> *Id.*
  - <sup>14</sup> 2.5-57
  - <sup>15</sup> 2.5-60
  - <sup>16</sup> 2.5-58
  - <sup>17</sup> 2.5-60
  - <sup>18</sup> 2.5-55
  - <sup>19</sup> CEQA Air Quality Guidelines, BAAQMD, June 2010, p. 9-3
  - <sup>20</sup> 3.1-63
  - <sup>21</sup> 3.1-64
  - <sup>22</sup> Plan Bay Area, p. 103
  - <sup>23</sup> 2.1-23
  - <sup>24</sup> Plan Bay Area, *Id.*
  - <sup>25</sup> 2.1-28
  - <sup>26</sup> Plan Bay Area, *Id.*
  - <sup>27</sup> 2.1-28, FN 2
  - <sup>28</sup> 2.5-56
  - <sup>29</sup> 2.5-59, interpolated from Figure 2.5-8
  - <sup>30</sup> 2.1-32
  - <sup>31</sup> 2.1-28
  - <sup>32</sup> Plan Bay Area, *Id.*
  - <sup>33</sup> 3.1-24
  - <sup>34</sup> 3.1-29, FN 3

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- <sup>35</sup> 3.1-59  
<sup>36</sup> 3.1-61  
<sup>37</sup> 2.1-38 [sic. --should be 3.1-38]  
<sup>38</sup> 3.1-11  
<sup>39</sup> Plan Bay Area, p. 113  
<sup>40</sup> *Id.*  
<sup>41</sup> DEIR Appendix C, p. C-2  
<sup>42</sup> See 2005 RTP FEIR.



Sierra Club Marin Group  
P.O. Box 3058, San Rafael, CA 94912  
<http://sanfranciscobay.sierraclub.org/marin/>

Plan Bay Area Public Comment  
101 8<sup>th</sup> St.  
Oakland, CA 94607

May 16, 2013

Ladies and Gentlemen:

Thank you for the opportunity to submit comments on the Plan Bay Area (PBA) Draft Environmental Impact Report (DEIR).

The Sierra Club understands that PBA is intended to satisfy the requirements for a Regional Transportation Plan and Sustainable Communities Strategy under SB 375, as amended.

A primary goal of Sierra Club is a good, viable public transit that serves more people, more reliably and with adequate area coverage. National Club policy emphasizes the dangerous and undesirable effects of Climate Change.

The Sierra Club Marin Group is the Sierra Club entity charged with evaluating issues that affect Marin County. As such, our comments will principally pertain solely to PBA as it relates to Marin County, while remaining consistent with established Sierra Club policies and positions.

B30-1

At this time, we feel that the approaches adopted by PBA are too generic to be specifically sensitive to the particular needs of Marin.

B30-1.2

We feel that many of the approaches adopted by PBA and applied to Marin County, are inadequately evaluated relative to alternatives that are more likely to meet the goals of PBA. Approaches considered should be far more consistent with Marin's existing, local planning goals, community character, and the established goals of Marin's major environmental organizations.<sup>1</sup>

B30-1.5

Therefore, we feel that in light of Marin's unique set of parameters, the PBA DEIR is inadequate in several ways.

<sup>1</sup> The *Community Marin* document provides a basis for advocacy by Marin's environmental organizations (including the Marin Audubon Society, Marin Baylands Advocates, the Marin Conservation League, the Sierra Club, the Salmon Protection and Watershed Network, and the San Geronimo Valley Planning Group). It also provides a policy framework for actions by the organizations themselves. Member groups may advocate positions that go beyond these recommendations, but all support the policies as a minimum set of standards. A set of relevant recommendations is included as an attachment to this letter. The entire *Community Marin* document is available online (<http://www.conservationleague.org/comm-marin.html>).

Principally, we feel that PBA should isolate and evaluate each proposed project area, with respect to PBA goals, by comparing to alternatives that are sensitive to the contexts of existing planning frameworks, physical land constraints, community concerns (including recommendations from environmental organizations), existing community characters, and existing community preferences. Such evaluation should be performed in detail for each proposed land use project and for each segment of each transportation modality. Normally, these sorts of evaluations would take place within local governments; to any extent that PBA would influence or override local jurisdiction decision-making, PBA should meet the same standards of evaluation. We feel that this is particularly important because, despite enormous expense, PBA in its current form is projected to achieve only 2-3% improvement versus no PBA. PBA fails to adequately evaluate whether other alternatives would be superior at achieving PBA goals. For example, in Marin, prominent environmental groups have proposed alternative approaches not considered by PBA.

B30-2

In addition, we have the following specific comments and questions regarding PBA and the PBA DEIR as they pertain to Marin County; **please respond to each point and provide supporting citations to your responses.**

- Marin TOD's and GHG Emissions - In Marin communities, the ability of the high-density developments recommended for placement near freeways by Plan Bay Area are widely disputed. Recent studies indicate that residents of high-density transit oriented developments tend to be people who would have utilized public transportation or pedestrian and bicycle paths regardless of where they live. In addition, greenhouse gas (GHG) emissions may increase due to congestion increases that frequently occur around high-density transit oriented developments (ToDs). Other externalized impacts may also escape accounting.

B30-3

We wish any recommendations or targets for Marin County to be thoroughly evaluated before they are established, taking into account all impacts and all alternatives.<sup>2</sup> How will this be achieved by PBA?

- Please describe how the PBA DEIR plans to evaluate, within Marin County, the degree to which incentive funding earmarks would result in less GHG emissions than would occur in the "no project" alternative.<sup>3</sup> Please include the analysis and conclusions in the EIR.
- Please describe how transportation investments will be evaluated for GHGs on

B30-4

B30-4.5

<sup>2</sup> The claimed Green House Gas ("GHG") reductions attributable to the plan do not appear to be adequately supported, reasonably quantified or sufficiently explained in the Plan itself or the EIR. There does not appear to be a clear methodology for calculating the claimed reductions, or how the reductions would be attributable to the Plan itself versus what GHG reductions (or increases) with the Plan.

<sup>3</sup> Ultimately, the Plan appears to be an incentive program to encourage and reward increased density development within the PDA's. In exchange, local jurisdictions are eligible for awards of money for a discretionary fund. However, these "discretionary" funds are already earmarked primarily for more road and highway development, which likely will encourage more automobile use. Only .57 of 1% of the "discretionary funds" are earmarked for GHG reductions. This appears likely to create more GHG emissions.



their own merits, rather than relying on land use changes for SB375 compliance.

- Water Supply - The PBA DEIR provides inadequate information regarding water supply for countywide growth assumptions. If desalination is necessitated, it could negate the ostensible benefits of PBA.<sup>4</sup> The PBA and the PBA DEIR do not currently recognize that there is an inadequate supply of water to serve projected growth in Marin County. How will the PBA address long-term source limitations, so that development does not exceed the capacity of a secure water supply? Given the historical evidence for potential for drought in Marin, and the County's unique water supply issues, how will the PBA ensure adequate water supplies for incentivized development on a County-by-County and Water District basis, in Marin County in particular? Please include the analysis and conclusions in the EIR. B30-5
- Please add to the PBA EIR an evaluation of the long-term impacts of increased densities on natural habitat and ecosystems functions relative to the "no project" alternative. B30-6
- Local Environmental Policies – Please identify guidelines in PBA for protecting and preserving the natural environment and rural lands within Marin, relative to all existing Marin policies and protections that do. Please include the analysis and conclusions in the PBA EIR. B30-7
- Natural Resource Protection - The PBA should specify how to protect sensitive wetlands and other natural resources that could be affected by development in Priority Development Areas. The preferred means of protection should be avoidance of impacts, rather than mitigation. Please indicate how PBA proposes to handle this issue, on a site-by-site basis, and include the analysis and conclusions in the EIR. B30-8
- Sea Level Rise - The PBA DEIR does not adequately evaluate whether proposed high-density development target areas in Marin are safe from foreseeable sea level rise, or other potential impacts of sea-level rise. In the PBA DEIR, please extend projections for sea level rise to at least 2100, and identify locations and numbers of residences and businesses that are likely to be displaced in various response scenarios.<sup>5</sup> B30-9
- Please add to the PBA EIR an evaluation of whether targets can best be met in Marin County by focusing solely on bringing additional public transportation services to where people currently live. B30-10

<sup>4</sup> E.g. The Pacific Institute has released a study this month that concludes that, "removing the salt from seawater is an energy-intensive process that consumes more energy per gallon than most other water supply and treatment options," with substantial implications for greenhouse gas production. See, "Key Issues for Seawater Desalination in California: Energy and Greenhouse Gas Emissions" [May 2013], available at [http://www.pacinst.org/reports/desalination\\_2013/energy/](http://www.pacinst.org/reports/desalination_2013/energy/)

<sup>5</sup> Many of the Proposed Development Areas ("PDA's") in Marin (and other counties) are located in areas adjacent to the San Francisco Bay that are subject to sea level rise in the next few decades, and may be forced to relocate by 2100. If so, that would constitute poor planning in economic, environmental, and social terms.

- Please add to the PBA EIR an evaluation of whether targets can best be met in Marin County solely by allowing the population to decrease naturally as a result of sea level rise. B30-11
- How will PBA plan for or accommodate plans for existing residents to move to new locations within Marin, when displaced by sea level rise in the future? Please explain. Please develop guidelines for such programs, and include resultant impacts in the PBA EIR. B30-12
- Earthquake – Considering the seismic activity of Northern California, why is there not a PBA section on assessment of the economic and environmental impacts, including GHG production, that may be the result of PBA's location of Planned Development Areas (PDAs) in Marin? Please add a thorough analysis on this topic. What are the potential economic and environmental impacts of PBA PDAs located in areas subject to increased risk of liquefaction in the event of earthquake(s)? Please include the analyses and conclusions needed for this response in the PBA EIR. B30-13
- Wastewater - The PBA DEIR fails to address the wastewater impacts of proposed increased development within Marin County. Many of the sewer agencies in Marin County are already out of compliance with State of California discharge regulations and/or subject to Cease and Desist orders, including the Ross Valley Sanitary District.<sup>6</sup> Please explain how PBA proposes to resolve the increased stress from development, on Marin's aging sewer systems. Please include analyses of such impacts in the PBA EIR. B30-14
- Community Character – How does PBA propose to include guidelines or alternatives for protecting and preserving the existing community characters of Marin towns? Please develop such guidelines, and circulate for adequate public review prior to adoption, and include in the PBA EIR. B30-15
- Local Alternatives – Does the PBA DEIR plan on evaluating other local land use and transportation approaches? Please thoroughly analyze, in the PBA EIR, whether approaches identified in the *Community Marin* 2013 document could meet PBA goals as well or better than PBA approaches (such as reductions in sizes of new Single Family Units (SFUs), infill affordable housing near existing transportation, improved public bus service, etc.; see attached selected recommendations from the *Community Marin* 2013 document). B30-16
- Housing Issues – Where in the DEIR does or will PBA adequately evaluate options for integrating new affordable housing into existing neighborhoods as in-fill, rather than as stand-alone high-density developments? Please include a thorough and detailed analysis in the PBA EIR. B30-17

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<sup>6</sup> San Pablo Bay has been identified as an especially polluted area of the San Francisco Bay. San Pablo Bay receives the highest volume of toxic discharges in the state, according to a report titled "Wasting Our Waterways: Industrial Toxic Pollution and the Unfulfilled Promise of the Clean Water Act," was issued by Los Angeles-based Environment California, which analyzed U.S. Environmental Protection Agency data from 2010.

- Please include in the PBA DEIR, an evaluation of conversion of market rate housing to permanently affordable below-market-rate housing, as a means to reduce long-distance commutes into the County by low-paid workers. B30-18
- Please include in the PBA DEIR, an evaluation of allowing conversions of market-rate housing to affordable housing to count toward goals; likewise for new, and newly legalized second units, to satisfy PBA requirements. B30-19
- Rezoning to higher densities will not assure that affordable housing gets built so that people can live closer to work and reduce vehicle miles traveled. How does the PBA propose to identify and evaluate funding sources to ensure availability of additional resources and mechanisms, such as an expanded revolving loan fund? B30-19.5
- Local Jobs – Marin residents who commute out of the county tend to do so for higher-paying jobs, and people who commute into Marin tend to do so for medium to low paying jobs. Creation of higher-paying jobs within Marin County could reduce work-related vehicle miles travelled. Please develop guidelines so that planning actions and projects that could reduce VMT/VHO (vehicle miles traveled /vehicle hours operated) are allowed to count toward PBA job/housing goals, and include these in the PBA EIR. B30-20
- PBA's projected reduction in affordability of housing would be particularly counter-productive in Marin County, where it would very likely force more low-wage workers to commute into Marin County from outside of the County. Please evaluate whether housing affordability will improve in Marin under the PBA. Please include guidelines in the PBA EIR to ensure that housing affordability in Marin County is increased without detriment to existing community characters. B30-21

Finally, we wish to request a 6-month extension to offer a full time period for adequate review of the PBA DEIR, and to confirm the transportation, GHG studies, sea-level rise and water issues, and to explore other issues. B30-22

The PBA was released on March 22, and its 1,300 page EIR was released on March 29. Comment period for the EIR closes on May 16, affording approximately six weeks for public review and comment. Understandably, this truncated review period has created a great deal of public frustration, as it does not afford a sufficient opportunity to review a project of this magnitude and impact to local jurisdictions. This quick review period also raises serious concerns for our group that opportunity for meaningful public review and CEQA process has not been fulfilled.

We summarize with the following remarks:

With respect to Marin County, the PBA DEIR appears to overlook numerous environmental issues, which we feel need to be addressed before a meaningful evaluation can be completed. The hoped-for benefits of the PBA (reducing GHG emissions, reducing commuter times, or reducing the cost of housing and transportation for low income residents), as described in the PBA, do not appear to likely to be achieved with any significance, despite the enormous expenditures of monies that might be more B30-23

effectively utilized through other approaches that are also more sensitive to the needs and desires of local communities.

The PBA exists primarily as a funding source of “Discretionary Funds” as a *quid pro quo* for jurisdictions to pre-approve the increased density of PDA’s within their boundaries. However, in Marin County, many of the PDA’s tentatively identified are located in low-lying areas adjacent to the Bay. As such, the PBA appears to create incentives to steer high-density development into the path of imminently rising sea water areas. Marin County’s Master Plan and other local documents clearly address this issue in Marin, and strongly indicate that development in these areas is not desirable from any perspective – environmental, social or economic.

B30-24

In Marin County, restoration and expansion of North Bay bus and shuttle services, and of pedestrian and bicycle roadways, are vitally needed. Yet the majority of PBA “discretionary funds” are earmarked for more highway and automobile infrastructure, ostensibly to accommodate the increased development. However, the PBA earmarks *less than 1% of such funds for GHG reductions*. It does not appear that the PBA makes any more funds available for public transit than would otherwise be available through the MTC.

B30-25

Ultimately, incentivizing the location of development by making discretionary highway funds available to improve the capacity of roads near such development, does not appear to be supported by PBA’s own data, to be a very productive or efficient use of funds to reduce GHG emissions or reduce the costs of housing and transportation in Marin County.

In Marin County, we would instead encourage *additional* investment in creating a robust, user-friendly public transportation system to reduce the cost of transportation, reduce traffic, and improve commute times, along with other approaches, such as improvements in publicly-owned and operated telecommunications infrastructure, walkable communities, and achieving a better balance of jobs for local residents by attracting higher-wage job providers and establishing a great deal more truly affordable and attractive low-income housing. In our opinion, for Marin County, such approaches constitute the most effective path toward GHG reductions, and the other PBA, AB32, and SB375 goals.

B30-26

Thank you for the opportunity to make these comments.



Michele Barni  
Chair, Marin Group  
Sierra Club



## Plan Bay Area 2040 Final Environmental Impact Report

**From:** "Katherine Gavzy" <kathgav@comcast.net>  
**To:** <info@OneBayArea.org>  
**Date:** 5/14/2013 9:41 PM  
**Subject:** League of Women Voters of Oakland supports Plan Bay Area

Amy Worth, Chair

Metropolitan Transportation Commission

Mark Luce, President

Association of Bay Area Governments

Re: Plan Bay Area

Dear Ms. Worth and Mr. Luce:

The League of Women Voters of Oakland wishes to underscore the Bay Area League's support of the regional planning process undertaken by ABAG, MTC, and other regional agencies to implement SB375. Coordinating land use and transportation planning to develop Plan Bay Area (PBA) has been a difficult task. The draft PBA shows the value of regional planning and of collaboration among the Bay Area's regional agencies, and we applaud your leadership in keeping the goals clear and the public involved.

**B31-1** The draft environmental impact report for the PBA is designed to curb urban sprawl and to house all of the Bay Area's population growth in urban areas. We support focusing growth in Oakland and other cities. Accomplishing these development goals will, however, require new funding sources and incentives for building affordable housing.

The League places a high priority on reducing carbon and other emissions that worsen air quality and the impacts of climate change. We are pleased that the projections in the draft Plan slightly exceed the threshold of a 15 percent per capita reduction in greenhouse gases by 2030 that is required under SB 375.

Sincerely,

Katherine Gavzy

President, League of Women Voters of Oakland

president@lwvoakland.org

(510) 508-9062

**ATTACHMENT: Relevant Passages from the Community Marin 2013 Document.**

The following are recommendations that are supported by the most prominent environmental organizations in Marin County and which have the potential to meet the same goals as PBA.

These recommendations establish a context of alternatives that should be considered relative to any PBA proposals for Marin County.

- Conversion of market-rate units to below-market-rate or assisted living units, second units, and inclusionary units.
- Restoration and expansion of north bay bus services.
- Locate affordable housing near existing jobs and services, as in-fill development and conversion of market-rate units to affordable housing.

4.1 Establish a maximum size of 3,500 square feet for new and remodeled homes, plus another 500 square feet for accessory buildings, unless a lower maximum is specified in adopted city or community plans. Allow a size larger than the maximum only if the unit is subject to design review, meets all planning standards, has no adverse impacts on sensitive habitat and service capacities, does not exceed the energy use of a typical 3,500 square foot floor area house, conforms to the average size of houses in the neighborhood, and the developer makes a compensatory contribution to a trust fund for support of environmental protection. Establish strict standards for floor area ratio, lot coverage, conformance with community character, bulk, mass, slope, height, accessory structures, and design review. The house size calculation should include all enclosed or partially enclosed space that is attached to the living space. Accessory structures include garages. Make it clear that a maximum is not an entitlement.

4.4 Encourage infill and mixed use development where it is consistent with height limits and community character, and reuse of existing non-residential buildings for housing.

4.5 Locate housing near transit and other services, without impairing natural resources, in order to encourage walking and bicycle use, discourage use of the private automobile and reduce vehicle miles traveled.

4.7 Retain existing below market rate housing.

This may be done through zoning, tax incentives, permanent deed restrictions, permitting of second units, and technical assistance. Work with state and local jurisdictions to establish procedures for retaining below market rate housing.

Support housing trust funds to pay for conversion of existing single-family units to create affordable housing. A possible mechanism for accomplishing this would be the use of the real estate transfer tax.

4.10 Prioritize placement of affordable housing in mixed-income neighborhoods. Avoid overconcentration of affordable units in any one area.

Increase the percentage requirements for below-market-rate units, with a minimum requirement of 20 percent, and reduce the project size threshold in inclusionary zoning ordinances. Require provision of below market rate housing on site rather than allowing in lieu fees, where appropriate. If in lieu fees are permitted, they should be adequate to cover the actual cost of developing affordable units. The county currently has a 20 percent inclusionary requirement for two units or more and city standards should match or exceed county requirements.

4.13 Require developers of commercial properties to provide or fully fund an appropriate amount of below-market-rate housing within the county. San Rafael and the county have jobs/housing linkage fees. Other cities and towns should adopt similar requirements.

4.14 Consider increasing density in infill locations, consistent with community character, availability of resources and environmental constraints, to provide less expensive housing. Outlying areas should be reduced in density to offset increases.

4.18 Require point-of-sale inspections for all property sales. These should ensure that the property meets all public health and safety requirements and environmental protection measures, and that required permit fees are paid and inspections completed for work that occurred on the property.



- 4.19 Conduct a point-of-sale energy audit program to convey upgrade recommendations and disclose areas of energy inefficiencies to buyers as part of the pre-sale inspection.
- 5.3 Incorporate into general plans economic policies and programs to reduce Marin County's carbon footprint, including promoting local food production and market supplies.
- 5.4 Ensure that the net public costs and impacts of all commercial development are understood, and require the development to contribute its fair share to a fund that will provide affordable housing and support city services. Require that commercial development fully meet those costs and mitigate impacts as part of the planning and approval process.
- 5.7 Support expansion and funding of the county's Green Business Certification Program, and support businesses that implement program requirements.
- 5.8 Incorporate economic policies that support reducing greenhouse gas emissions, including promoting local food production and market supplies, incentives for use of fuel efficient vehicles, and expansion of energy efficient public transit in the City Centered Corridor.
- 6.1 Reduce the total amount of additional growth, especially commercial development, allowed by current plans; do not just mitigate its impacts. Future growth should be planned in accordance with standards for protection of environmental resources and goals for protection and enhancement of the county's existing character, and should take into account the potential availability of services and resources.
- 6.2 Recognize that there is an ultimate limit to growth based on environmental and service constraints, and all land use designations should be based on these constraints. City and county general plans should limit projected buildout to levels that can exist reliably and continue into the future on local natural resources, including existing developed water sources.
- 6.3 Offset density increases at infill sites with reductions in development potential at outlying locations.
- 6.4 Focus new development on existing community centers, through infill and reuse. Maintain the existing scale and enhance the historic, community-centered character of Marin.
- 6.6 Balance parking requirements with the need to reduce car use, through such means as zip cars, loaner bikes, and other innovative techniques, to minimize spillover into adjacent neighborhoods.
- 6.7 Provide for a range of activities and opportunities for interaction within town centers, such as housing, shopping, services, jobs and outdoor public spaces, along with easy access to transportation.
- 6.9 Make more efficient and/or aesthetic use of parking areas and public garages by adding solar panels on roofs, water retention areas, planted areas, and shade trees.
- 6.11 Require new development, both residential and commercial, to incorporate energy efficiency and other resource conserving measures in all aspects of siting, infrastructure, construction techniques and materials, and landscaping, such as those listed below:
  - ☐ Encourage compact development patterns that promote efficient use of resources.
  - ☐ Maintain natural landforms and habitats by prohibiting massive grading, encroachment into or filling of floodplains and wetlands, and removal of native vegetation.
  - ☐ Optimize microclimate orientation to reduce building energy demands in the siting of buildings, and use resource-conserving materials and construction technologies.
  - ☐ Minimize conversion of water absorbent ground surfaces to impervious materials. ☐ Cluster development to preserve the maximum amount of the property as natural habitat, for agricultural use or open space, prioritizing habitat protection.
  - ☐ Assure that donation of open space by a property owner is not at the expense of inappropriate development.
  - ☐ Where feasible, use on-site renewable energy technologies, including active and passive solar, to reduce demands for grid-delivered electricity.
  - ☐ Use recycled or renewable materials for roads and structures, including materials from sustainable- certified sources and materials that can be recycled in the future.
  - ☐ Conserve water use through installation of locally adapted and drought-tolerant landscaping; use recycled (waste) or reclaimed water or gray water wherever possible. Make recycling facilities and services, including dual piping, readily available.
- 6.12 Determine the effectiveness and cost of green building techniques, including the total energy

cost of materials, operation and maintenance, and environmental impacts or costs, before relying on them.

6.13 Prohibit use of green building techniques as a substitute for compliance with all other planning and zoning requirements and protection of natural resources.

6.14 Anticipate the effects of sea level rise and other consequences of a changing climate. Establish adaptive strategies and legal mechanisms to regulate new development or redevelopment in areas projected to be inundated or flooded in the future, including prohibition of new development and requirements for special design standards, and make plans to minimize damage to habitat and existing infrastructure and facilities as inundation proceeds.

7.25 Develop and maintain an effective telecommunication infrastructure in Marin, in accordance with existing law, that avoids adverse impacts on humans, wildlife, and the natural environment.

8.1 Reduce vehicle trips by expanding flextime, walking and biking, ridesharing, telecommuting, compressed work week, traffic information, subsidized bus pass, guaranteed ride, and similar transportation demand techniques.

8.3 Implement Intelligent Transportation Systems (ITS) that will include the following measures: (a) better traffic surveillance and faster removal of disabled vehicles when they are located in a highway or arterial bottleneck; (b) selectively applying ramp metering at on-ramps to enhance freeway traffic flow; and (c) improving real time information about “Next Bus” and travel times to allow people to schedule their travel more efficiently.

8.4 Expand shuttle bus services and satellite parking to serve popular tourist sites such as Sausalito, Fort Baker, Muir Woods, Stinson Beach, and Point Reyes National Seashore. Consider placing tourist-based shuttle bus service parking lots at the Presidio, Fisherman’s Wharf, and other locations such as the Larkspur and Sausalito ferry terminals.

8.5 Transit systems and employers should provide satellite parking and shuttle service to and from transit stations and work places as appropriate.

8.6 Expand the Safe Routes to School program and related infrastructure with the objective of reducing vehicle trips and improving safety while protecting environmental resources. Operate more school buses so as to reduce VMT during periods of peak congestion.

8.8 Wherever possible, public agencies should utilize low emission, fuel-efficient vehicles and encourage the development of new technologies and necessary infrastructure support.

8.10 Encourage construction and use of bicycle/pedestrian pathways in already-developed areas and transit centers to support non-motorized commuter travel while not negatively impacting natural resources. Construct Class I bicycle/pedestrian pathways for improved safety where possible.

8.14 Improve traffic flow design of Highway 101 interchanges with the specific purpose of promoting auto, bicycle, pedestrian, and public transit safety without impacting sensitive environmental resources, including views.

8.15 Provide well maintained bus stop facilities with safe access to park-and-ride lots and connections to other modes of transit. Landscape interchanges with drought tolerant native plantings for aesthetic and air quality purposes.

8.17 Confine aviation to the existing Gnoss Field operations for general aviation only. Any runway extension should be for safety only and not for accommodation of larger craft. Do not approve the movement of larger jets. San Rafael (Smith Ranch) Airport and the Richardson Bay Heliport and sea plane base operations should not be expanded.

8.18 Provide transit hubs that offer convenient and timely transfers among all transit modes: auto, bus, bike, pedestrian, and rail.

8.20 Intra-county transit is the most likely means of increasing transit capacity of the east-west arterials and should be expanded. Buses work well on fixed routes; shuttles and vans have flexibility and capability to be reconfigured in response to land use changes and population shifts.

8.21 Plan and integrate local transit systems and transit modes to the greatest extent possible.

8.22 San Rafael Transit Center should be designed to minimize congestion on adjoining streets and sidewalks, and insure safety of pedestrians while they are changing transit modes.

8.23 All transit vehicles should have maximum fuel efficiency and minimum GHG emissions.

- 8.25 Establish and expand bus routes that are responsive to the needs of workers, students, the elderly, and other transit-dependent population sectors and/or communities. Maintain service to West Marin.
- 8.26 Expand the ability of buses to accommodate bicycles, and encourage employers to provide secure bicycle storage, showers, and financial incentives to non-motorized commuters.
- 8.27 Expand paratransit services to meet the needs of seniors and the disabled.
- 8.29 Telecommuting should be regarded as a form of transportation and public and/or privately-owned telecommunications infrastructure to serve Marin residents should be developed.
- 8.30 Ensure that local traffic congestion and poor Level of Service (LOS) intersections do not negatively impact local residents as a consequence of high density housing.
- 8.34 Fully consider the relative effects on greenhouse gas emission of increases in the use of alternative fuel vehicles.
- 8.35 Encourage use of high efficiency vehicles and the infrastructure to support them.



**COUNCIL OF  
COMMUNITY  
HOUSING  
ORGANIZATIONS**

325 Clementina Street,  
San Francisco, CA 94103  
ccho@sfic-409.org  
415.882.0901

May 16, 2013

Amy Worth, Chair, Metropolitan Transportation Commission  
Mark Luce, President, Association of Bay Area Governments  
101 8<sup>th</sup> Street  
Oakland, CA 94604

Submitted via email: [info@onebayarea.org](mailto:info@onebayarea.org)

Subject: Comments on Draft Plan Bay Area and Draft EIR

Dear MTC Chair Worth and ABAG President Luce:

We are deeply concerned about the implications of the draft “Plan Bay Area” as it is currently proposed, and submit the following comments on the Plan and its draft Environmental Impact Report. The Council of Community Housing Organizations (CCHO) is dedicated to working for sustainable population growth and development while ensuring that existing communities remain stable, affordable and inclusive.

B32-1

Though Plan Bay Area proposes a regional vision of “smart growth,” the execution of that vision and its impacts both potentially positive and potentially deleterious happens at ground level within local jurisdictions and even more localized neighborhoods. As an overarching comment, the fact that the current draft Plan readily acknowledges that the potential for “community disruption” and displacement will increase under the proposed Plan Bay Area scenario by 71% (from 21% displacement potential under 2040 Baseline forecast to 36% displacement potential under the Draft Plan Bay Area. PBA, pg. 109, Table 2) and yet offers no substantive or enforceable mitigations, is shocking. The core premise of Plan Bay Area and smart growth in general of focusing development into urbanized areas (so-called Priority Development Areas), many of which are also identified as “communities of concern,” has since the inception of this planning process raised concerns about the unintended consequence of gentrification and displacement pressures in existing low income and working class communities and communities

The Council of Community Housing Organizations plans common actions to expand affordable housing, needed services and employment opportunities for lower-income San Franciscans. CCHO member organizations have developed over 20,000 units of affordable housing and provided thousands of construction and permanent jobs for City residents.

of color. These impacts are very real, and it would be irresponsible for the regional agencies to advance a Plan that purports to “improve” the region’s communities as population grows while that Plan simultaneously presents greater risk and uncertainty for many vulnerable communities than they already experience today under current real estate development pressures. A truly “equitable” vision for regional smart growth must be expected to address and counterbalance these known risks head on.

San Francisco alone is envisioned under the proposed Plan to accommodate 92,410 new housing units over 30 years, which is 25% of *all* the growth among the “top 15 cities” in the region and 16% of the total growth throughout the entire Bay Area (PBA, pg. 11, Table 2). Thus the potential impacts at ground level within the communities we directly work with are indisputable. These risks, however, are not just of San Francisco “uniqueness”—other communities of concern across the landscape of urban PDAs have also experienced the pressure of “hot markets” for infill development. We believe that regional policy and planning in Plan Bay Area should be well informed by this local experience.

B32-2

Plan Bay Area as proposed claims to have fully satisfied the performance target to “house 100 percent of the region’s projected population growth by income level without displacing current low-income residents.” (PBA, pg. 97). This is a curious assertion given that the displacement potential under the Plan *increases* in comparison to the baseline (ie, no project) scenario. The fundamental flaw in this pollyanish conclusion is that Plan Bay Area only *plans* for housing to accommodate projected population growth but does not offer pragmatic implementation mechanisms or funding strategies to actually achieve affordable housing performance according to those plans. The prospect of a resulting affordable housing production shortfall is a major vulnerability of the Plan because much of the environmental analysis depends on projections of housing production -- and a major component of this projected production is supposed to be affordable. The consequence of getting *actual housing production* wrong undermines the GHG reduction analysis, regional displacement analysis, etc. In other words there is a potential domino effect of incorrect analyses about the impacts of Plan Bay Area if the affordable housing production assumptions are not valid.

With San Francisco as an example, our jurisdiction is tasked to produce a total of 92,410 units over 30 years. Utilizing the Regional Housing Needs Allocations for 2014-22 (PBA, pg.57) and extrapolating those projections by household income levels for the full period of Plan Bay Area, then 38% of San Francisco’s total net-new housing production needs to be affordable to households below 80% Area Median Income. That is approximately 35,000 units of affordable housing, or an average production of 1,170 units annually. The existing track-record, however, shows that *actual* production is less than half that level—from 2001-2012 an average of 480 units of affordable housing was constructed for that household income range (see table below).

#### **San Francisco Affordable Housing units new construction 2001-2012**

|      | affordable units<br>up to 60%AMI | affordable units<br>up to 80%AMI | Total |
|------|----------------------------------|----------------------------------|-------|
| 2001 | 512                              | 0                                | 512   |
| 2002 | 792                              | 0                                | 792   |

|      |     |     |     |
|------|-----|-----|-----|
| 2003 | 211 | 33  | 244 |
| 2004 | 385 | 0   | 385 |
| 2005 | 689 | 0   | 689 |
| 2006 | 321 | 12  | 333 |
| 2007 | 512 | 20  | 532 |
| 2008 | 462 | 0   | 462 |
| 2009 | 550 | 140 | 690 |
| 2010 | 501 | 0   | 501 |
| 2011 | 140 | 21  | 161 |
| 2012 |     |     | 465 |

Source: SF Housing Inventory reports.

When the “middle income” housing needs for 80%-120% AMI households is added to the 30-year demand under Plan Bay Area, a full 57% of all new housing production in San Francisco will need to service the resident population at incomes below 120%AMI. That is a staggering assumption of the Plan and its Draft EIR analysis given the reality of historical production.

Comparing historical 480 units/year affordable housing production for 0%-80% AMI units to the Plan Bay Area’s 1,170 units/year assumptions, there could very well be a shortfall of 20,400 affordable housing units over the 30-year period, or a 59% under-performance relative to the production projections assumed in the Plan. This would mean a commensurate increase in VMTs and potential regional displacement as lower wage workers are displaced from existing housing and the growing low and moderate-wage workforce is excluded by the unaffordability of housing, and would increasingly have to commute back to San Francisco to work. Moreover, it is likely that many of these displaced workers would have worse access to transit in other communities of the region, in comparison to living in San Francisco, and so may be forced to drive.

To put this potential affordable housing production shortfall in terms of needed funding, 34,803 units of affordable housing over 30 years would require fourfold the amount of San Francisco’s recent Prop C Housing Trust Fund resources. In other words, about \$5 billion in local funds will be necessary if the full scale of affordable housing production assumed for San Francisco in Plan Bay Area is to be achieved.

This analysis for San Francisco’s “share” of regional housing production is likely not much different than what can be expected in other jurisdictions in the region faced with the challenge of meeting project housing needs under the Plan. The specter of such a housing production shortfall thus undermines the Draft EIR analysis that regional housing production will somehow moderate the potential displacement impacts noted above. If Plan Bay Area already confesses to increasing displacement risks under an assumption of achieving total projected housing needs, it is only logical to assume that displacement impact rises even more dramatically when the housing production assumptions do not become a reality.

Additional specific comments on the draft Plan and EIR fall into three primary areas of concern: 1) risks of community “disruption” and displacement of existing residents; 2) under-production of affordable housing to meet needs; 3) consequences of CEQA streamlining.

**B32-3 | 1. Risks of community disruption and displacement of existing residents.**

Under the Draft EIR section entitled “Residential or business disruption or displacement of substantial numbers of existing population and housing,” it states:

“...the development of additional housing units and commercial space in PDAs could have the long-term effect of stimulating demand by attracting new residents and businesses that are seeking improved access to transit, a tighter network of commercial markets, and other amenities. Changing development types and higher prices resulting from increased demand could disrupt business patterns and displace existing residents to other parts of the region or outside the region altogether. However, the proposed Plan seeks to accommodate the projected population and employment growth in the region, consistent with historic trends. As such, any displacement or disruption would most likely occur locally, and in general, more units and jobs would be created to replace any lost jobs and housing overall. Displacement impacts as a result of land use projects at the regional level would therefore be less than significant (LS). **No additional mitigation measures are required.**” (PBA DEIR, pg. 2.3-35. Emphasis added).

The conclusion here that displacement impacts at a local level are essentially insignificant as long as a new location for the business or household displaced is accommodated somewhere within the Bay Area region is terribly flawed and serves only to mask the community-scale impacts of intensified development induced by Plan Bay Area.

**B32-4 |** Given the long-term significance of the impacts identified in this section, the mitigation measures proposed are totally insufficient at addressing real concerns by focusing primarily on construction impacts and pedestrian safety. Further substantive measures are needed in order to fully address these risks.

**B32-5 | Plan Bay Area revisions/Mitigations needed:**

-- Identify and obligate or incentivize actionable local measures to mitigate the identified long term impacts from disruption and displacement in existing communities as a result of Plan Bay Area.

**B32-6 |** -- State level reforms must be identified to re-instate and/or strengthen tenant protection and anti-displacement tools for local jurisdictions in the wake of impacts from the Costa Hawkins Act, the Ellis Act, the Palmer decision on Inclusionary law, Redevelopment dissolution, etc.

**B32-7 |** -- Identify and incentivize preservation strategies that can ensure protection of existing affordable housing in communities susceptible to gentrification and displacement pressures.

**B32-8 | 2. Under-production of affordable housing to meet needs.**

As noted previously, the Plan Bay Area claims to have fully satisfied the performance target to “house 100 percent of the region’s projected population growth by income level without displacing current low-income residents.” A simplified breakdown of housing needs from the RHNA indicates that we need to produce approximately the same amount of low-income housing as market-rate housing (40% each), and 20% median-income housing. Almost 40,000 of



those units will need to be affordable to households at 80%AMI and below. That is proportional to four times the funding recently secured by San Francisco's Proposition C Housing Trust Fund, and four times as much as the historical annual production of low-income housing. Moreover, while San Francisco has a robust inclusionary housing policy of 12% on-site units for median income residents, many developers choose to fee out, and historical production for those below-market-rate units has been far below the RHNA goals of 20% units targeted to 80%-120% AMI households.

Plan Bay Area revisions/Mitigations needed:

-- Identify reliable dedicated sources for achieving affordable housing production goals as assumed in Plan Bay Area.

-- A principle of 1 to 1 replacement of all low-income housing displaced by TOD development and relocation either on-site or within the local community at an affordable rent of all low-income households directly displaced.

-- An analysis of how to link overall housing production to creation of new affordable housing for very-low, low and moderate-income needs so as to counterbalance the risks of disruption and displacement and in order to achieve RHNA goals.

B32-9

### 3. Consequences of CEQA streamlining on ensuring high-quality development and minimizing displacement impacts.

The impacts of "Transit Priority Project" Streamlining are particularly concerning for us given that the entire City of San Francisco would be eligible for CEQA exemption at the project level (PBA, pg. 59, Map 5). Pre-empting local land use planning processes and project-level entitlement processes undermines local communities' ability to ensure high-quality development. In the context of the identified displacement impacts in the Draft EIR and the highly-probable under-performance of affordable housing production assumed in the Draft EIR, this proposed reduction in scrutiny of development projects could further exacerbate those "disruptive" impacts to existing communities.

B32-10

The Draft EIR states:

"...where projects taking advantage of CEQA Streamlining provisions of SB375 (Public Resources Code sections 21155.1, 21155.2, and 21159.28) must apply the mitigation measures, as feasible, to address site-specific conditions. **MTC/ABAG cannot require local implementing agencies to adopt mitigation measures, and it is ultimately the responsibility of a lead agency to determine and adopt mitigation.** Therefore if this EIR finds that it cannot be ensured that a mitigation measure would be implemented in all cases, impacts would remain significant." (PBA DEIR, pg. 1.1-3. Emphasis added).

If the Draft EIR finds that the only way to mitigate the displacement impacts of Plan Bay Area's CEQA streamlining provisions is through mitigation measures that MTC/ABAG cannot require, then it should make the implementation of CEQA streamlining be specific to each locality and conditional upon the following criteria:

-- eligibility for project-level TPP CEQA streamlining should be conditioned upon the project demonstrating mitigation of any local disruption or displacement impacts, including adoption of locally-enforceable mitigation measures identified in the EIR.

B32-11

-- eligibility for project-level TPP CEQA streamlining should also be conditioned upon satisfactory performance toward affordable housing production by the local jurisdiction in direct relationship to RHNA goals. That should include local identified sources of funding and/or sufficient inclusionary housing obligations to meet the affordable housing production goals for projected job growth at all income levels as identified in the EIR

B32-12

The “EEJ” alternative analyzed in the Draft EIR reduces negative impacts by limiting CEQA streamlining, and is thus a good starting point as a superior approach to the proposed Plan Bay Area scenario. However, it alone is not enough, and limits on CEQA streamlining must also be coupled with anti-displacement and affordable housing production measures as outlined above.

We ask that you direct staff to address these critical concerns in substantive improvements to the draft Plan Bay Area before it is brought to the full MTC and ABAG decision makers for adoption.

Sincerely,

The image shows two handwritten signatures in blue ink. The first signature on the left is 'Fernando Martí' and the second signature on the right is 'Peter Cohen'. Both signatures are followed by horizontal lines indicating the end of the signature.

Fernando Martí and Peter Cohen  
for the Council of Community Housing Organizations

## Transportation Solutions Defense and Education Fund

P.O. Box 151439 San Rafael, CA 94915 415-331-1982

B33

May 15, 2013  
By E-Mail

Amy Worth, Chair  
Metropolitan Transportation Commission  
101 Eighth Street  
Oakland, CA 94607

Re: 2013 SCS DEIR Comments

Dear Ms. Worth:

The Transportation Solutions Defense and Education Fund, TRANSDEF, is an environmental non-profit advocating the regional planning of transportation, land use and air quality at MTC for the past twenty years. We are pleased that, in its first Sustainable Communities Strategy, MTC is no longer planning most of the region's growth to be sprawl on the fringes of the region.

The front page of today's *Chronicle* announces the release of *A New Direction*. (Attachment H.) This U.S. PIRG study captures a profound change in travel preferences, in which millennials drive much less than past generations. This study suggests that agencies like MTC need to recognize a much greater degree of uncertainty in their assumptions about the future, including the magnitude of growth in travel demand for different modes.

MTC should now stop facilitating Single-Occupant Vehicle (SOV) travel. Investing in Express Lanes diverts resources from viable alternatives to SOV travel while merely delaying inevitable gridlock. The public and MTC's own environmental review support shifting funding away from the highway projects in the Proposed Plan.

Atmospheric CO<sub>2</sub> levels reached 400 ppm this week, an event unprecedented in the human habitation of this planet. Reducing GHG emissions from transportation is critical to our state's future, as motor vehicles are the largest GHG-emissions generating sector in California. The Draft 2013 Regional Transportation Plan/Sustainable Communities Strategy (SCS), also known as Plan Bay Area, is an inadequate response to that challenge.

## Introduction

The legislative findings for SB 375 identify that:

...greenhouse gas emissions from automobiles and light trucks can be substantially reduced by new vehicle technology and by the increased use of low carbon fuel. However, even taking these measures into account, it will be necessary to achieve **significant additional** greenhouse gas reductions from changed land use patterns and improved transportation. Without improved land use and transportation policy, California will not be able to achieve the goals of AB 32. (Chapter 728, Statutes of 2008, Section 1(c) and (i), emphasis added.)

The Draft 2013 Regional Transportation Plan/Sustainable Communities Strategy will result in:

- an 18% **overall increase** in transportation GHG emissions between 2010 and 2040.<sup>1</sup>
- a 28% **overall increase** in land use GHG emissions between 2010 and 2040.<sup>2</sup>

The addition of the Scoping Plan measures (new vehicle technology and low-carbon fuel) implemented by the Air Resources Board, will reduce emissions enough to create:

- a net 19% reduction in transportation GHGs by 2040.<sup>3</sup>
- a net 12% reduction in land use GHG emissions between 2010 and 2040.<sup>4</sup>
- a net 15% reduction in total regional GHG emissions between 2010 and 2040.<sup>5</sup>

Because the SCS does not reduce 2040 regional GHG emissions apart from reductions from Scoping Plan measures, the SCS violates the legislative intent of SB 375.\* The SCS will interfere with the state's goal of an 80% reduction below 1990 GHG emissions by 2050.

Had the SB 375 GHG emissions reduction targets required an **actual** reduction in GHGs, that would have forced MTC to use its financial resources strategically, in sharp contrast to its past practice. As the mode share chart<sup>6</sup> shows, over a twenty year period, nothing has changed in Drive Alone or Transit mode shares. Carpooling and Walking

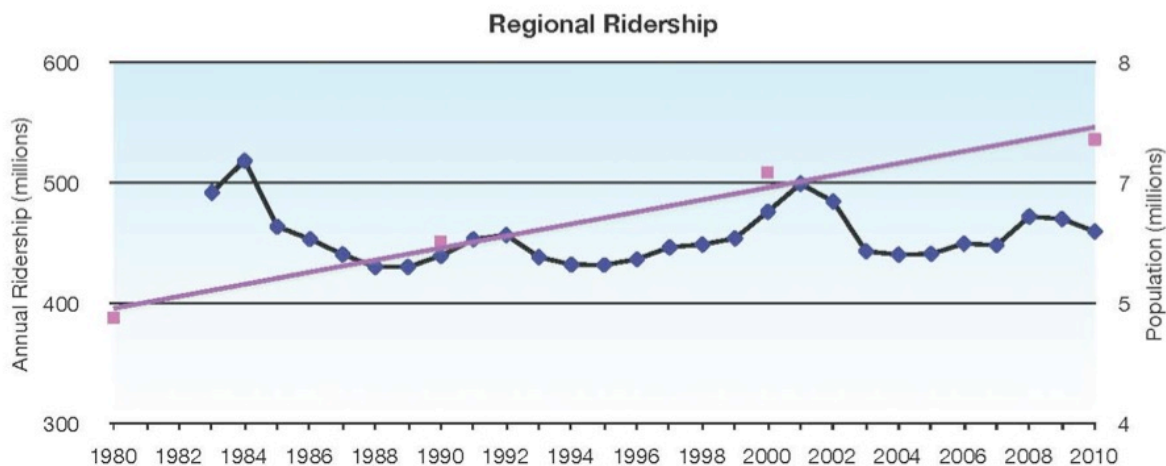
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\* TRANSDEF objected strenuously to ARB's adoption of regional emissions reduction targets recommended by the MPOs including MTC, because it was obvious then that the "GHG emissions reduction targets" would result in actual GHG emissions **increases**. TRANSDEF acknowledges that the SCS per capita GHG reduction achieves the regional emissions reduction target set by ARB, Criterion 1. However, the Bay Area's projected 30% increase in population (p. 3.1-11) will overwhelm the modest 18% per capita transportation GHG reductions (p. 2.5-50), making that reduction meaningless from a climate change perspective.

have declined. Work at Home has doubled, but not because of MTC. Bike access has improved, but that started from a very low base.

Over the past thirty years, MTC has failed to increase transit ridership. (see Regional Ridership chart below. The blue line is annual ridership while the magenta is population.) These two charts demonstrate MTC's inability and/or unwillingness to create a meaningful alternative to solo driving.

In 2001, TRANSDEF litigated MTC's failure to implement TCM 2, a commitment to a 15% increase in regional transit ridership, based on 1982 levels. TRANSDEF and its coalition received a court ruling declaring that MTC had failed to implement TCM 2, and ordering MTC to fulfil its commitment. This decision was later overturned on appeal. Despite a substantial increase in population and many billions of dollars spent on BART extensions, regional transit ridership<sup>7</sup> on the six largest operators has actually fallen since 1982. More than anything else, this chart demonstrates that MTC has no institutional discipline requiring it to achieve results when deploying financial resources.



### The GHG Impact Analysis

While the DEIR's analysis of GHG emissions is far more orderly and clear than SCAG's, for example, it is still inadequate, both in its criteria and its impact analysis conclusions. It fails to clearly distinguish between statewide level and the regional level requirements, and fails to maintain a clear distinction as to which emissions sectors are being counted. Key data are missing that are needed to tie all measurements together to a single point for analysis. For starters, a table of regulatory requirements and another with the performance of the SCS would be helpful. (See Attachments A and B.)

### Scoping Plan

The DEIR failed to demonstrate project consistency with the Scoping Plan's 2020 target of 427 MMTCO<sub>2</sub>e (the 1990 Level).<sup>8</sup> TRANSDEF's analysis is that 21 MMTCO<sub>2</sub>e of reductions are needed to attain the target, starting from the 2010 GHG inventory level of 448 MMTCO<sub>2</sub>e.<sup>9</sup> The Scoping Plan statewide measures for mobile sources, waste, electricity and natural gas sectors total 97.4 MMTCO<sub>2</sub>e (see Attachment D), or 56% of the total Scoping Plan measures. This results in a need for a statewide reduction of 11.8

MMTCO<sub>2</sub>e in these sectors (56% of 21; see Attachment C), which in turn is a 2.6% reduction from the 2010 levels in those sectors. While there are no numeric 2020 data in the EIR, a chart suggests that the 2020 regional GHG emissions in these sectors will be roughly 46.4 MMTCO<sub>2</sub>e,<sup>10</sup> a 4.9% reduction from 2010 levels. The SCS is therefore consistent with the Scoping Plan's 2020 target.<sup>†</sup>

#### Criterion 2

Even with the acknowledged need to update the Scoping Plan, the DEIR analyses for 2040 and 2050 are problematic. For 2040, the GHG threshold of significance, Criterion 2, is legally inadequate. The selection of a 'net increase over 2010 GHG levels'<sup>11</sup> as the CEQA threshold of significance for 2040 is arbitrary, capricious and inconsistent with state law. First, as cited from SB 375 *supra*, the region is clearly expected to significantly reduce emissions. Second, a very challenging numeric 2050 target was set by Executive Order S-3-05.<sup>12</sup> While the DEIR claims that MTC is not responsible for implementing the Executive Order,<sup>13</sup> as the legislatively appointed Metropolitan Planning Organization for the Bay Area, MTC is required to operate within the state's policy framework. Under Criterion 2, maintaining level emissions from 2010 to 2040 would result in a finding of No Adverse Impact. That would clearly be contrary to the state's GHG regulatory framework, including SB 375 and Executive Order S-3-05.

Reducing GHG emissions 80% below 1990 levels results in a statewide 2050 target of 85 MMTCO<sub>2</sub>e. This, in turn, is an 81% reduction below 2010 levels. A trendline is needed on Figure 2.5-8, indicating what an 81% reduction looks like. For the mobile sources, waste, electricity and natural gas sectors, a reduction like that would result in total regional 2050 emissions of 9.3 MMTCO<sub>2</sub>e. Compared to such a trendline, it is obvious that the SCS is not doing anywhere near enough to reduce future GHGs.

The FEIR should carefully evaluate the entirety of this data, and make a reasoned determination of the appropriate threshold of significance for Criterion 2, supported by substantial evidence. Clearly, a 0% reduction below 2010 is too low a target for 2040, while an 81% reduction would be too high. The project's emissions reductions would then be compared to that threshold, most likely resulting in a potentially significant impact, for which mitigation strategies would need to be offered.

Rather than wait another 20 years or so to think further about the 2050 target, impacts on the region will be cumulatively less if the region were to proceed with a steeper reductions trendline now. Because such emissions reductions are both compounded by the network effect and cumulative over time, early reductions are much more beneficial than later ones. This was the rationale behind SB 375: change the pattern of land development to lock in lower per capita VMT before 2020, to avoid locking in more

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<sup>†</sup> Upon reviewing ARB's GHG Inventories, it became clear that statewide GHG emissions have already peaked in California, and are now heading downwards, probably because of the 2008 economic downturn. (See Attachment E.) If this trend continues, the Scoping Plan's 2020 Business as Usual GHG emissions projection of 596 MMTCO<sub>2</sub>e (p. 2.5-25) will never be reached. (See linear BAU trendline projection to 2020 on Attachment E.)

Business as Usual development later. More change sooner will make the transition to a low-carbon future less disruptive.

### Criterion 3

TRANSDEF's criticism of the Criterion 3 analysis<sup>14</sup> builds from its criticism of the Criterion 2 analysis. In particular, the following determination as to whether the project would substantially impede the attainment of 2050 goals is a *non sequitur*:

While modeling may not be able to show achievement of an 80 percent reduction today, given the overall downward trajectory beyond 2040, which indicates that implementation of the proposed Plan would not impede achievement of executive order goals, the impact is considered less than significant (LS).<sup>15</sup>

No evidence is offered in support of the allegation that "implementation of the proposed Plan would not impede achievement of executive order goals." Claiming that new technologies and measures will be available by 2050 is mere conjecture. Figure 2.5-7<sup>16</sup> purportedly demonstrates the SCS will not impede. However, even a cursory examination of the chart discloses less than a 20% per capita reduction from 2010 to 2050, a reduction that will be totally offset by population growth. It is not evidence of anything. (These per capita figures are inappropriate for this analysis, as the Executive Order goals refer to total emissions, not per capita emissions.) The finding of No Adverse Impact was in error. The FEIR must acknowledge that the SCS has a Potentially Significant Impact under Criterion 3.

### Criterion 4<sup>17</sup>

The 18% increase in regional transportation GHG emissions<sup>18</sup> over the life of the SCS (prior to Scoping Plan measures) discussed in the Introduction, *supra*, is evidence that implementation of the SCS would be in direct conflict with the GHG emission reduction goals of SB 375. The FEIR must acknowledge that the SCS has a Potentially Significant Impact under Criterion 4, even though there is No Adverse Impact under Criterion 1, the SB 375 per capita GHG emissions goals.

MTC proposed its own per capita emissions reduction targets, and submitted them to ARB. Because they were lower than the rate of population growth, MTC put itself in direct conflict with the goals of SB 375.

The calculations demonstrating the 2020 attainment of Scoping Plan goals, *supra*, need to be part of the analysis of Criterion 4 impacts in the FEIR.

The FEIR should evaluate the 6.6 MT per SP per year threshold of significance recommended by BAAQMD for analyzing plan level impacts.<sup>19</sup>

### Miscellaneous

Please provide the definitions of MMTCO<sub>2</sub>e and MTCO<sub>2</sub>e, perhaps by linking them with a footnote to Table 2.5-1, where they are first introduced.



It appears that the graphing of Figures 3.1-1<sup>20</sup> and 3.1-2<sup>21</sup> is incorrect. Straight lines are extended from the 2010 to 2040 segments back to 1990. This has the bizarre effect of showing the region's historic GHG emissions as being dependent on the choice of an alternative years in the future. Unless 1990 regional GHG emissions can be verified in the FEIR, these straight-line extrapolations should be eliminated.

On p. 2.5-50, the DEIR claims that "The proposed plan also results in an increase in the share of trips that are made by transit and by walking, while drive alone trips are expected to decline." No mode share data is presented to substantiate those claims.

### **Regional Express Lanes Network**

The SCS documents are inconsistent in their characterization of the so-called Regional Express Lane Network Project, RTPID 240741. This project appears in the draft Air Quality Conformity Analysis as operational by 2040 and regionally significant. The only mention of cost in the Regional Express Lane Network section of Plan Bay Area is for \$600 million. (p. 82.) Appendix C displays no construction funding for HOT lanes, yet there is \$600 million in discretionary funds in RTPID 240732 for something called "Grant Funding." These data stand in conflict with those for RTPID 240732, hidden away in an obscure database (<http://www.bayarea2040.com/public/default.aspx>) called Plan Bay Area Project Search. The 5/1/13 printout shows the project will not be operational by 2040, and has no discretionary funds. These discrepancies cast doubt on the entire SCS analysis process, as this database appears to be the master source for the conformity analysis, financial reporting, travel demand modeling and Appendix C.

Worse yet, the database shows a cost of \$6.7B for RTPID 240741, but neither the regional significance box nor a project completion date is checked, implying that this project is not moving forward. However, it is allegedly included in SCS Alternatives 2, 3 and 4. With the documents available to the public, it is impossible to definitively determine whether the biggest single project in the SCS, Express Lanes, is alive or dead.

### **Transportation Impact Analysis**

After extended deliberation and public input, MTC formally adopted these SCS 2040 performance targets for transportation:

Target 9a: Increase non-auto mode share by 10 percentage points (to 26% of trips).

Target 9b: Decrease automobile vehicle miles traveled (VMT) per capita by 10 percent.<sup>22</sup>

However, instead of using these targets as its thresholds of significance, the DEIR ignored mode share entirely, and adopted a different threshold than Target 9b as Criterion 4 : "A substantial increase in per capita VMT compared to existing conditions. A substantial increase in per capita VMT is defined as greater than 5 percent."<sup>23</sup>

CEQA gives the lead agency the discretion to select thresholds of significance, but there must be a rational basis for significance determinations. In this instance, the performance targets were selected as part of a comprehensive planning effort to avoid future adverse environmental and social impacts. These targets were not a means to optimize future benefits. Not achieving these targets would mean that future adverse

impacts would be worsened. Because mode share and VMT were readily available as outputs from the model, these two targets should have been DEIR impact criteria.

The DEIR fails its function as a public information document because it restricts the public's right to know and comment on the failure of the SCS to meet explicit lead agency goals. The selection of thresholds that ignored the policy context for the SCS--the region's need to increase non-auto travel and to reduce VMT per capita--was arbitrary and capricious, and a blatantly improper attempt to avoid a finding of an unavoidable significant impact. The Impact Analysis for the Transportation section of the DEIR is legally inadequate. There is no legal justification for avoiding the process of public comment under CEQA.

Even though Target 9a explicitly required calculating mode share, we were unable to find any results reported in the DEIR. This is inconsistent with 20 years of MTC's EIR practice. Plan Bay Area reported only a 4 percentage point increase was achieved.<sup>24</sup> The SCS resulted in a 2040 per capita VMT decrease of 6%,<sup>25</sup> which was reported in Plan Bay Area as a 9% decrease.<sup>26</sup> No matter which of these results was more truthful, both failed to reach the 10% Target 9b. Although these performance targets were evaluated in the Plan Bay Area document, their omission from the DEIR appears to be the burying of bad results.

As discussed in detail in *A New Direction* (Attachment H), the future of VMT growth is quite uncertain. Figure 9 on page 30 displays the historic trend for VMT, along with three future scenarios: Back to the Future, Enduring Shift, and Ongoing Decline. What VMT growth assumptions are built into MTC's travel demand model? Has the model been accurate in backcasting the decline in VMT since 2004? Is there any reason to have confidence in the model's projections if future travel demand remains lower than the historic trend?

Finally, the transportation analysis excludes intrazonal travel.<sup>27</sup> We are concerned that this distorts the overall results and fails to provide the fine-grained detail needed to evaluate the multimodal performance of PDA policy sets.

### **Feasible Mitigations**

Had the Criterion 2 significance threshold been set properly, the DEIR would have identified the 15% reduction of GHG emissions in 2040 relative to 2010<sup>28</sup> as a significant unavoidable impact, because it will interfere with attaining the state's adopted goal of an 80% reduction by 2050.

Had the Criteria 3 and 4 analyses been done properly, the DEIR would have identified the 20.5% reduction of GHG emissions in 2050 relative to 2010<sup>29</sup> as a significant unavoidable impact, because it will interfere with attaining the state's adopted goal of an 80% reduction by 2050, and with the Scoping Plan's emissions reduction goals.

The draft SCS had other significant impacts:

“Congested per capita VMT would increase by 29 percent during the AM peak hours, by 71 percent during the PM peak hours, and by 51% for the day as a whole. These

roadway traffic service levels reflect the impact of total VMT growth far exceeding the growth of roadway capacity.”<sup>30</sup>

In addition, had the impact criteria been legally adequate (see Transportation Impact Analysis, *infra.*), there would have been two additional significant impacts: a failure to reduce per capita auto VMT by 10% (only a 6% reduction was achieved<sup>31</sup>) and a failure to increase non-auto mode share by 10 percentage points (only a 4 percentage point increase was achieved<sup>32</sup>).

CEQA mandates that agencies not approve projects that will do significant environmental damage if mitigation is available and feasible. (Public Resources Code, §§ 21002, 20181(a); *City of Marina v. Board of Trustees of the California State University* (2006) 39 Cal.4th 341, 361-62.) TRANSDEF identifies the following mitigations as available and feasible:

1. Alternative 5, the Environment, Equity, and Jobs Alternative (EEJ), has the lowest Daily VMT<sup>33</sup> of the alternatives. It would have had the lowest per capita Daily VMT, had the analysis<sup>†</sup> not artificially lowered the population.<sup>34</sup> It is clear that the model validated the premise that VMT could be reduced by increasing the supply of local bus transit and deferring the construction of additional highway facilities. Therefore, those elements of the the EEJ Alternative must be moved into the Final SCS.
2. In addition to reducing VMT, the EEJ alternative had the lowest 2040 transportation GHG emissions<sup>35</sup> and the lowest total regional GHG emissions<sup>36</sup> of all the alternatives. These results strengthen CEQA's mandate requiring the selection of the least impactful alternative.
3. The EEJ's Vehicles In Use is 1.6% lower than that of the Proposed Plan.<sup>37</sup> (The DEIR does not explain how this term is different from Auto Ownership, or why EEJ would have a 1% higher Average Vehicles per Household.<sup>38</sup>) Because the availability of a vehicle is one of the most important determinants of mode choice, any other elements of EEJ that influence auto ownership must be moved into the Final SCS.
4. Because car sharing is a direct method of supporting lower auto ownership, the Final SCS should contain additional policies that support car sharing. OBAG grants could be conditioned on the adoption of rules requiring a minimum number of car sharing spaces in new projects within PDAs, and on PDA streets.
5. The SCS contains committed highway capacity expansion projects as well, including elements of the Regional Express Lane Network. Given the success of the EEJ in reducing projected VMT and GHGs, the FEIR must study an alternative that eliminates all highway capacity-increasing projects that are not yet under contract, and compare the trade-offs with other alternatives.

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<sup>†</sup> To be credible, any change in assumptions significant enough to change the impact ranking order for alternatives must be demonstrated, in the DEIR, to be non-arbitrary.

6. The BART Berryessa to Santa Clara extension is shown in the SCS as having a Benefit/Cost ratio of 5, with a price tag of \$4.094 billion.<sup>39</sup> Given that the Van Ness Avenue BRT is able to achieve a B/C of 6 for only \$140 million,<sup>40</sup> this analysis is asserting that the BART extension produces 29 times the benefits of the BRT project. TRANSDEF finds this result unbelievable. As demonstrated above, MTC's transit investments over the past 30 years have failed to increase regional transit ridership. That history of over-promised benefits is a strong evidentiary basis for seriously doubting this benefit calculation. Because of the extraordinary cost of this project and MTC's historic failure to achieve transportation results, the FEIR must test an alternative that excludes this BART project. It is feasible to shift the funding proposed for this project, as it is not under contract. Eliminating the most expensive project and shifting the funds to smaller unfunded transit projects that are cost-effective should benefit a much larger transit-riding population, thereby reducing the significant adverse impacts of the draft SCS.
7. RTPID 94525 discloses \$43.5 billion for BART's capital and operations, while RTPID 94636 discloses \$49 billion for Muni's capital and operations.<sup>41</sup> These two exceptional outlays demand close MTC supervision, as they represent a very large share of the region's resources. Given the past 30 years failure to achieve meaningful statistical results, MTC must develop an oversight plan to ensure that these extraordinary sums achieve maximum reduction of significant impacts, and achieve maximum benefits for the region.
8. Funds saved through the cancellation of projects described above could be reprogrammed as additional transit operations funding to support the EEJ program (via a swap with a sales tax agency like LACMTA, if a change in the color of money is needed), or additional OBAG funding to support PDA infrastructure.

TRANSDEF proposed a similar program in its 2005 Smart Growth Alternative.<sup>42</sup> It excluded the BART Extension to San Jose via Warm Springs, the Central Subway and all highway expansions. In their place was a broad network of Rapid Buses, with commuter rail in the North Bay. The FEIR found it to be the Environmentally Superior Alternative, and demonstrated that the approach reduced VMT and provided the most benefits to low-income communities. Its program could readily serve as a source of mitigation projects.

In addition, TRANSDEF proposes as feasible mitigations the series of mitigations adopted by SCAG for its SCS, making those mitigations feasible by definition. Attachment F to these comments is the Appendix G that was adopted by SCAG as part of its SCS Final EIR. The GHG and Transportation measures excerpted below from Attachment F will be the ones most relevant for MTC. Appendix G was intended to provide local jurisdictions with a list of mitigations to consider, when adopting local projects.

Because SB 375 preserved local jurisdictions' land use autonomy, the accomplishment of regional GHG emissions reductions is dependent on the voluntary actions of many

decisionmakers, requiring incentives. TRANSDEF urges MTC to select elements from Appendix G for a carefully constructed set of prerequisites to qualify local jurisdictions for the receipt of OBAG funds.

Please note that SCAG was overly solicitous of the autonomy concerns of local jurisdictions, and phrased each proposed mitigation with a “may.” This approach lacked the needed reminder that lead agencies are required under CEQA to adopt all feasible mitigations, in an enforceable effort to reduce impacts to the maximum extent feasible.

TRANSDEF suggests the following measures from the Attorney General’s list:

- Adopt a comprehensive parking policy that discourages private vehicle use and encourages the use of alternative transportation
- Build or fund a major transit stop within or near development
- Provide public transit incentives such as free or low-cost monthly transit passes to employees, or free ride areas to residents and customers
- Incorporate bicycle lanes, routes and facilities into street systems, new subdivisions, and large developments
- Require amenities for non-motorized transportation, such as secure and convenient bicycle parking.

**GHG2:** Project sponsors may require Best Available Control Technology (BACT) during construction and operation of projects, including:

- a) Solicit bids that include use of energy and fuel-efficient fleets;
- b) Solicit preference construction bids that use BACT, particularly those seeking to deploy zero- and/or near-zero emission technologies;
- c) Employ use of alternative fueled vehicles;

**TR12:** Project sponsors of a commercial use may submit to the Lead Agency (or other appropriate government agency) a Transportation Demand Management (TDM) plan containing strategies to reduce on-site parking demand and single occupancy vehicle travel. The sponsor may implement the approved TDM plan. The TDM should may include strategies to increase bicycle, pedestrian, transit, and carpools/vanpool use. All four modes of travel may be considered. Strategies to consider include the following:

- Inclusion of additional bicycle parking, shower, and locker facilities that exceed the requirement
- Construction of bike lanes per the prevailing Bicycle Master Plan (or other similar document)
- Signage and striping onsite to encourage bike safety
- Installation of pedestrian safety elements (such as cross walk striping, curb ramps, countdown signals, bulb outs, etc.) to encourage convenient crossing at arterials
- Installation of amenities such as lighting, street trees, trash and any applicable streetscape plan.
- Direct transit sales or subsidized transit passes
- Guaranteed ride home program
- On-site carpooling program
- Distribution of information concerning alternative transportation options
- Parking spaces sold/leased separately

- Parking management strategies; including attendant/valet parking and shared parking spaces

**TR43:** Transit Funding: Local jurisdictions may prioritize transportation funding to support a shift from private passenger vehicles to transit and other modes of transportation, including:

- Give funding preference to improvements in public transit over other new infrastructure for private automobile traffic;
- Before funding transportation improvements that increase roadway capacity and VMT, evaluate the feasibility and effectiveness of funding projects that support alternative modes of transportation and reduce VMT, including transit, and bicycle and pedestrian access.

**TR67:** Parking Policy: Local jurisdictions may adopt a comprehensive parking policy to discourage private vehicle use and encourage the use of alternative transportation by incorporating the following:

- Reduce the available parking spaces for private vehicles while increasing parking spaces for shared vehicles, bicycles, and other alternative modes of transportation;
- Eliminate or reduce minimum parking requirements for new buildings;
- “Unbundle” parking (require that parking is paid for separately and is not included in the base rent for residential and commercial space);
- Use parking pricing to discourage private vehicle use, especially at peak times;
- Create parking benefit districts, which invest meter revenues in pedestrian infrastructure and other public amenities;
- Establish performance pricing of street parking, so that it is expensive enough to promote frequent turnover and keep 15 percent of spaces empty at all times;
- Encourage shared parking programs in mixed-use and transit-oriented development areas.

TRANSDEF appreciates this opportunity to comment on the 2013 SCS DEIR. We would be pleased to assist in the development of any of the ideas suggested herein.

Sincerely,

/s/ DAVID SCHONBRUNN

David Schonbrunn,  
President

Copies

Lisa Trankley, DOJ

Doug Ito, ARB

Jack Broadbent, BAAQMD

Steve Heminger, MTC

Ezra Rapport, ABAG

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- <sup>35</sup> 3.1-59  
<sup>36</sup> 3.1-61  
<sup>37</sup> 2.1-38 [sic. --should be 3.1-38]  
<sup>38</sup> 3.1-11  
<sup>39</sup> Plan Bay Area, p. 113  
<sup>40</sup> *Id.*  
<sup>41</sup> DEIR Appendix C, p. C-2  
<sup>42</sup> See 2005 RTP FEIR.



Attachments

- A- GHG Emissions Reduction Targets
- B- SCS Performance Re: Targets
- C- Scoping Plan Targets
- D- Scoping Plan Measures Not Included in Regional Totals
- E- CA GHG Emissions
- F- SCAG SCS FEIR Appendix G
- H- *A New Direction*, U.S. PIRG, 2013

DEIR Page References, unless otherwise noted:

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- <sup>1</sup> 2.5-55
  - <sup>2</sup> 2.5-53
  - <sup>3</sup> 2.5-55
  - <sup>4</sup> 2.5-54
  - <sup>5</sup> 2.5-56
  - <sup>6</sup> 2.1-15
  - <sup>7</sup> Data from Statistical Summary of Bay Area Transit Operators, MTC, various years.
  - <sup>8</sup> Adopted Scoping Plan, Air Resources Board, 2008; p. 5
  - <sup>9</sup> [http://www.arb.ca.gov/cc/inventory/data/tables/ghg\\_inventory\\_ipcc\\_00-10\\_sum\\_2013-02-19.pdf](http://www.arb.ca.gov/cc/inventory/data/tables/ghg_inventory_ipcc_00-10_sum_2013-02-19.pdf) and [http://www.arb.ca.gov/cc/inventory/archive/tables/ghg\\_inventory\\_ipcc\\_90\\_04\\_sum\\_2007-11-19.pdf](http://www.arb.ca.gov/cc/inventory/archive/tables/ghg_inventory_ipcc_90_04_sum_2007-11-19.pdf)
  - <sup>10</sup> 2.5-59
  - <sup>11</sup> 2.5-41
  - <sup>12</sup> 2.5-24
  - <sup>13</sup> *Id.*
  - <sup>14</sup> 2.5-57
  - <sup>15</sup> 2.5-60
  - <sup>16</sup> 2.5-58
  - <sup>17</sup> 2.5-60
  - <sup>18</sup> 2.5-55
  - <sup>19</sup> CEQA Air Quality Guidelines, BAAQMD, June 2010, p. 9-3
  - <sup>20</sup> 3.1-63
  - <sup>21</sup> 3.1-64
  - <sup>22</sup> Plan Bay Area, p. 103
  - <sup>23</sup> 2.1-23
  - <sup>24</sup> Plan Bay Area, *Id.*
  - <sup>25</sup> 2.1-28
  - <sup>26</sup> Plan Bay Area, *Id.*
  - <sup>27</sup> 2.1-28, FN 2
  - <sup>28</sup> 2.5-56
  - <sup>29</sup> 2.5-59, interpolated from Figure 2.5-8
  - <sup>30</sup> 2.1-32
  - <sup>31</sup> 2.1-28
  - <sup>32</sup> Plan Bay Area, *Id.*
  - <sup>33</sup> 3.1-24
  - <sup>34</sup> 3.1-29, FN 3



Plan Bay Area 2040 Final Environmental Impact Report  
**CITIZENS COMMITTEE TO COMPLETE THE REFUGE**

453 Tennessee Lane, Palo Alto, CA 94306

Tel: 650-493-5540

www.cccrrefuge.org

cccrrefuge@gmail.com

May 16, 2013

One Bay Area

Association of Bay Area Governments

Metropolitan Transportation Commission

info@OneBayArea.org

RE: Comments on *Draft Plan Bay Area - Strategy for a Sustainable Region*

Citizens Committee to Complete the Refuge appreciates the opportunity to comment on the Draft Plan Bay Area. The Citizens Committee to Complete the Refuge (CCCR) has a long-standing interest in the protection, restoration, and acquisition of San Francisco Bay wetlands; therefore, our comments will focus on how the Plan impacts lands along the edges of the Bay.

CCCR was originally formed in 1965 by a group of citizens who became alarmed at the degradation of the Bay and its wetlands. We joined together, and with the support of Congressman Don Edwards, requested that Congress establish a wildlife refuge. The process took seven long years and in 1972 legislation was passed to form the San Francisco Bay National Wildlife Refuge, the first national wildlife refuge in an urban area. In 1988, Congress authorized expansion of the refuge boundary to potentially double the original size. Our membership is approximately 2,000 people and we have the support of 40 local and national organizations-- including open space advocates, hunters and environmental groups.

CCCR applauds elements of the Draft Plan Bay Area that help reduce greenhouse gas emissions and tie regional transportation funding to future growth in already-urbanized areas; however, we believe the Plan falls short of its goal to ensure that important regional open space lands and wildlife habitats are actually protected from future development.

Throughout the Plan document, preservation of open space and natural environments is mentioned repeatedly as a Plan objective and an expected outcome of Plan implementation. In fact, under "Comprehensive Objectives for Plan's Land Use Pattern" (page 42), one of the objectives listed states:

*4) Protect the region's unique natural environment*

*The Bay Area's greenbelt of ag, natural resource and open space lands is a treasured asset that contributes to residents' quality of life and supports regional economic development.*

Based on information in the Introduction section of the Plan document, each Priority Development Area (PDA) and Priority Conservation Area (PCA) identified by local governments through the Association of Bay Area Governments' FOCUS program "form the implementing framework for Plan Bay Area". PDAs and PCAs are meant to complement one another "because development within PDAs takes development pressure off the region's open space and ag lands". The Plan defines PCAs as "regionally significant open spaces for which there exists broad consensus for long-term protection but nearer-term development pressure".

Unfortunately, this basic PDA/PCA framework was established through a fundamentally flawed process that has left some of the Bay Area's more important natural habitats unprotected from increasing threats from urban development. The Plan document describes the formation of Plan Bay Area as a transparent, deliberative process, during which "public input was sought at every step of the way". In sharp contrast, the inclusion or omission of a particular conservation area for designation in the Plan was entirely at the discretion of local government officials. Essentially, this policy allows a local jurisdiction to disregard broad regional support for conservation and still receive regionally funded transportation dollars.

B34-1

Because of this ABAG policy, baylands and wildlife habitats identified and documented by scientists and federal, state and regional resource agencies as being regionally significant to the health of the San Francisco Bay Estuary never made the list - baylands that also face imminent threats of urban development. Specific important sites for protection and restoration are well documented in the report, *Baylands Ecosystem Habitat Goals* - a report of recommendations prepared by the San Francisco Bay Area Wetlands Ecosystem Goals Project (published in 1999 US EPA and SFBWQCB), and also by the US Fish and Wildlife Service with their approved acquisition boundary for the Don Edwards San Francisco Bay National Wildlife Refuge. Why weren't local governments required to solicit recommendations from scientists and resource agencies for specific PCA designations in their respective jurisdictions?

According to the Draft Environmental Impact Report for Plan Bay Area, many of the Plan's associated Transportation Improvement Program (TIP) projects could actually lead to intensified development pressure on nearby open space areas. For this reason, it is alarming that a local jurisdiction such as Redwood City has been allowed to designate a Downtown Priority Development Area in order to receive significant regional TIP funding, with no obligation from either ABAG or MTC to submit a corresponding Priority Conservation Area for consideration.

B34-2

Redwood City's jurisdiction includes a good candidate for a PCA designation - 1400 acres of San Francisco Bay salt ponds that host thousands of migratory shorebirds. The site is currently under a Williamson Act Open Space contract, but has already seen one plan submitted and withdrawn for a bayfill development, with a promised revised project on the horizon. Both the Bay Goals Report and the US Fish and Wildlife Service identify these ponds as being regionally significant and valuable for restoration and habitat enhancement. The site fits the definition of a Priority Conservation Area perfectly; however, with no PCA designation in place, the local transportation projects associated with the Plan will most certainly increase the vulnerability of these adjacent open space baylands to urban development.

B34-3

A similar situation exists on the eastern side of the bay. A PDA was designated in the City of Newark, the Dumbarton Transit Oriented Development Area. The City of Newark describes its vision for this area as a "transit oriented community built next to a Dumbarton Commuter Rail station. The hope is for a neighborhood that takes advantage of its transit investment to facilitate alternative commutes, dramatically increase pedestrian mobility and to take full advantage of its location and surrounding open space resources." The closest open space resources of any significance are within the Don Edwards San Francisco Bay National Wildlife Refuge. Of particular concern are the substantial, adverse and persistent impacts to existing threatened and endangered species habitat that will occur if the Dumbarton Rail project were to be implemented.

Similar to Redwood City, no corresponding PCA has been identified within the City of Newark's sphere of influence, even though a 500+ acre site containing a mosaic of endangered species habitat, and seasonal and permanent wetlands exists nearby. This site has been identified by the Bay Goals Report and the Refuge Land Protection Plan, as worthy of preservation, and is currently threatened by plans for urban development. This threat would be intensified with the regionally funded Dumbarton Rail project.

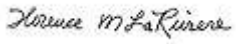
Clearly, the ABAG policy for designating regional PCA's must be re-examined and modified to ensure a comprehensive, inclusive and transparent process for identifying important open space lands needing long-term protection from near-term threats of urbanization. The process must take into consideration the knowledge, expertise and recommendations of Bay Area scientists and the government agencies charged with protecting and enhancing the region's natural resources. This is of particular importance along the edges of the Bay as sea level rises. Areas that can provide transitional and upland habitats must be protected if we are to preserve the biodiversity and long-term health of the Bay ecosystem.

Until that inclusive process has taken place, the Plan must be considered incomplete because the Plan Bay Area comprehensive objective of protecting "the region's unique natural environment" hasn't been adequately addressed.

B34-4

Again, thank you for the opportunity to comment. We look forward to your response.

Sincerely,



Florence LaRiviere



May 16, 2013

The Honorable Amy Rein Worth, Chair  
Metropolitan Transportation Commission  
Councilmember, City of Orinda  
22 Orinda Way  
Orinda, CA 94563  
[aworth@cityoforinda.org](mailto:aworth@cityoforinda.org)

The Honorable Mark Luce, President  
Association of Bay Area Governments  
Supervisor, Napa County  
County Administration Building  
1195 Third Street, Suite 310  
Napa, CA 94559  
[mark.luce@countyofnapa.org](mailto:mark.luce@countyofnapa.org)

**Re: Final Comments on the Draft Plan Bay Area and the Future**

Dear Chair Worth and President Luce:

On behalf of the Safe Routes to School National Partnership, I am writing to provide comments on the Draft Plan Bay Area. The Safe Routes to School National Partnership is a network of more than 600 nonprofit organizations, government agencies, schools, and professionals working together to grow the Safe Routes to School movement in the United States; dozens of our partners are based in the Bay Area. Our mission is to advance safe walking and bicycling to and from schools, and in daily life, to improve the health and well-being of America's children and to foster the creation of livable, sustainable communities.

Safe Routes to School National Partnership – Bay Area Network Region  
Marty Martinez, Bay Area Policy Manager, 415-637-6488, [marty@saferoutespartnership.org](mailto:marty@saferoutespartnership.org)

B35-1

We support regional planning and the overall efforts that the Metropolitan Transportation Commission (MTC) and the Association of Bay Area Governments (ABAG) have made to address California and the Bay Area's planned population growth. However, more needs to be done to address the region's goals on health and climate protection. Stronger investments in active transportation will help the region meet its targets related to AB 32, SB 375, reducing greenhouse gas (GHG) emission levels, rising sea levels, and for addressing the health of our population, including reducing incidents of adult and childhood obesity, diabetes, asthma, heart disease and traffic injuries and fatalities.

We strongly support MTC's and ABAG's adoption of Healthy and Safe Communities targets on reducing injuries and fatalities from collisions and increasing walking and bicycling, but we are very disappointed that none of the considered Draft Plan Bay Area alternatives or scenarios gets the region anywhere near those targets. Significant new investment in active transportation, coupled with investment in transit, and housing policies that encourage transit oriented development with affordable housing is the only way the region will move closer to our targets.

To truly make the Bay Area sustainable, MTC needs to make a much, much larger investment in active transportation, including a significant increase in the Regional Safe Routes to School Program and reinstatement of the Regional Bicycle Program. In addition, improved evaluation and monitoring of the Complete Streets and One Bay Area Grant (OBAG) requirements as well as increased data collection on active transportation and improved modeling of the benefits are essential for forward progress.

#### Plan Bay Area Does Not Meet Healthy and Safe Communities Targets

In particular, we would like to address the following Healthy and Safe Communities targets that were adopted by MTC and ABAG:

- Reduce by 50 percent the number of injuries and fatalities from all collisions (including bicycle and pedestrian), and
- Increase the average daily time walking or bicycling per person for transportation by 70 percent (for an average of 15 minutes per person per day).

These are strong goals, and we applaud MTC and ABAG for adopting them. However, it is unfortunate that Plan Bay Area falls so short of meeting these targets. We are disappointed, for instance, that in [MTC's performance report](#), the analysis shows that under all scenarios and environmental impact report (EIR) alternatives explored, there will be a significant *increase* in the number of injuries and fatalities from collisions (between +16 percent and +35 percent). The performance report states that, "to a certain extent, this is due to model limitations. MTC's model-based collision forecasting is based on vehicle miles traveled (VMT) and speed data, and it does not capture safety-enhancing infrastructure on the region's roads or safety improvements to the vehicle fleet." As we will address below, this indicates that there is a need to invest significantly in MTC's ability to model and capture this information so that we can determine whether infrastructure improvements are making a positive or negative change in improving collision rates. We are also disappointed that the performance report does not attempt (or perhaps have the ability) to differentiate the injuries and fatalities that will come from bicycle and pedestrian collisions, and provide specific recommendations for their reduction, or assess how the alternate scenarios differentially change bicycle/pedestrian collisions.

B35-2

B35-3

The target of increasing daily walking and/or bicycling an average of 15 minutes per person per day is also not met under any examined scenario/EIR alternative. Under each of the scenarios/EIR alternatives examined, there was increased daily walking or bicycling, but only between 10 percent and 20 percent. This is well short of the 70 percent goal MTC and ABAG set, and well short of what is needed to achieve the region's climate protection and health goals. We need much greater investments in creating a built environment that encourages walking and bicycling.

**B35-4** Several studies of urban areas have shown that significant investments in active transportation networks could achieve between 8-14.5 percent reductions in GHG emissions, as well as significant co-benefits to public health.<sup>1 2</sup> In addition, 23 percent of serious roadway injuries and fatalities statewide involve a bicyclist or pedestrian. In order to create a healthier, more climate-friendly Bay Area, MTC and ABAG must increase its financial commitment to dedicated pedestrian and bicycling programs, most notably including the highly successful and national model, the Regional Safe Routes to School Program.

Dedicated Funds Needed to Increase Walking, Bicycling and Safe Routes to School

Currently, the region has only one dedicated program for pedestrian and bicycling projects. We greatly appreciate that last year MTC and ABAG both supported \$20 million in dedicated funding for the Regional Safe Routes to School program for a four-year period. Safe Routes to School is improving mobility and traffic safety, and through increasing physical activity the program is benefitting the health of children and the communities in which their schools are located across the Bay Area. Safe Routes to School initiatives focus on improving the built environment around schools so that streets are safe for children to walk and bicycle. Safe Routes to School programs also utilize education, encouragement and law enforcement techniques to promote safety, and to encourage parents and children to regularly choose walking and bicycling, which are active and healthy ways to get to school. This comprehensive approach results in building physical activity into children's daily routines and in improving the built environment around schools so they can be safe hubs for physical activity. Studies show that when children engage in physical activity, they also perform better on test scores and in terms of classroom behavior, so Safe Routes to School benefits many goals related to traffic safety, reduction of greenhouse gas emissions, safety, improved academic performance and reduction of GHG emissions.

Safe Routes to School programs have been so successful nationally, statewide, and regionally that we believe an expanded regional commitment is a logical and important step to take in the Bay Area to work achieving toward our health and climate protection goals, and for helping to teach children at a young age about the importance of transportation choices and how they impact traffic, safety, the environment and health. Over the coming months, we will work with MTC and ABAG staff, as well as with Safe Routes to School programs in the region to determine what amount of increased investment would result in meaningful expansions of programs in each of the Bay Area's nine counties, to help to achieve MTC's stated goals.

**B35-5** Assessing OBAG to Evaluate Active Transportation Investment

The OBAG program also provides funds to counties and local jurisdictions for projects, but not all of these projects need to increase active transportation. We are asking again for MTC staff to conduct an assessment this fall, after all OBAG funds have been allocated, to determine how much funding was dedicated to projects that will increase walking and/or bicycling, and thus contribute to meeting the region's health and climate protection targets. The region is falling so short of its active transportation targets so there is a clear need for increased dedicated investments, and there should be a strategy to match that need. In addition to our recommendation for a significant increase in the Regional Safe Routes to School Program, MTC and ABAG should bring back funding for the Regional Bicycle Program, which was discontinued in this RTP cycle.

Complete Streets

**B35-6** MTC should also push to improve current Complete Streets policies, including holding county Congestion Management Agencies (CMAs) accountable for enforcement of these policies, and investing in improving data collection and modeling capacities related to active transportation so that we can evaluate our

<sup>1</sup> City of Seattle Office of Sustainability & Environment, "Technical Advisory Group Recommendations for the Seattle Climate Action Plan Update - Transportation and Land Use Sectors Final Summary Report," Nelson Nygard 2009. Accessed at: [http://www.seattle.gov/environment/documents/TAG\\_Transp&LandUse\\_Report.pdf](http://www.seattle.gov/environment/documents/TAG_Transp&LandUse_Report.pdf)  
<sup>2</sup> Neil Maizlish, PhD, "Health Co-Benefits and Transportation Related Reductions in Greenhouse Gas Emissions in the Bay Area." California Department of Public Health, November 2011.



progress in meeting our regional goals and plan investments for the next RTP which will enable the Bay Area to measure meet its health and safety targets.

We appreciate MTC's and ABAG's vote of support last year for a Complete Streets policy that requires local jurisdictions that receive OBAG funds to have passed a Complete Streets policy resolution meeting nine criteria by April of this year, or to certify that their General Plan complies with the California Complete Streets Act of 2008 (AB 1358).

We have a concern that some local jurisdictions will certify that their General Plans comply with AB 1358 when in fact they do not comply, and perhaps have not even been recently updated. Alameda County's CMA has recently been highly successful in requiring each of their local jurisdictions to pass a Complete Streets policy resolution (regardless of whether the jurisdiction has updated its General Plan), and placing the resolutions on its website. [See here](#). This is a best practice MTC and ABAG should require of all CMAs in the region. This will increase ease of enforcement for MTC staff and public accountability for following the policies.

In addition to a requirement for all jurisdictions to pass a Complete Streets policy resolution (regardless of the status of their General Plan), MTC should also develop and provide to CMAs as soon as possible, guidance on how to determine whether a General Plan complies with AB 1358 to avoid confusion and provide regional consistency. We also look forward to continuing to work with MTC staff on the Complete Streets Checklist to ensure that it is appropriately updated and evaluated to maximize its usefulness as a tool to ensure that the needs of pedestrians and bicyclists are considered at every stage of project design and selection.

#### Data Collection and Modeling

**B35-7** It is critical that MTC invest in improvements to its active transportation data collection and modeling efforts, in a timely fashion, so that we can track what worked and to guide the region's next RTP. This is essential to get the Bay Area closer to achieving our health and climate protection targets. We urge MTC to prioritize and dedicate funding to improve and adopt activity-based models, and accelerate the implementation of the San Francisco County Transportation Authority's bicycle route choice model into the MTC travel model. This would allow for the direct quantification of the benefits of bicycle-focused infrastructure at the regional level while also supporting CMAs and local jurisdictions with active transportation planning and implementation. We also urge MTC to fund quarterly on-street data collection of bicycle and pedestrian travel, and to conduct annual user-intercept surveys, to learn more about the types of trips people are making, and the trends for usage, which will affect our ability to do good modeling. We also urge MTC to work more closely with Public Health Departments to improve data collection and models to demonstrate the benefits of investments in active transportation. It is critical that MTC move forward to invest in the activity based model now, so that the Bay Area will be ready to model walking and bicycling in a meaningful way for the next RTP. We would like to meet with MTC executive staff and the modeling team in the near future to discuss this need and the benefits of accelerating this process.

#### Equity

**B35-8** Finally, we want to emphasize the need to ensure that equity considerations are factored into the decision-making at MTC and ABAG. Low-income communities and communities of color have higher rates of obesity and chronic disease, have lower levels of car ownership, and are more reliant on public transportation and have higher traffic risks. We need to ensure that investments related to safety and health-promoting active transportation are targeted to communities most in need of them. In addition, it is important to work on housing policies that include lower income housing and anti-displacement policies.

#### Conclusion

In conclusion, while we strongly support MTC and ABAG in your efforts to plan for a healthy and climate-friendly region, all of the scenarios and alternatives currently under assessment fall far short of the region's health and climate goals. Significant new investments in Safe Routes to School, and bicycle and pedestrian

programs are required to meet our targets. We look forward to working with MTC and ABAG in the near future on ways to identify appropriate investments, evaluate OBAG funding and implementation of Complete Streets policies, and improve data collection and modeling efforts in time for the next RTP.

We also look forward to working with you on responding to changes in funding at the federal and state levels, including the possibility that there will be new funding for the region from Governor Brown's proposed Active Transportation Program (ATP). We hope you will agree with us that any new active transportation funding should be dedicated to increasing our region's total investment in Safe Routes to School, and dedicated walking and bicycling funding programs. The proposed Active Transportation Program would give more money to the regions due to distribution of state funding in addition to federal funding, so there would be an increase in revenue. We look forward to your response, and hope to meet soon about modeling and evaluation, as well as the proposed Active Transportation Program. Please do not hesitate to conduct us with any questions. Thank you.

Sincerely,



Marty Martinez, MPP  
Bay Area Policy Manager

CC: One Bay Area comments email addresses: [info@OneBayArea.org](mailto:info@OneBayArea.org), [eircomments@mtc.ca.gov](mailto:eircomments@mtc.ca.gov)  
Steve Heminger, MTC Executive Director, [sheminger@mtc.ca.gov](mailto:sheminger@mtc.ca.gov)  
Ezra Rapport, ABAG Executive Director, [EzraR@abag.ca.gov](mailto:EzraR@abag.ca.gov)  
Alix Bockelman, Director, Programming and Allocations, [abockelman@mtc.ca.gov](mailto:abockelman@mtc.ca.gov)  
Craig Goldblatt, Transportation Analyst, [cgoldblatt@mtc.ca.gov](mailto:cgoldblatt@mtc.ca.gov)  
Sean Co, Transportation Planner, [sco@mtc.ca.gov](mailto:sco@mtc.ca.gov)



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415.457.7656



May 16, 2013

Amy Worth, Chair  
Metropolitan Transportation Commission

Mark Luce, President  
Association of Bay Area Governments

Dear Ms. Worth and Mr. Luce:

We commend you and your staffs for your continuing work on Plan Bay Area, which makes a good start on integrating regional transportation and land use in service of a comprehensive approach to controlling climate change and addressing a range of environmental and equity needs.

We have the following suggestions for improving the current iteration of the Plan, as well as the on-going planning process leading to its periodic revision:

- We urge that the Plan clearly and repeatedly articulate the importance of meaningfully addressing climate change.
- We urge further incentives and resources for local planning and improvements within Priority Development Areas (PDAs) as the key path to decrease Vehicle Miles Traveled—and to promote communities that are healthier and more satisfying to live in and more resilient to cope with impending climate impacts.

- B36-1** • We urge that Sea Level Rise be more fully incorporated into the Plan, as a prime Bay Area example of the impacts that the Plan intends to address, and also since both the PDAs that the Plan promotes and the transportation and other infrastructure on which the region depends are directly threatened by increasing storm surges during the life of the Plan.

- B36-1.5** • We note that far less than 1% of the funding identified by the Plan is allocated for direct 'climate policies,' even though those policies produce a third of the Greenhouse Gas reductions tallied by the Plan (6% out of the full 17%, with the other 11% attained by 'focused growth'). We urge that the Plan incorporate the year-by-year flexibility to ratchet up the funding of these 'climate policies' since they result in by far "the most bang for the buck."

- B36-2
  - It is fully appropriate that additional transportation-sourced funding be reallocated to these ‘climate policies,’ as well as to PDA and Sea Level Rise planning and adaptation: Not only are MTC-approved PDAs and regional transportation infrastructure at risk from flooding, but over half of the region’s GHG emissions stem directly from transportation. As a matter of principle and practicality, the transportation sector should pay for solving the climate crisis proportional to its role in causing the crisis.
- B36-3
  - Finally, we urge that the Plan explicitly identify the nexus between its climate mitigation steps and the range of related climate mitigation measures being taken pursuant to AB32 and other local and regional Climate Change Action Plans. Specifically, the Plan should recognize and encourage the efficacy of a) Green Building regulations, including the zero-emission building standards targeted by the State for 2030, when applied to the considerable new development envisioned by the Plan, especially in PDAs; b) zero-emission transportation technologies for both vehicles and transit; c) zero-waste practices applied to the many land fills within the Plan areas subject to inundation from climate impacts; d) water conservation measures necessary to support the Plan’s anticipated development, in alignment with climate-change-induced fluctuations of water supply; e) carbon sequestration by agricultural, forest, wetlands, and other open space uses in the Plan area, especially in Preferred Conservation Areas; and f) the carbon sequestration potential within salt marshes restored and enhanced to create storm surge buffer zones throughout the region.

Only through such holistic climate planning will Plan Bay Area achieve its full potential. In furtherance of such a comprehensive approach, we strongly suggest that the sister regional organizations identified by SB375—the Bay Conservation and Development Commission and the Bay Area Air Quality District—be brought much more fully into the planning process.

Thank you for your consideration. We look forward to a continuing conversation and to your continuing leadership in forging viable climate solutions for the Bay Area.

Sincerely,

William Carney,  
President, Sustainable San Rafael

cc: Marin County Board of Supervisors  
Transportation Authority of Marin  
San Rafael City Council  
Steve Kinsey, Marin County MTC representative  
Katie Rice, Marin County ABAG representative  
Pat Eklund, Marin cities' ABAG representative



May 17, 2013

Amy Worth, Chair  
Metropolitan Transportation Commission

Mark Luce, President  
Association of Bay Area Governments

Association of Bay Area Governments  
101 Eighth Street  
Oakland, CA 94607

1000 North  
Alameda Street  
Los Angeles  
CA 90012

**Re: Comment on Draft Plan Bay Area**

213.928.8800  
FAX 213.928.8801  
800.449.4149

Dear Ms. Worth and Mr. Luce:

I am writing to congratulate you for your work developing a strong regional plan that meets the Bay Area's growing housing and economic development needs, while complying with the strong greenhouse gas emission limits established by the California Air Resources Board. I am also writing to suggest a few improvements that can help make this good plan a truly great one.

But first, I wanted to explain why The California Endowment has taken such a strong interest in the development of Sustainable Communities Strategies in the Bay Area and throughout California. At first glance, these documents may seem the exclusive domain of urban planners, transportation engineers and environmental scientists—experts far removed from the worlds of health care and public health.

However, decades of research have taught us this “siloe” worldview is completely wrong. Gridlocked highways aren't only a traffic nightmare, they also contribute to childhood asthma and other respiratory disease. Lively downtowns aren't just good housing and economic policy, they also encourage people to walk more, helping them get the activity they need to maintain good health.

As these examples illustrate, issues like zoning, transportation, economic development and sustainability are inextricably linked with health. Indeed, the connections between these fields are so close that I believe the SCS plans currently being developed across California may be the most important public health plans in a generation.

For far too long, health opportunities in low income Bay Area communities have been constrained by a legacy of poor planning decisions that have limited access to basic health protective resources, such as parks, safe streets, and connectivity to centers of

B37-1

economic opportunity and employment. Public health research reveals that the average life expectancy of low income communities is profoundly impacted by the cumulative and synergistic impacts of planning inequity, particularly with regards to transportation, housing, and zoning. Any new effort to promote health equity requires both the explicit recognition of how past decisions shaped our current situation and the creation of strong mechanisms for robust and meaningful participation of low income communities in planning efforts moving forward. For this reason we wish to particularly acknowledge the efforts of the Metropolitan Planning Commission (MTC) to include and study the Environment, Equity, and Jobs (EEJ) scenario (Alternative 5), which appears to outperform other scenarios with respect to environmental and health equity measures. We encourage MTC and the Association of Bay Area Governments (ABAG) to incorporate the best elements from the EEJ Alternative to ensure the health and vitality of region.

At The California Endowment, we say “Health Happens Here”—in schools, in neighborhoods, and with prevention. This simple phrase encapsulates the finding that the places we live, work, and play have a profound impact on our health. That philosophy underpins our Building Healthy Communities initiative, which works closely with 14 California communities to help local children and youth grow up healthy, safe and ready to learn. Two of our 14 Building Healthy Communities sites, East Oakland and Richmond, are located within the jurisdictions of the MTC and ABAG.

I have reviewed the Draft Plan Bay Area and believe it is an outstanding start. It does a particularly good job concentrating development in existing downtowns and other appropriate places. This minimizes commutes and also reduces harmful emissions that can trigger asthma attacks and other respiratory ailments. And, by contributing to the development of mixed-use downtowns, it promotes walking and biking—zero-emission forms of transportation that also promote good health.

I also support the draft plan’s emphasis on finding new and creative solutions to vexing urban planning challenges. The Climate Innovation Grant program is a strong example. By seeding promising approaches, like bicycle sharing, the innovation grants are likely to surface new strategies that simultaneously improve health and reduce harmful greenhouse gas emissions. Such strategies can be shared throughout California and across the country, solidifying the Bay Area’s reputation as a trailblazer and nationwide leader.

To build on these and other positive features of the draft plan, I encourage your focus on two areas where I believe improvements can be made. Specifically, I would encourage plan developers to:

B37-2

- **Develop stronger anti-displacement policies.** As indicated previously, the Draft Plan Bay Area promises to revitalize downtown areas, which is an extremely worthwhile goal. However, downtown revitalization can sometimes lead to gentrification, higher rents and the displacement of longtime residents. I encourage ABAG to adopt and implement strong anti-displacement protections and support community stabilization measures, potentially including land banking and the preservation of affordable housing in at-risk neighborhoods.



B37-3

- **Expand investment in alternatives to solo driving.** Although the direction of the Draft Plan Bay Area is undeniably positive, it still places a high emphasis on solo driving, particularly through the development of additional Express Lanes. These high-occupancy toll (HOT) lanes also raise serious equity questions, because fewer of the region's low income residents will benefit from these investments due to prohibitively high costs of use and lower vehicle ownership. I encourage ABAG to embrace transportation alternatives that look beyond driving—especially solo driving. And to the extent that additional highways and highway lanes are included, please work to ensure that all Bay Area residents enjoy equitable access to these resources.

I thank you for your consideration of these comments, and again, I offer my congratulations on an outstanding draft plan.

Sincerely,



Robert K. Ross  
President and CEO  
The California Endowment



The League of Women Voters  
Berkeley • Albany • Emeryville

2530 San Pablo Ave, Suite F ♦ Berkeley CA 94702

Phone: (510) 843-8824

E-mail: lwvbae.org

Website: <http://lwvbae.org>

May 10, 2013

Amy Worth, Chair  
Metropolitan Transportation Commission

Mark Luce, President  
Association of Bay Area Governments

cc: Steve Heminger, MTC Executive Director  
Ezra Rapport, ABAG Executive Director

cc: League of Women Voters of the Bay Area

Dear MTC Chair Worth and ABAG President Luce:

The League of Women Voters of Berkeley, Albany and Emeryville joins with the League of Women Voters of the Bay Area in supporting the process of regional planning that has successfully coordinated land use and transportation planning for the draft Plan Bay Area. We specifically endorse the Plan's provisions that would reduce greenhouse gas emissions and meet the region's full housing needs for people of all income levels, in accord with Senate Bill 375.

The League places a high priority on reducing carbon and other emissions from cars and light trucks that worsen air quality and the impacts of climate change. We commend the draft Plan in its provisions that would exceed the threshold of a 15% per capita reduction in greenhouse gases within the Bay Area by 2035. The Plan would promote more compact development in areas with good transit service, thus reducing the use of private vehicles.

**B38-1** Despite the Plan's emphasis on maintaining the existing transportation system, its two largest expenditures are slated to be for a BART extension to San Jose/Santa Clara and a regional express lane system with 120 miles of new freeway lanes. Together, these two projects would cost more than \$15 billion, according to the Plan, although neither appears as one of the top ten high-performing projects of the draft Plan. We urge you to reconsider these projects in light of your own analyses.

The Plan specifies that transit agencies are to be given funds as rewards for increasing ridership and improving productivity -- goals that do not take into account the diverse needs of many residents for affordable transit. We urge that consideration be given to shifting draft Plan funding from high cost, low cost-effective projects to transit operations and transit system maintenance, thus better meeting the public service goal of meeting the needs of all residents.

**B38-2** We commend the regional agencies for their collaborative work to study the rise in sea and bay water levels that will increase at an accelerating rate over the Plan's duration. We are concerned, however, that many draft Plan investments will be located in areas projected to be in flood zones as the sea levels rise. Before new infrastructure and facilities are built in flood-prone areas, risk assessments need to be performed and mitigation measures, together with funding mechanisms to implement them, need to be designed.

**B38-3** We note that several of the draft Plan's alternatives contain elements that perform somewhat better than those in the "preferred" draft. For example, the "Equity, Environment and Jobs (EEJ)" alternative is judged the "environmentally preferred alternative," and the "Transit Priority Focus (TPF)" alternative is judged superior for transportation. We strongly urge that the elements of the alternatives that offer superior benefits to the environment, provide robust incentives for affordable housing and enhance the

services of the transit systems be included in the draft Plan.

Thank you for the opportunity to participate in the preparation of this most important document that will guide the many individual decisions in the course of developing a better Bay Area over the next 20 years.

Respectfully,

Sherry Smith, President

Nancy Bickel, President-elect



**LEAGUE OF WOMEN VOTERS  
of the Los Altos-Mountain View Area  
97 Hillview Avenue, Los Altos, CA 94022**

May 14, 2013

Amy Worth, Chair  
Metropolitan Transportation Commission

Mark Luce, President  
Association of Bay Area Governments

101 Eighth Street  
Oakland, CA 94607

Re: Plan Bay Area

Dear MTC Chair Worth and ABAG President Luce:

The League of Women Voters of the Los Altos-Mountain View Area strongly supports the process of regional planning that has successfully coordinated land use and transportation planning for Plan Bay Area. We are pleased that Mountain View has identified Priority Development Areas (“PDAs”) which basically align with the Plan, and that Los Altos and the VTA are considering the El Camino corridor in Los Altos as a PDA.

**B39-1** We are concerned that one of the PDAs earlier identified in Mountain View is the North Bayshore area, where the recently adopted General Plan does not allow housing. We would like to see housing at least considered for this area because of the great number of jobs planned for North Bayshore. However, we acknowledge that before housing is even considered for this area, rising water levels must be further studied, and, in addition, innovative transportation solutions must be found. Mitigation measures, along with funding mechanisms to implement mitigation for both of these problems, need to be included in Plan Bay Area for Mountain View, as well as other comparable areas. Mitigation measures for sea level rise could include more funding for wetlands restoration, important in our area as elsewhere in the Bay Area.

**B39-2** We are also concerned that neither Mountain View nor Los Altos will be able to produce a significant number of housing units for lower-income households unless more robust incentives for affordable housing are offered through Plan Bay Area. Perhaps more funding for these purposes can be provided in the One Bay Area Grant Program or through Plan Bay Area itself.

**B39-3** We urge MTC and ABAG to incorporate the best elements from the Environment, Equity, and Jobs (“EEJ”) Alternative, in order to help prevent displacement of lower-income households as high-end residential units are built in the identified PDAs. We see this happening in Mountain View already, where developers of luxury apartments have purchased most of the sites identified in the Housing Element as potential sites for affordable housing.

**B39-4** The EEJ alternative also emphasizes more funding for public transit, rather than spending to build new highway express lanes. We believe that transportation costs and accessibility to public transit for everyone, but especially low-income households, need more attention. We are pleased to see that the reduction in Greenhouse Gas emissions is expected to meet the State-mandated target by 2035, but we want to be sure that sufficient transit services are offered for the entire diverse Bay Area population while, at the same time, incentives are offered to drivers to leave their cars at home. We would also like to see more attention to providing complete streets.

**B39-5** Although we understand that the emphasis in Plan Bay Area is on coordinating transportation and land use planning in an effort to locate housing near jobs and transit, we believe that other important infrastructure, such as providing for new schools in areas of increased growth and ensuring that other services are available to residents in high-growth areas, should be given more consideration in the Plan. For example, these issues need to be taken into account before housing in North Bayshore in Mountain View is feasible. Otherwise, Greenhouse Gas emissions could actually become worse with dense residential development in certain areas.

**B39-6** Generally, we are pleased that Plan Bay Area has made a strong effort to prevent sprawl, protect our environment, conserve agricultural lands, and reduce vehicle miles traveled and Greenhouse Gas emissions by planning for housing in jobs-rich and transit accessible areas. However, we hope that some of the best ideas of the EEJ Alternative will be evaluated more fully in order to accomplish some of the goals we have mentioned.

Thank you for considering our input.

Sincerely yours,  
Sue Graham  
President  
LWV of the Los Altos-Mountain View Area

Cc: Steve Heminger, MTC  
Ezra Rapport, ABAG  
Jon Maginot, City Clerk, Los Altos  
City Clerk, Mountain View



April 17, 2013

Honorable Amy Worth, Chair, Metropolitan Transportation Commission  
Honorable Mark Luce, President, ABAG Executive Board  
and Commissioners and Members

Dear Chair Worth, President Luce and Commissioners and Members:

Our organizations are members of the Bay Area Business Coalition. We appreciate all of the effort that has gone into the SCS process to date. Recently, your agencies released three important planning documents: the *PDA Development Feasibility & Readiness Assessment*, *Draft Plan Bay Area*, and the Draft EIR for *Draft Plan Bay Area*. Joined by Non-Profit Housing of No. California, we offer some initial comments that, as you will see, each relate to our fundamental view that **the Bay Area can, and should, generate more jobs and more housing than proposed in Draft Plan Bay Area.**

We remain strongly committed to policies that will maximize the region's economic and job growth potential. The work your agencies commissioned as part of the SCS process, as well as independent economic analyses, all conclude that the greatest constraint to job creation and affordability to own and rent in the region is a lack of adequate housing production. We therefore support planning for a higher housing number than proposed by *Draft Plan Bay Area* because the region's future job and economic health demand more housing.

A clear trend in the SCS process has been the steady reduction in the amount of planned housing—and therefore future Bay Area job growth, which limits economic activity and the ability to hire the best and brightest employees. The Initial Vision Scenario (IVS) planned for fully accommodating the regional housing need, then identified at 902,000 new housing units through 2040, resulting in more than 1.4 million new jobs.

However, as described in the *SCS Alternative Land Use Scenarios* analysis (Aug. 2011), some local governments objected that this housing figure and the resulting job growth were too high, based on historic trends. Three additional scenarios were developed, each with a significantly lower regional housing figure of 770,000 units through 2040. The *SCS Alternative Land Use Scenarios* analysis described the IVS housing figure as the "need" and the new lower 770,000 as the "expected housing production" based on "reasonable assumptions on market trends, local and regional policies, and infrastructure." The resulting job growth dropped to 1.2 million new jobs through 2040.

B40-1

The just released *Draft Plan Bay Area* calls for further reducing the region's planned housing production to 660,000, along with a corresponding drop in job creation to 1.12 million new jobs and regional economy activity due to the constraining effect of insufficient housing. We think these results are inconsistent with the letter and spirit of SB 375<sup>1</sup> and insufficiently ambitious with respect to providing employment and housing opportunities for future generations. SB 375 requires that each region build sufficient housing for its projected workforce. If we continue to build less housing than we need, we are only perpetuating the outsourcing of jobs and the in-commuting of workers from outside the region.

Adopting a final SCS that expands housing and job opportunities beyond those set forth in *Draft Plan Bay Area* is also critical in light of the results of the just released *PDA Development Feasibility & Readiness Assessment*. We highlighted the importance of this study in our May 16, 2012 letter to the MTC and ABAG leadership:

B40-2

[U]ndertaking a thorough assessment of each PDA is essential to ensuring that the final SCS is not only ambitious, but also achievable.... Relatedly, it is important that the scope of the alternatives studied in the draft EIR for the RTP/SCS be such that the results of the PDA assessment play a meaningful role in shaping the adopted SCS.

We greatly appreciate MTC commissioning this study. It is an excellent work product that represents a rigorous assessment of a representative sample of PDAs. Importantly, the study confirms our concerns about overestimates of the feasibility—even through 2040—of a significant number of PDA housing units.

The study's results suggest that a substantial amount of the specific planned housing in *Draft Plan Bay Area* is not feasible: between 105,000 and 200,000 of the 528,000 PDA units. Even assuming a healthy margin of error, and recognizing the study's cautioning that all types of residential development in the Bay Area are challenging, we believe these results mandate planning for correspondingly higher number of overall units in the final SCS to account for the feasibility gap.

Additionally, our organizations would like to emphasize our support for some of the key state level reforms identified in the *PDA Development Feasibility & Readiness Assessment* and in the regional agencies' advocacy agenda. These are necessary to realize the Bay Area's job and housing potential in the growth pattern this plan demands. In particular, significant CEQA modernization and the creation of an effective replacement for redevelopment are imperative to the success of this plan.

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<sup>1</sup> As you know, at the request of members of the Bay Area Business Coalition and the Non-Profit Housing Association, one of the alternatives studied in the DEIR includes higher housing and resulting jobs figures. We note that in discussing Alternative 4, the DEIR appears to agree with our view of SB 375's requirements: "Compared to the Proposed Plan, it [Alternative 4] includes four percent more households and one percent more jobs. This higher growth total reflects the Senate Bill 375 requirement to house the region's entire population (i.e., provide a house for every household employed in the region)." (DEIR, p. 3.1-10)

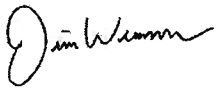


Finally, we want to make clear that our call for additional jobs and housing is not necessarily tied to the land use and transportation assumptions in DEIR Alternative 4. The recently released reports contain important results about the development patterns associated with the alternatives—relating to geographic equity, fair share principles, market demand, and feasibility. It is certainly permissible to “mix and match” from aspects of the different development patterns from the alternatives.

B40-3

We look forward to continue working with you and the regional agency staff on this process. Thank you for considering our input.

Sincerely yours,



Jim Wunderman  
Bay Area Council



John Coleman  
Bay Planning Coalition



Paul Campos  
BIA Bay Area



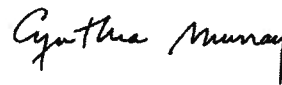
Linda Best  
Contra Costa Council



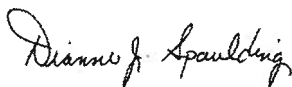
Karen Engel  
East Bay EDA



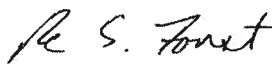
Gregory McConnell  
Jobs & Housing Coalition



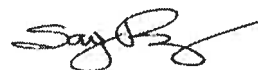
Cynthia Murray  
North Bay Leadership Council



Dianne J. Spaulding  
Non-Profit Housing  
of No. California



Rosanne Foust  
SAMCEDA



Sandy Person  
Solano EDC



Los Ranchitos Improvement Association  
P.O. Box 4146  
San Rafael CA 94113

May 16, 2013

The Los Ranchitos Improvement Association encompasses 166 homes in unincorporated Marin County in the 94903 area. We are zoned light agriculture, a rarity in eastern Marin. Our large lots support a variety of trees, wildlife, farm animals, and people.

**B41-1** We respectfully request that you grant a longer extension on the comment period. A document that has this far-reaching an effect should not be rushed and should have ample time for the public to understand and comment on.

**B41-2** Regardless, we ask that you adopt the “No Project” alternative for Plan Bay Area as the least detrimental proposal offered. All the other alternatives should be rejected for the following reasons:

- B41-3** • Unrealistic job and housing numbers for Marin County, creating a burden on current local communities that will not reap any benefits but will be forced to shoulder the long term costs. Continued growth is unsustainable and unwanted by the community. Our environment is fragile and resources, such as water, fire, and police, are limited.
- B41-4** • Inadequate evidence that high density housing near transit reduces green house gases (GHG). In fact, careful analysis shows the opposite. Reducing the amount of undeveloped land available to sequester carbon by increasing housing density (urbanization of our rural community) will increase GHG; add to the urban heat island effect; as well as increase water runoff causing additional downstream flooding (already an issue in our area).
- B41-5** • Known, documented health impacts of living near freeways and transportation corridors. By placing low income residents in these high traffic areas, they will bear the burden of decreased personal health, and the community will bear the burden of increased health care costs.
- B41-6** • Evidence that this plan increases costs for housing and transportation among low-income households by locating housing in commuting corridors without supplying needed services nearby or additional transportation to get to them.

**B41-7** • Inadequate information regarding water supply, sea level rise, and support for infrastructure. Marin is reliant upon its own reservoir system and a small import from the Russian River, a source which will inevitably decline with growth in Sonoma county and the effects of climate change on weather patterns. Several of the proposed PDAs are in areas that will be affected by sea level rise.

**B41-8** • Significant and irreversible environmental changes and significant unavoidable impacts of the plan need to be addressed, not dismissed by findings of “overriding consideration.”

**B41-9** We urge you to reject this plan. In our opinion, it is based on unproven assumptions, wrong assumptions, and a “one size fits all” approach that lacks consideration of actual conditions on the ground. This report fails to satisfy the requirements of SB375 and the technical requirements of the DEIR under CEQA because it fails to prove that any of the Alternatives will actually achieve the goal of reducing per capita or overall GHG emission from the use of autos and light trucks.

Sincerely,



Leyla Hill  
2013 LRIA Board President  
leyla.hill@gmail.com



May 14, 2013

Amy Worth, Chair  
Metropolitan Transportation Commission

Mark Luce, President  
Association of Bay Area Governments

101 Eighth Street  
Oakland, CA 94607

Re: Plan Bay Area

Dear Chair Worth and President Luce:

The League of Women Voters of the Bay Area, representing 3,000 members in 20 local Leagues within the region, has followed and has strongly supported the progress of regional planning in the San Francisco Bay Area for more than 50 years. This draft Plan Bay Area is the first consolidated regional plan that coordinates land use planning and transportation planning, with a plan to meet regional housing needs, as well as preserving open spaces and considering the impact of the Bay level rise and specific air pollution impacts.

This draft Plan is a good example of successful collaboration among the Bay Area's regional agencies, primarily Metropolitan Transportation Commission and the Association of Bay Area Governments, together with local cities and counties who initiated the Priority Development Areas within their jurisdictions, and regional open space organizations who proposed the Priority Conservation Areas.

The draft Environmental Impact Report for the Plan concludes that the plan will result in 100% of the Bay Area's population growth being housed in urban areas, with no new sprawl development, during the 18-year period covered by the Plan. Overall, over 2/3 of all regional growth by 2040 is allocated within PDAs, which are expected to accommodate 79% of new housing and 63% of new jobs.

The League places a high priority on reducing carbon and other emissions from cars and light trucks that worsen air quality and the impacts of climate change. We are pleased that the draft Plan slightly exceeds the threshold of a 15% per capita reduction in greenhouse gases (GhG) within the Bay Area by 2035 that is required by the



California Air Resources Board, pursuant to SB 375. The reduction in emissions is expected to be achieved as a result of the Plan's encouragement for more compact development in areas with good transit service, in order to reduce the need to drive. The growing use of hybrid and electric vehicles in the Bay Area will also play a role in the reductions.

### Specific Comments

#### **B42-1** 1. Add Elements of the Equity, Environment, and Jobs Alternative

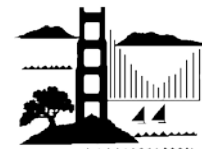
The Equity, Environment, and Jobs (EEJ) alternative is judged the “environmentally preferred alternative. We strongly urge that the elements of the alternatives that offer superior benefits to the environment, provide robust incentives for affordable housing, and enhance the services of the transit systems be included in the draft Plan . Specifically these measures call for encouraging more low-income housing development through zoning changes , more funds for transit services, and the elimination of all road expansions. The Transit Priority Focus (TPF), calls for upzoning high quality transit areas, more funding for transit and less for the express lane network, which are variations on the same theme, which we would support. We do not believe that the tax on vehicle miles travelled, or development fee in areas with high vehicle miles of travel are viable at this time.

#### **B42-2** 2. Funding Issues related Affordable Housing and Housing Displacement

During the time period required to prepare the draft Plan, a major source of funding for implementation of affordable housing was removed from local cities and counties – namely Redevelopment Housing Set-Aside Funds. While the Plan includes the Transit Oriented Affordable Housing grant program, this is a drop in the bucket. We applaud San Francisco for their new voter-approved funding, and San Mateo County for using the residual funds from RDA for affordable housing purposes. We fear that in the process of implementing PDAs that housing will be built, but that it will not be affordable to those most in need, and that existing affordable housing may be displaced.

#### **B42-3** 3. Transportation Priorities and Transit Operations Funding

The draft Plan places primary emphasis on maintaining the existing transportation system. However, the funds allocated to transit operations in the draft Plan do not



appear to be adequate to restore the service cuts made during the past few years or to meet the needs of the Bay Area's growing population. Moreover, the Plan specifies that transit agencies are to be given funds as rewards for increasing ridership and improving productivity – goals that do not take into account the diverse needs of many residents for affordable transit. But transit services are also needed in off-peak hours and to multiple kinds of destinations to serve the needs of a diverse population. The focus on a narrow mission for transit – that of cutting operating costs – threatens the public service goal of meeting the needs of all residents. We urge that consideration be given to shifting draft Plan funding to transit operations and transit system maintenance.

**B42-4**

#### 4. Impact of Sea Level Rise

We commend the regional agencies for their collaborative work to study the rise in sea and Bay water levels that will increase at an accelerating rate over the Plan's duration. We are concerned, however, that areas most vulnerable to flooding and sea level rise contain some of the Bay Area's most significant transportation infrastructure, and the draft Plan includes projects to expand and improve many of these facilities. Recommended mitigations range from risk assessments to new designs for infrastructure, levees, seawalls, and setbacks. Before new infrastructure and facilities are built in flood-prone areas, risk assessments need to be performed and mitigation measures, together with funding mechanisms to implement them, need to be designed.

#### 5. Implementation Issues

**B42-5**

We are concerned that a recent study of the Priority Development Areas indicated only a 62% readiness capability. Because of the long process in certifying PDAs, downswings in the economy and loss of funding sources such as redevelopment a percentage of PDAs may not be viable in the future. There will need to be a process of designating new replacement areas, and/or refinement of the overall Plan. We support the process of local application, with adopted plan status, and local funding match with regional certification within the overall Plan.

**B42-6**

We also understand the intent of the One Bay Area Grant program to be implemented by the county Congestion Management Agencies. We have already heard complaints from those who fear "loss of funding for areas outside PDAs", which is not exactly



true because this is a transfer of regional grant funding for allocation within each County. On the other hand, it is important that a regional oversight over the process during this initial phase needs to be maintained, to assure that this transfer complies with the intent of the OBAG grants.

In conclusion, the LWVBA supports the process that has been used to develop the Plan Bay Area, and agrees in general that the draft Plan, with the revisions we have mentioned, reflects an important vision for the future of the San Francisco Bay Area,

Sincerely,

Marion Taylor, President

Cc: Steve Heminger, MTC  
Ezra Rapport, ABAG





**LEAGUE OF WOMEN VOTERS®**  
OF FREMONT, NEWARK, AND UNION CITY

**“Because democracy is not a spectator sport”**

To: Amy Worth, Chair, MTC  
Mark Luce, President, ABAG

May 7, 2013

B43-1

The League of Women Voters of Fremont, Newark and Union City strongly supports the process of regional planning that successfully coordinates land use and transportation planning.

The draft Plan does not allocate sufficient funds for transit operations to continue to meet the needs of many residents who depend on affordable transit, especially AC Transit. Service cuts need to be restored. Cutting operating costs threatens the public service goal of meeting the needs of all residents. We support shifting draft Plan funding from high-cost, low cost effective projects to transit operations and systems maintenance. Alameda County voter rejection of Measure B extension places more pressure than ever on funds for maintenance.

Transit services are also needed in off-peak hours and to many different destinations to serve the needs of a diverse population. Transportation costs for low-income households will rise steeply when combined with housing costs under the Plan. A vision for transit limited to cost-cutting is too narrow to ensure that the Bay Area will have a top notch transit system that will act as an incentive to drivers to leave their cars at home.

B43-2

Regional agencies have studied the rise in sea and Bay water levels that will increase at rapid rate over the Plan's duration. However, many draft Plan investments will be located in areas projected to be in flood zones as sea levels rise. All proposed projects in vulnerable areas need to be evaluated for their designs and their needs for mitigation before new infrastructure and facilities are built in flood-prone areas. We are especially mindful of that as our three cities are located in these flood prone areas.

B43-3

We strongly support alternatives, specifically the “Equity, Environment, and Jobs (EEJ)” alternative and the “Transit Priority Focus (TPF)” alternative that offer superior benefits to the environment, provide robust incentives for affordable housing, and enhance the services of the transit systems.

B43-4

We also support an extended time line to allow for more public input.



Plan Bay Area 2040 Final Environmental Impact Report

**LEAGUE OF WOMEN VOTERS®**  
**OF FREMONT, NEWARK, AND UNION CITY**

**“Because democracy is not a spectator sport”**

Thank you,

Miriam Keller  
President, LWVFNUC



## League of Women Voters of Marin County

### RESPONSE TO PLAN BAY AREA

April 29, 2013

B44-1

- I. Importance of regional outlook and long range planning:** Since the 1960s the League of Women Voters has supported the idea of communities around the Bay Area examining together the need for clean air and water, environmental and agricultural protection, transit infrastructure, and a range of housing appropriate for all segments of the community. All of these issues impact everyone in the Bay Area. There are no boundaries, so a plan to approach these issues in a collective way is imperative. Plan Bay Area presents an opportunity to fulfill this need.

Plan Bay Area does not introduce concepts that are foreign to planning in Marin County. In 2007 the Marin County General Plan focused on sustainability, including many of the same issues and future visioning as Plan Bay Area. It needs to be remembered that Plan Bay Area provides a general context for local planning. Land use planning, including housing and commercial uses, continues to be the responsibility of each jurisdiction. The Plan does not take away that mandated local decision making, but places it in the context of the future of our interconnected counties.

The draft Plan is a good example of successful collaboration among the Bay Area's regional agencies, primarily MTC and ABAG with input from other regional agencies. The draft Environmental Impact Report for the plan concludes that the plan will result in 100% of the Bay Area's population growth being housed in urban areas, with no new sprawl development, during the 18-year period covered by the Plan. Overall, over two thirds of all regional growth by 2040 is allocated within Priority Development Areas, which are expected to accommodate 79% of new housing and 63% of new jobs. No Marin jurisdiction is listed in the top 15 Bay Area cities for jobs or for housing.

B44-2

- II. Climate change response requires transportation and land use dimensions:** All possible tools to address climate change need to be part of planning.

Any attempt to combat climate change requires the inclusion of land use, transportation and housing as part of the planning. The preferred alternative would keep 100% of new development within the current built environment and 12% or approximately 30,000 fewer residents living in homes at risk of flooding from expected sea-level rise. It lowers polluting emissions encouraging a strong shift from cars to transit, walking, biking and other alternative transportation modes. The greatest need is to reduce the number of vehicle miles travelled per household.

B44-3

- III. Open space and agriculture preservation:** The League supports the inclusion of careful preservation of open space and agriculture around the Bay Area. Marin County has been a leader in this regard and can offer assistance to other counties in combined planning for best use of built areas while protecting green areas. A regional agricultural and farmland protection plan will be needed to further this goal. Preventing sprawl in these areas is a key to preservation.

**B44-4** IV. **Equity/access is a priority for any future visioning.** Marin County has not been as successful in planning for adequate housing and transportation that includes a large number of its service economy. The Equity, Environment and Jobs Scenario is the environmentally superior alternative according to MTC and ABAG. This preferred alternative proposes creating more housing opportunities, including affordable homes, in all of the region's job centers, which include all job-rich, transit-connected, high-opportunity communities. It proposes investing an additional \$8 billion in increased transit services tailored to fit the equitable housing plan and adds incentives for affordable housing. This alternative provides for the lowest combined housing and transportation costs for low-income households, a key to the health and stability of working families.

**B44-5** V. **High need for rental housing:** When planning for housing in Marin County, the highest priority is for a range of rental housing. Our less than 1% vacancy rate promotes very high rents and a hardship on many families and seniors. We have within our midst outstanding examples of attractive, affordable infill rental housing complexes built by non-profits as permanently affordable and accessible to transit. Plan Bay Area offers a context for Marin communities to prioritize this kind of development. Marin has been growing, but only in large single-family homes that do not address the housing needs of our workforce. These increase single occupancy vehicle travel and add to Marin's large ecological foot print. We need affordable homes to support our public transit investments. Affordable homes for our workforce at all income levels are essential to a vibrant local and regional economy. The shortfall of affordable homes near jobs is causing traffic congestion and air pollution.

#### **AREAS OF THE PLAN THAT NEED IMPROVEMENT:**

**B44-6** I. **Analysis of sea rise is minimal and yet crucial with so many areas of the Bay impacted.** We commend the regional agencies for their collaborative work to study the rise in sea and bay water levels that will increase at an accelerating rate over the Plan's duration. We are concerned, however, that many draft Plan investments will be located in areas projected to be in flood zones as the sea levels rise. The draft Environmental Impact report for the draft Plan states that all nine Bay Area Counties are vulnerable to the rising seas. Sea levels are predicted to increase 6", plus or minus 2", by the year 2030, and by 11", plus or minus 3.6", by 2050. In addition, intermittent high tides can be as much as 12" higher than median sea levels. Unfortunately, areas most vulnerable to the rise contain some of the Bay Area's most significant transportation infrastructure, and the draft Plan includes projects to expand and improve many of these facilities. Recommended mitigations range from risk assessments to new designs for infrastructure, levees, seawalls and setbacks (for more information on recommended mitigations, see the table beginning on page 2.5-42 of the draft EIR.) All proposed projects in vulnerable areas need to be evaluated for their designs and their needs for mitigation.

**B44-7** II. **'Fiscalization' of land use is just mentioned, yet it has been a promoter of retail/big box retail to support the economics of California jurisdictions.** Proposals to reverse it need to be considered.

III. **CEQA streamlining is not required to achieve goals proposed in Plan Bay Area.** It is important to look at ways CEQA is misused, not to minimize its importance or effectiveness.

- IV. **To intensify growth in the urban centers will require more than investment in housing and transit.** Growth areas in the Plan are centered in Oakland, San Francisco and San Jose. There will be needed investment in safety, school and other livability requirements. We know from other locations that it is possible for families to thrive in cities. It is something we have to work on in the Bay Area.
- V. **The funds allocated to transit operations in the draft Plan do not appear to be adequate to restore the service cuts made during the past few years or to meet the needs of the Bay Area's growing population.** Moreover, the Plan specifies that transit agencies are to be given funds as rewards for increasing ridership and improving productivity – goals that do not take into account the diverse needs of many residents for affordable transit.
- VI. **The focus on a narrow mission for transit – that of cutting operating costs – threatens the public-service goal of meeting the needs of all residents.** We urge that consideration be given to shifting draft Plan funding from high-cost, low-cost/effective projects to transit operations and transit system maintenance. Additional transit services are needed to multiple destinations and at off-peak hours to serve a diverse population. Reliable connections are needed in order to meet the service requirements of such groups as the elderly, service workers and families. Services that provide reliable connections to multiple modes such as ferry and bus services should be considered.

An assessment of the draft Plan's impact on transportation costs for low-income households shows that these costs, combined with housing costs under the Plan, will rise steeply - a 69% increase over current conditions. A vision for transit limited to cost-cutting is too narrow to ensure that the Bay Area will have a world-class transit system that will act as an incentive to drivers to leave their cars at home.

**R44-8** *The "Equity, Environment, and Jobs (EEJ)" alternative in the Draft Plan is judged the "environmentally preferred alternative," and the "Transit Priority Focus (TPF)" alternative is judged superior for transportation. We strongly urge that the elements of the alternatives that offer superior benefits to the environment, provide robust incentives for affordable housing, and enhance the services of the transit systems be included in the draft Plan.*

**For more information please contact:**

**League of Women Voters of Marin County  
4340 Redwood Hwy. F-108, San Rafael, CA 94903  
Phone: 415-507-0824  
Email: lwvmc@marinlwv.org**

THE LEAGUE  
OF WOMEN VOTERS  
75 Years in PALO ALTO



3921 E. Bayshore Rd., SUITE 209 • PALO ALTO, CALIFORNIA 94303 • 650/903-0600 • [www.lwvpaloalto.org](http://www.lwvpaloalto.org)

May 14, 2013

Dear Chair Worth and President Luce,

The League of Women Voters of Palo Alto strongly supports the concept of Regional Planning for future growth and infrastructure development in the Bay Area. The League strongly supports the process of regional planning that coordinates land use and transportation planning. Plan Bay Area is such a plan. In the proposed Palo Alto Housing Element future Palo Alto growth will be zoned primarily along its transportation corridors and in the PDA at California Ave. This will be in keeping with the Plan.

The League places a high priority on reducing carbon and other emissions from cars and light trucks that worsen air quality. We note that by keeping development compact the draft plan exceeds the 15% per capita reduction in greenhouse gases by 2035.

**B45-1** The Draft plan places primary emphasis on maintaining the existing transportation system. However two major expenditures are for the BART extension and a regional HOT lane system that will require 120 mile of new freeway lanes. The expenses for these projects do not place money on the most effective systems or the most cost-effective systems in meeting the goals of the plan. Note the table on page 133 of the Plan.

The funds allocated for transit do not restore the service cuts made in the past few years. Frequent service and good connection times are necessary for people desire using transit. The goal of providing transit options for those who cannot drive is not necessarily met by rewarding transit agencies for improving ridership and cutting operation cost. All members of the public should be able to access transit services. Please consider more funding for low/cost effective transit options and transit system maintenance.

**B45-2** An important piece of the Plan is the collaborative work to study the rise in sea level over the Plan's duration. Many draft Plan investments, however, are expected to be built in areas that will be flooded as the sea level rises. Risk assessments should be completed and mitigations performed before new infrastructure is built. We strongly urge that the Elements of the

**B45-3** alternatives that offer superior benefits to the environment, provide robust incentives for affordable housing, and enhance the services of the transit systems be included in the final Bay Area Plan.

Sincerely,

A handwritten signature in cursive script, reading "Mary Alice Thornton".

Mary Alice Thornton,  
President, LWV of Palo Alto



1525 Grant Avenue  
San Francisco, CA 94133  
TEL 415.9A4.1450  
FAX 415.362.7992  
TTY 415.984.9910  
[www.chinatowncdc.org](http://www.chinatowncdc.org)

May 16, 2013

Amy Worth, Chair  
Metropolitan Transportation Commission  
Mark Luce, President  
Association of Bay Area Governments  
101 8<sup>th</sup> Street  
Oakland, CA 94604  
[info@onebayarea.org](mailto:info@onebayarea.org)

RE: Comments on Plan Bay Area Draft EIR

Dear Chairperson Worth and President Luce:

Chinatown Community Development Center is a nonprofit housing development and neighborhood planning organization with historic roots in the San Francisco Chinatown area – a neighborhood designated as a “community of concern” within Plan Bay Area. There are over 20,000 residents in the core Chinatown area, a majority of whom are very low income immigrants. Like many residents of the urban core in San Francisco and Oakland, the communities we serve primarily relies on transit and walking to get to work, school, and services. The population in this urban core supports a vibrant small business sector and provides a significant part of the low wage service sector workforce in the downtown area. In many ways, the existing urban core fits the ideal of the ‘complete walkable community’ with very low reliance upon cars for transportation.

We write because we are deeply concerned that Plan Bay Area and the Draft EIR fails to adequately analyze or address the foreseeable adverse impacts of the extraordinary growth the MTC and ABAG’s plan would impose on San Francisco’s and Oakland’s urban core. By separate letter we outline our concerns about the plan itself. In this letter we focus on the flaws of the draft EIR.

1. THE PUBLIC COMMENT PROCESS WAS RUSHED AND INADEQUATE.

**B46-1** Given the complexity of the plan and the challenges of how the plan has been presented, we believe there has not been sufficient time for local communities to adequately respond to either the plan or the draft EIR. It is unfortunate that MTC and ABAG rejected a request for an extension of time to comment. We also question the rationale for cutting off comment regarding the plan months prior to the vote on the plan.



The shortness of time to review, interpret, and respond to the documents poses a great burden on communities that are fully fluent in English. It is an even greater challenge for those who do not. The challenge to respond was even greater given that much of the communications regarding the plan has been more promotional than informational. For example, the public presentations did not fairly or adequately inform the public about the adverse impacts particularly to minority and low income communities, i.e., the ‘communities of concern.’ There has been no accessible means to share critical or objective evaluations of the information regarding adverse impacts. As a consequence, despite efforts by community based organizations such as us to inform the public, there has not been sufficient time to inform those who may be most impacted by the adverse impacts of the proposal.

## 2. THE ANALYSIS OF DISPLACEMENT IMPACTS IS DEEPLY FLAWED.

**B46-2** One of the greatest concerns of our community is the threat of displacement. The loss of affordable housing and of the families and seniors who live in that housing will be fatal to Chinatown and other neighborhoods in the region. Yet the DEIR’s analysis of displacement is deeply flawed. It makes reckless and unfounded assumptions about the threat of displacement and it grossly misinterprets the meaning of its own findings, both to the likely detriment to our communities and also (incidentally) to the validity of its conclusions about housing production and GHG reduction.

### A. THE DEIR GROSSLY UNDERSTATES THE FORESEEABLE THREAT OF DISPLACEMENT.

Plan Bay Area proposes to direct a majority of the region’s growth into three cities. In San Francisco, that growth will be centered on the eastern half of the city, proximate to Chinatown, the Tenderloin, and the Mission Districts and directly into the South of Market and the Bayview. The majority of the existing residents in those neighborhoods are renters, and given their incomes and market rents, cannot afford to find alternative housing in their neighborhoods if forced move. Not surprisingly then, the DEIR finds that there is an elevated risk of “local” displacement in these PDA areas.

After acknowledging the risk of localized displacement, the DEIR (and the draft Plan Bay Area) then glosses over the risk of merely “local” displacement by proposing that “regional” affordable housing production will address the needs of those displaced. But the DEIR offers no explanation for how this balance will be achieved. Despite intricate discussions about where cars and traffic will go and how roads and bridges will be paid for, the DEIR offers no explicit analysis about where displaced people will go or how the housing that they need will be paid for.

**B46-3** The lack of an explicit accounting of how affordable housing will be produced makes it impossible to assess the validity of the claim that displacement on a regional level will be “less significant.” For example, the public cannot determine whether the calculation of housing production also takes into account the need for housing by displaced households. For example, if a low income household is evicted from a rent controlled apartment in San Francisco, will there be sufficient production of affordable rental housing in the region to address their needs? Or does the projection for affordable housing merely address the need resulting from growth in population?

More fundamentally, the DEIR fails to provide any analysis for how affordable housing, whether for displaced residents or for new growth, will be funded or preserved. While the plan references the One Bay Area Grant program, there is no quantified projection as to how much housing such a program will produce. Nor is there analysis of the impact on costs of the plan's shifting most housing production into urbanized areas where land costs are highest. In the absence of transparent and explicit analysis to the contrary, we can only assume that affordable housing production in the region will continue to fall short on per historic trends, i.e., leaving tens of thousands units of "planned" affordable units never produced with tens of thousands of displaced families and seniors left to scramble for shelter.

B46-4

**B. THE SHORTFALL IN AFFORDABLE HOUSING AND RESULTING REGIONAL DISPLACEMENT WILL RESULT IN SIGNIFICANT SOCIAL AND ENVIRONMENTAL IMPACTS.**

The social impacts of the displacement of families and seniors, priced out of local markets, are obviously significant – even if unmeasured by the narrow field of vision of the DEIR. But what of the impacts that are the concern of the DEIR?

The plan's overarching claim of reaching Green House Gas reduction targets is premised upon its plan of locating housing near jobs. But if the assumptions of housing production are unfounded and unjustified, the estimates of GHG reduction must also be re-evaluated. While market rate housing will certainly be produced by the thousands in San Francisco's PDAs, housing for service sector workers will not be. And given that Plan Bay Area will not assure that affordable housing will be built near transit elsewhere in the region, service sector workers who cannot live in San Francisco will need to drive to work (or drive to transit) from other areas in the region. The displacement of San Francisco's working class has been ongoing for some decades and generally has resulted in displaced households being put in less transit accessible neighborhoods (as documented in the 2008 study, *Development Without Displacement*). That trend will continue and accelerate under the new plan. But the DEIR does not appear to measure the resulting impact on GHG production.

B46-5

**3. THE PROPOSED MITIGATION MEASURES TO ADDRESS DISPLACEMENT ARE INADEQUATE AND ANALYTICALLY FLAWED.**

Plan Bay Area and the DEIR both propose that displacement pressures and impacts can be adequately mitigated through local regulations (e.g., rent control) and the One Bay Area Grant program. But the brief mention of such programs and policies is not accompanied by any analysis of the adequacy of that proposed mitigation. There is no analysis of the historical performance of such regulations or programs – an analysis that would yield data that would suggest that existing policies are not adequate to prevent displacement even where such policies exist. Nor is there an assessment of whether such policies can address the scale and magnitude of the changes created by the plan. Given the lack of such analysis, the DEIR does not provide the public or policy makers adequate information to assess the adequacy of the proposed mitigation.

Sincerely,

Gen Fujioka  
Public Policy Manager  
[gfujioka@chinatowncdc.org](mailto:gfujioka@chinatowncdc.org)

B47

June 13, 2013

James P. Sperling, Chairman  
 Mark Luce, Chairman  
 Members of the MTC Planning Committee and  
 ABAG Administrative Committee

Re: June 14, 2013 Joint MTC Planning/ABAG Administrative Committee  
Agenda Item 3b.

Dear Chairmen and Committee Members:

The Building Industry Association (BIA)'s concerns with Draft Plan Bay Area (Plan) are well documented. A principal one is that the Plan's land use pattern—which places 80% of the region's future new housing in Priority Development Areas (PDAs) with a weighted average density of 80 units/acre—is neither realistic nor feasible. The response of MTC and ABAG has been twofold: first, to disagree; second, to suggest that even if the development pattern is or proves to be unrealistic, the fact that SB 375 does not require local land use plans to conform to the region's Sustainable Communities Strategy (SCS) means there are no adverse consequences of “getting it wrong.”

BIA believes there are potentially significant adverse consequences of adopting an unrealistic SCS that relies extensively on “hard line” mapped areas (PDAs) to represent the regional development pattern—risks for local governments, future project proponents, and the regional agencies themselves. MTC's costly litigation experience in federal court over its adoption of a target to increase transit ridership 15% over 1982-1983 levels is instructive. In that litigation, MTC argued that it never intended to commit itself to achieve a specified ridership increase, and that it had intended only to adopt an aggressive target. Nonetheless, in 2001 a federal District Court concluded otherwise, finding MTC's arguments “disingenuous” and in 2002 it issued a permanent injunction requiring MTC and the region's six major transit operators to achieve a 15% increase in ridership by November 9, 2006.<sup>1</sup> Fortunately for MTC and the region's transit operators, two years later, a 3-judge panel of the Ninth Circuit Court of Appeals reversed the District Court. However, the decision was 2-1 and might well have had a different outcome had a different panel heard the case.

BIA recounts this example to highlight the importance of MTC and ABAG articulating clearly what it intends, and what it does not intend, when it adopts the Plan. It is essential that the Plan itself include the necessary “intent” language. A useful example is the approach taken by BCDC when it adopted the recent amendments to its Bay Plan dealing with sea level rise. Stakeholders expressed significant concerns regarding the effect of BCDC's inundation zone maps, expansion of BCDC jurisdiction, additional CEQA and federal Coastal Zone Management Act regulatory burdens for future project proponents, and the creation of “litigation hooks” for project opponents to use to attack future development. While BCDC, similar to MTC and ABAG here, largely disagreed with the scope and magnitude of the potential risks identified, the agency nonetheless took care to identify and address each concern. Importantly, BCDC included the statement of concerns and intent not only in the final staff report<sup>2</sup>, but also in the Resolution adopting the Bay Plan amendments and the amendments themselves so that future readers would clearly see the important explanatory text<sup>3</sup>.

<sup>1</sup> *Bayview Hunters Point v. Metropolitan Transportation Commission*, 177 F.Supp.2d 1011 (N.D. Cal. 2001), *rev'd*, *Bayview Hunters Point Community Advocates v. Metropolitan Transportation Commission*, 366 F.3d 692 (2004).

<sup>2</sup> [http://www.bcdc.ca.gov/proposed\\_bay\\_plan/10-01Recom.pdf](http://www.bcdc.ca.gov/proposed_bay_plan/10-01Recom.pdf) (pp. 4-5, 18, 20-21)

<sup>3</sup> [http://www.bcdc.ca.gov/proposed\\_bay\\_plan/10-01Resolution.pdf](http://www.bcdc.ca.gov/proposed_bay_plan/10-01Resolution.pdf) (pp. 4--8, 15-16)

MTC Planning/ABAG Administrative Committees  
June 13, 2013  
Page Two

BIA hereby requests that MTC and ABAG commit to prepare a statement of concerns and assurances regarding the agencies' as described in Attachment A for inclusion in the final Plan and direct staff to work with interested stakeholders to develop language that will be brought back to the MTC Planning Committee and ABAG Administrative Committee at the joint meeting scheduled for July 14. BIA recognizes that agency staff have prepared a "Frequently Asked Questions" that is included in the meeting materials. That document does not diminish the need for the statement of concerns and intent BIA requests, since it mostly represents "he said/she said" arguments and rebuttals about the merits of the Plan. BIA's request assumes that the Plan will be adopted in its current form, and seeks clear declarations from the elected officials of MTC and ABAG themselves about their *intent* in adopting the Plan. Again, it was the lack of a clearly expressed intent in the plan itself that ultimately led the District Court to imply a mandatory obligation to increase transit ridership based on the mere adoption of a target in the costly litigation discussed above.

Yours very truly,



Paul Campos  
Sr. V.P. & General Counsel  
pcampos@biabayarea.org



Attachment: Issues for Statement of Concerns & Intent

## 3.5 Organization Responses

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### **Letter B1      Myesha Williams, New Voices Are Rising (4/17/2013)**

- B1-1:      The comment in support of Alternative 5, the Environment, Equity and Jobs Alternative, is noted and will be forwarded to MTC and ABAG for their consideration. Regarding the comment that the Draft EIR does not adequately analyze the VMT and GHG reductions that this alternative would offer, the VMT and GHG impacts were analyzed in a consistent manner across all alternatives. Quantified information on the alternatives is presented where available and all alternatives were compared against the Plan's objectives. Detailed tables comparing traffic impacts of the alternatives are included in Chapter 3.1 of the Draft EIR (pages 3.1-24 to 31) and GHG emissions due to transportation and land use are quantified for all alternatives in Chapter 3.1, beginning on page 3.1-57; Section 2 of this EIR also contains updates to these sections. See also response B13-2.
- B1-2:      Commenter's support for Alternative 5 will be forwarded to MTC and ABAG for their consideration. Reductions in VMT can be provided in a variety of ways. The most productive way to reduce VMT is to co-locate housing and activity locations (including employment) closer together to reduce average trip lengths. As demonstrated by the analysis of Alternative 5, which included substantially more transit service than the proposed Plan but similar VMT results, significant additional investments in bus service above what is included in the proposed Plan does not result in significant additional reductions in VMT. See Master Response D.2 regarding GHG reductions. Furthermore, the funding may not be available to support the commenter's proposed additional investments. Furthermore, the funding may not be available to support the commenter's proposed additional investments. Overall, the implementation of the proposed Plan would require a subsidy of roughly \$800 million per year, compared to a subsidy of roughly \$2.4 billion per year needed to implement Alternative 5.
- The commenter's request to increase local transit service funding by \$70 million per year will be considered by decision-makers as part of the EIR certification process and action on the proposed Plan.
- B1-3:      The comment supports the public transportation investments made in Alternative 5, including a regional free youth bus pass. Alternative 5 does include the most robust investment in public transit of all the alternatives evaluated in the Draft EIR. MTC and ABAG respectfully disagree with the assertion that Alternative 5 is the best option for reducing VMT; the Draft EIR in Chapter 3.1 found that the proposed Plan has the greatest per capita decline in VMT of the alternatives by a very slight margin, while Alternative 5 performed the best in terms of total VMT. Decision-makers will weigh the advantages and disadvantages of each alternative in determining which option to adopt. See response B29-29 for more information.

The comment also expresses support for a youth transit bus pass. The Draft Plan Bay Area directs \$500 million to the Transit Performance Initiative (TPI), a regional program to achieve performance improvements in major transit corridors where current and future land use supports high quality transit. The first rounds of TPI funding from 2012 and 2013 generally supported improvements on existing bus and light rail lines serving major corridors, as well as other programs designated by the transit agencies including some youth and low income pass programs. Since fare policy is set by local transit agency boards, applying TPI or other eligible funds to fare reductions would be a local decision.

B1-4: See Master Response F on displacement.

**Letter B2 Greenbelt Alliance (5/2/2013)**

B2-1: MTC and ABAG acknowledge the map of critical habitat in the North Bay (Figure 2.9-5) was omitted from the Draft EIR in error, and instead repeats Figure 2.9-1 in its place. The correct Figure 2.9-5 is provided in Section 2 of this Final EIR. The figure is a visual aid only and does not alter the impact analysis presented in the Draft EIR. (*Defend the Bay v. City of Irvine* (2004) 119 Cal. App.4th 1261, 1265 [CEQA requires an EIR to reflect a good faith effort at full disclosure; *it does not mandate perfection...*].)

B2-2: The comment is correct that Table 2.14-2 had incorrect acreage figures, as it included the open space categories open, restricted, and no access. The table has been updated to remove the “no access” category and to show data from the 2012 update of the Bay Area Protected Areas Database. The table has also been renamed “Bay Area Publicly Accessible Parks and Open Space.” The changes to this table also affected Table 2.14-3, Parks and Open Space Acreage per 1,000 Residents and text on p.2.14-15 and p.2.3-51 of the Draft EIR. See Section 2 of this Final EIR for the updated tables and text. These changes do not alter the impact analysis conclusions presented in the Draft EIR.

These insignificant revisions do not alter the conclusions of the Draft EIR and do not constitute “substantial” new information as defined under Section 15088.5 of the CEQA Guidelines because these minor revisions do not deprive the public of a meaningful opportunity to comment upon a substantial adverse environmental effect or a feasible mitigation or avoidance measure.

B2-3: The commenter requests a map showing information regarding Bay Area migratory corridors and linkages developed by the Conservation Lands Network (CLN). The information related to the detailed efforts to identify and map large landscape blocks and critical linkages for wildlife between them in the Bay Area, including the availability of GIS datasets containing this information, is appreciated. While the CLN data is somewhat finer resolution than the Essential Connectivity Areas (ECA) analysis and, unlike the ECAs, is based on the requirements of local species, the CLN data is also presented on a regional scale and would not change the conclusions of the Draft EIR, which found that potential impacts on wildlife migratory corridors are significant and unavoidable. Nor does the CLN data present substantial new information that requires changes to the mitigation measures proposed under Mitigation Measure 2.9(e), which require site-specific analysis of regional as well as local migratory corridors and, where appropriate, several other measures including



construction of wildlife friendly overpasses and culverts, use of wildlife friendly fencing, and fencing of major transportation corridors in the vicinity of identified wildlife corridors. Nonetheless, the identified Bay Area critical linkages and large landscape blocks have been added to Figure 2.9-9 because, although there is a large degree of overlap between these two mapping efforts, the areas identified by the CLN expand on those identified as ECAs. See Section 2 of this Final EIR for the updated figure.

B2-4: The commenter requests the addition of language describing the CLN to the Draft EIR. Accordingly, the text on pp. 2.9-35 to 2.9-36 of the Draft EIR is revised as shown in Section 2 of this Final EIR. These revisions do not change the conclusions of the Draft EIR regarding significant and unavoidable impacts on migratory wildlife corridors.

B2-5: Commenter provides multiple comments requesting a finer level of analysis regarding both the biological resources setting and impacts analysis. As stated in the Draft EIR Executive Summary (pp. ES-3 and ES-4), this document, “is a program EIR, as defined by Section 15168 of the CEQA Guidelines.” As such, it presents a general assessment of the environmental impacts of implementing the proposed Plan on a region-wide scale. Individual projects are not addressed in detail, although mention of some possible, or funded projects, are discussed as appropriate. As noted throughout the Draft EIR, all impacts of individual projects would be evaluated in the future, by the appropriate implementing agency as required under CEQA prior to each project being approved. As a program-level EIR, this document, includes mitigation measures to offset potentially significant impacts and sets the basis for subsequent tiering for project-specific or site-specific environmental review. Specific analysis of localized impacts in the vicinity of individual projects is not included in this program level EIR. See Master Response A.3 for more information regarding the program nature of the EIR.

The Biological Resources analysis is appropriate for a program EIR. The program-level analysis identifies the biological resources at risk, the possible impacts on them that could result from implementation of projects under the proposed Plan, specifically from development that would occur both inside and outside PDAs and proposed transportation projects. The Draft EIR outlines mitigation measures that are typically used to avoid and minimize impacts on biological resources. The impacts set forth in the Draft EIR are based on the range of impacts known to occur as a result of projects similar to those proposed under the proposed Plan. The mitigation measures proposed are based in large part on measures recommended by permitting agencies (e.g., CDFW, USFWS, RWQCB) and are generally recognized by those agencies as being sufficient to mitigate impacts on a project-level basis. Figures 2.9-1 through 2.9-9 illustrate general special-status species locations, critical habitat, and essential connectivity areas and critical linkages in relation to the major transportation corridors within the planning area. Tables H-1A through H-1D (special-status species), H-2A through H-2C (critical habitat), H-3A through H-3B (salmonid critical habitat), H-4A through H-4D (wetlands), and H-5A through H-5B (other waters) in Appendix H to the Draft EIR present the results of a GIS-based analysis that compared the locations of proposed PDAs and transportation projects with locations of sensitive biological resources, thereby indicating which biological resources could be affected by each project and determining, on a very coarse scale since project details are generally unknown at this time, the acreage and/or linear feet of the resource potentially affected.

The commenter requests the addition of a map of the Bay Area’s wetlands and suggests two sources of finer scale GIS data depicting Bay Area wetland locations—the Bay Area Aquatic Resource Inventory (BAARI) and a CDFW vernal pool habitat dataset. Due to the broad scope of the proposed Plan and the program-level EIR analysis, MTC and ABAG decided not to include vegetation or wetland maps in the Draft EIR. Presentation of this information is challenging due to the regional scale of the plan and the number of individual projects across the nine Bay Area counties. Further, presenting such fine-scale data on a small scale map covering a large area would not provide meaningful analysis with respect to individual projects and their potential impacts on biological resources, given the lack of project-specific detail available at the time of the analysis. The EIR analysis did use the National Wetlands Inventory wetland GIS dataset to determine potential coarse scale impacts on wetlands by the various PDA and transportation projects proposed under the Plan. The results of this analysis are presented in Table H-4A (PDAs) and Table H-4B (transportation projects) of Appendix H to the Draft EIR.

The BAARI and the CDFW vernal pool habitat datasets, suggested for presentation in the Draft EIR by the commenter are indeed finer scale, and more recent, mapping efforts than the NWI dataset. However, these types of data are more appropriately used in the subsequent project-level analyses that will tier from this program EIR and, for the reasons given above, are not included in this Final EIR.

B2-6: The map requested by commenter would not substantially add to or change the analysis or conclusions in the EIR. Such a map would be a visual aid only and would directly relate to any of the criteria of significance on the proposed Plan’s impact on water quality or water supply. Given the tangential nature of such material to the regional impacts evaluated under this program EIR, MTC and ABAG decline to include such a map. See also Master Response G on water supply and A.3 on specificity of a program EIR.

B2-7: As described in the Supplemental Report *Summary of Predicted Land Use Responses* (page 24), a set of “Urban Boundary Lines” were established for each jurisdiction and used in the UrbanSim land use modeling (see map, Figure 10, *Summary of Predicted Land Use Responses*, page 25). The Urban Boundary Lines functioned similar to urban growth boundaries, beyond which no development would occur in the model except where allowed by current zoning laws. The Urban Boundary Lines were established hierarchically. Wherever possible, actual adopted urban growth boundaries, as defined Public Resources Code section 21071, subdivision (b)(1)(B) were used as the Urban Boundary Lines. In the absence of these adopted boundaries, LAFCO-determined urban service areas were used as the Urban Boundary Line. If urban service areas were not available, LAFCO-determined city spheres of influence (SOI) were used. SOIs were used instead of city limits because SB 375 requires MTC to consider SOIs that have been adopted by the LAFCOs within the region (Gov. Code, § 65080(b)(2)(G)) and SOIs represent a more realistic and likely limit on urban development than city limits. In general, the SOI extends beyond the current city limits, but in some cases, the city limits and SOI are the same. In addition, for some unincorporated areas, LAFCO- or county-determined service areas were also used as part of the Urban Boundary Line.

Below is a summary sets of boundaries used for the Urban Boundary Lines in the proposed Plan.

|                     |                                                           |                                                                                       |
|---------------------|-----------------------------------------------------------|---------------------------------------------------------------------------------------|
| Alameda County      | Urban Growth Boundary                                     | Fremont<br>Dublin<br>Castro Valley<br>Fremont<br>Livermore<br>Pleasanton              |
|                     | Urban Limit Line                                          | Hayward                                                                               |
|                     | LAFCO-defined Sphere of Influence                         | Remainder of Cities                                                                   |
|                     | Community Boundary, unincorporated areas                  | San Lorenzo<br>Cherryland<br>Hayward Acres                                            |
| Contra Costa County | Urban Limit Line                                          | Entire County                                                                         |
| Marin County        | Urban Growth Boundary                                     | Novato                                                                                |
|                     | LAFCO-defined Sphere of Influence                         | Remainder of Cities                                                                   |
|                     | County Service Areas, unincorporated areas                | Larkspur-Kentfield<br>Indian Valley<br>Country Club and Domingo<br>Upper Lucas Valley |
|                     | County Planning Area, unincorporated areas                | Richardson Bay Planning Area                                                          |
| Napa County         | Urban Limit Line                                          | American Canyon<br>St. Helena                                                         |
|                     | Rural Urban Limit                                         |                                                                                       |
|                     | LAFCO-defined County Service Area                         | Calistoga<br>Yountville                                                               |
|                     | County-defined Community Service Area, unincorporated     | County Service Area 3                                                                 |
|                     | County-defined Community Service District, unincorporated | Silverado Community Service District                                                  |
| San Francisco Count | City Limit                                                |                                                                                       |
| San Mateo County    | Urban Rural Boundary                                      | Entire County                                                                         |
| Santa Clara County  | Urban Growth Boundary                                     | Cupertino<br>Milpitas<br>Palo Alto<br>San Jose                                        |
|                     | Urban Growth Boundary/Urban Limit Line                    | Morgan Hill                                                                           |

|               | LAFCO-defined Urban Service Area                           | Remainder of Cities                                                                                                                                             |
|---------------|------------------------------------------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Solano County | Urban Growth Boundary                                      | Benicia<br>Rio Vista<br>Vacaville                                                                                                                               |
|               | Urban Limit Line                                           | Fairfield                                                                                                                                                       |
|               | LAFCO-defined Sphere of Influence                          | Remainder of Cities                                                                                                                                             |
| Sonoma County | Urban Growth Boundary                                      | All Cities                                                                                                                                                      |
|               | LAFCO-defined Urban Service Areas for unincorporated areas | Monte Rio<br>Forestville<br>Occidental<br>Geyserville<br>Airport<br>Larkfield<br>Graton<br>Bodega Bay<br>Guerneville<br>Sea Ranch<br>Penngrove<br>Sonoma Valley |

**Letter B3 San Mateo County Building & Construction Trades Council (5/7/2013)**

B3-1: MTC and ABAG acknowledge your support for Plan Bay Area.

B3-2: The Draft EIR for Plan Bay Area is meant to evaluate the environmental impacts and does not evaluate whether wage and labor standards are included in the Plan. CEQA only requires analysis and mitigation of potentially adverse changes in the physical environment. MTC and ABAG will consider your policy request prior to taking action on adoption of Plan Bay Area. The commenter's broad assertion that wage and labor standards could potentially reduce VMT or have beneficial health impacts is too speculative to analyze at this time. The commenter suggests "adding labor standards as mitigations to the negative impacts of the Plan." There is no substantial evidence that such policy measures would reduce any of the Plan's potentially significant impacts.

**Letter B4 ACCE Riders for Transit Justice, et. al (5/16/2013)**

B4-1: Please see responses letter B25.

**Letter B5 American Lung Association in California (5/16/2013)**

B5-1: Your support for Alternative 5 is acknowledged. While Alternative 5 performs better than the proposed Plan on some environmental issues, the Plan performs better on others. See response B25-8 and B25-10 for more information regarding the air quality and health

impacts analysis in the Draft EIR. Your requests for Plan Bay Area to substantially increase funding for transit operations, new transportation choices, and more active transportation and complete streets programs are also noted and will be considered by MTC and ABAG prior to taking action on adoption of Plan Bay Area.

**Letter B6 Cargill (5/16/2013)**

B6-1: A definition of “protected open space” has been added to Chapter 2.3 of the Draft EIR. It defines “protected open space” as “Publicly owned parkland and undeveloped land, including regional parks and other land in public ownership, as well as such lands subject to permanent restrictions on use to which owners have voluntarily agreed, as defined by a land use authority.” See Section 2 of this Final EIR for this change. The Bay Area Protected Areas Data Base, Farmland Mapping and Monitoring Program, Department of Conservation, State of California, 2008-2010, California State Park Boundaries, were used to prepare Table 2.3-6, Bay Area Parks and Open Space, and Figure 2.3-4 Regional Parks and Open Space. Consistent with the above definition of “protected open space”, this figure includes only publicly owned land and land that is protected with an enforceable conservation easement or other restriction voluntarily agreed to by a property owner.

SB 375 prohibits an SCS from “regulat[ing] the use of land.” (Gov. Code, § 65080, subd. (b)(2)(K).) Table 2.3-6 and Figure 2.3-4 are only meant to convey the locations and amount of protected open space at a regional level—they in no way represent a definitive or binding statement of policy. The continued protection of areas designated as protected open space is dependent on future decisions by cities, counties, the State, or other governmental bodies with land use authority over protected open space. Similarly, protected open space as described in Mitigation Measure 2.3(h) would be defined at the project-specific level by the actions or policies of relevant cities, counties, the State, or other governmental bodies with applicable land use authority.

Moreover, the EIR demonstrates that the designation of land as protected open space by the proposed Plan does not prevent such land from being developed. Specifically, the EIR estimates that under the proposed Plan approximately 2,022 acres of protected open space land (excluding agricultural land, forest land, or timberland) may be converted by combined land use and transportation projects. (Draft EIR, p. 2.3-51.) Therefore, the proposed Plan and EIR do not suggest that any land uses are actually barred or restricted by the protected open space designation. Because MTC and ABAG do not have local land use authority the proposed Plan does not purport to limit the existing land use authority of other agencies or municipalities with respect to lands identified as permanently protected in other plans nor does the proposed Plan attempt to expand the limits of permanently protected open space beyond the areas identified in those plans. See Master Response A.1 regarding local land use control.

Cargill’s lands in Redwood City and Newark are not classified as “protected open space” for purposes of the EIR analysis in Chapter 2.3, and there is no assumption made in the EIR that the proposed Plan would affect local land use authority over Cargill’s land ownership or cause a change of use or zoning to be required. Section 2 of this Final EIR updates page 2.3-34 of the Draft EIR to change “permanent” to “protected” to reduce confusion.

- B6-2: As discussed further in response B6-1, MTC and ABAG considered the Bay Area Protected Areas Database, Bay Area Open Space Council, 2012, Farmland Mapping and Monitoring Program, Department of Conservation, State of California, 2008-2010, California State Park Boundaries, to identify protected open space within the San Francisco Bay Area. The figure depicting “Regional Parks and Open Space” in the Draft EIR does not include Cargill’s lands in Redwood City and Newark, nor do the tabulations of “protected open space ” associated with it include Cargill’s land. Regarding the maps in the Draft Plan, revised maps are included in the Final Plan to depict the location of protected open space consistent with maps included the Draft EIR. See also response B6-6 regarding revisions to the maps in the Draft Plan.
- B6-3: The EIR’s analysis of open space resources is factually correct as it does exclude Cargill’s land. No misleading statements are made, nor does the EIR mislead readers about the geographic extent of “protected open space”. See response B6-1 for more information on the data source and intention of the maps and tables in the Draft EIR.
- As stated in response B6-1, a definition of “protected open space” has been added to Chapter 2.3 of the Draft EIR. It defines “protected open space” as “Publicly owned parkland and undeveloped land, including regional parks and other land in public ownership, as well as such lands subject to permanent restrictions on use to which owners have voluntarily agreed, as defined by a land use authority.” See Section 2 of this Final EIR for this change.
- B6-4: The Draft EIR explains that no change in local land use authority is envisioned by the proposed Plan. Mitigation Measure 2.3(g) states that mitigation measures shall be considered by implementing agencies and/or project sponsors where feasible based on project-and site-specific considerations to mitigate impacts to agricultural and open space lands including potential acquisition of “conservation easements on land at least equal in quality and size as partial compensation for the direct loss of agricultural land...” Acquisition of conservation easements on suitable lands would be undertaken by the implementing agencies and/or project sponsors based on project-and site-specific considerations. The proposed Plan does not limit in any way the manner in which an implementing agency may exercise its discretion in implementing this measure. See Master Response A.1 for additional information on local control of land use.
- B6-5: See responses B6-1 through B6-4.
- B6-6: The maps in the Draft EIR are correct; the errors in the Draft Plan maps will be addressed when the Final Plan is adopted. These corrections do not change the analysis or conclusions of the EIR.
- B6-7: As stated in response B6-6, there were errors in the maps in the Draft Plan document. Those errors will be addressed when the Final Plan is adopted. The Jobs Housing Connection Strategy report maps, which do not show the Cargill lands as protected open space, are accurate.

B6-8: See responses B6-1 through B6-4 and B6-7. The proposed Plan does not regulate land use. Land use authority will remain with the relevant local jurisdictions and permitting agencies (such as BCDC) and the proposed Plan will only be implemented insofar as local jurisdictions adopt its policies and recommendations. See also Master Response A.1 regarding local land use control.

B6-9: Pursuant to statute, an urban growth boundary “means a provision of a locally adopted general plan that allows urban uses on one side of the boundary and prohibits urban uses on the other side.” (Pub. Resources Code, § 21071, subd. (b)(1)(B).) The EIR does not state that there is a single “urban growth boundary” but rather that some cities have adopted urban growth boundaries. Table 2.3-14 identifies counties and cities that have adopted a geographic boundary to limit urban growth, and specific names for each boundary type are used for informational purposes. This table constitutes urban growth boundaries within the region as defined by Public Resources Code section 21071, subdivision (b)(1)(B). The factual basis for the information presented are local General Plans and summaries of jurisdictional policies on future growth expansion compiled by MTC and ABAG, which are cited in the EIR.

The discussion of urban growth boundaries as used in the EIR only includes existing boundaries as defined pursuant to Public Resources Code section 21071, subdivision (b)(1)(B). The proposed Plan, however, described a slightly more expansive area as within urban growth boundaries. The use of the term “urban growth boundary” in the description of alternatives is replaced with the term urban boundary line, as described in Section 2 of the Final EIR, to ensure consistency with Table 2.3-14 and the Public Resource Code section noted above. (See response B6-10 for discussion of how the Draft Plan will be revised to distinguish between urban growth boundaries as defined by Public Resources Code section 21071, subdivision (b)(1)(B) and the slightly more expansive growth boundaries considered in the proposed Plan.)

As discussed further in response B6-10, SB 375 requires that MTC and ABAG not only consider urban growth boundaries as defined by Public Resources Code section 21071, subdivision (b)(1)(B), but also requires consideration of spheres of influence (SOIs) that have been adopted by the local area formation commissions (LAFCOs) within the region. (Gov. Code, § 65080, subd. (b)(2)(G).) Therefore, in addition to urban growth boundaries included in Table 2.3-14, some lands within existing SOIs are incorporated within the definition of urban growth boundaries for the purposes of the proposed Plan. The full extent of the term urban growth boundaries as used in the proposed Plan is being clarified in the errata sheet that will be included in the Final Plan as explained in responses B6-10 and B6-11 below.

B6-10: The basis for the materials that summarize what local governments have done is not buried in an appendix of the proposed Plan. The Draft EIR includes a table that lists every city and county within the region that has adopted urban growth boundaries and county-wide land use measures (see Draft EIR, Table 2.3-14 on p. 2-3-48, with a description on page 2.3-47).

The proposed Plan includes a series of maps that illustrate both the urbanized areas and urban growth boundaries included within the region. (Draft Plan, p. 52 (Map 4), App. 2, pp.



140-154 (Maps 1-15).) These maps are being clarified in the Final Plan. For these maps, the term “urban boundary lines” will replace “urban growth boundaries”. The term “urban boundary line” is being used to reiterate that land within “urban growth boundaries” as defined in Public Resources Code section 21071, subdivision (b)(1)(B) and the urban boundaries used in the proposed Plan (now called “urban boundary lines”) are overlapping but distinct. As discussed in more detail below, because SB 375 requires MTC and ABAG to consider SOIs adopted by LAFCOs within the region (Gov. Code, § 65080(b)(2)(G)), “urban boundary lines” considered in the proposed Plan encompasses a slightly larger area than land within “urban growth boundaries” as defined by Public Resources Code section 21071, subdivision (b)(1)(B). See also response B6-9.

B6-11: As described in the Supplemental Report *Summary of Predicted Land Use Patterns Responses* (page 24), a set of “Urban Boundary Lines” were established for each jurisdiction and used in the UrbanSim land use modeling (see Figure 10, *Summary of Predicted Land Use Responses*, page 25) as a policy lever to develop alternatives. The Urban Boundary Lines functioned as urban growth boundaries in the model, beyond which no development would occur in the model except where allowed by current zoning laws. The Urban Boundary Lines were established hierarchically. Wherever possible, actual adopted urban growth boundaries as defined Public Resources Code section 21071, subdivision (b)(1)(B) were used as the Urban Boundary Lines. In the absence of these adopted boundaries, LAFCO-determined urban service areas were used as the Urban Boundary Line. If urban service areas were not available, LAFCO-determined city spheres of influence (SOI) were used. SOIs were used instead of city limits because SB 375 requires MTC to consider SOIs that have been adopted by the LAFCOs within the region (Gov. Code, § 65080(b)(2)(G)) and SOIs represent a more realistic and likely limit on urban development than city limits. In general, the SOI extends beyond the current city limits, but in some cases, the city limits and SOI are the same. In addition, for some unincorporated areas, LAFCO- or county-determined service areas were also used as part of the Urban Boundary Line. As stated above, the urban boundary lines include designations that are less formal than the traditional definition of “urban growth boundary” used for the EIR analysis and discussed in response B6-9. See response B6-10 above.

B6-12: As discussed in response B6-9 and consistent with the definition pursuant to Public Resources Code section 21071, subdivision (b)(1)(B), the Draft EIR uses the term urban growth boundary to refer to a variety of specific local measures that have been adopted for urban planning and implementation purposes, as the text on pg. 2.3-47 makes clear. Local city and county plans and implementing ordinances cited by reference in Table 2.3-14 were used to determine existing urban growth boundaries within the region. In no instance is any information presented in this EIR intended to substantially impair Cargill’s rights in a manner not authorized by local, State or federal law.

As discussed in the CEQA Guidelines, “[d]rafting an EIR or preparing a Negative Declaration necessarily involves some degree of forecasting. While foreseeing the unforeseeable is not possible, an agency must use its best efforts to find out and disclose all that it reasonably can.” (CEQA Guidelines, § 15144.) The commenter is correct that SB 375 does not authorize an SCS to “regulate[] the use of land.” (Gov. Code, § 65080, subd. (b)(2)(K).) However, an SCS, including its associated CEQA streamlining benefits, is intended to “encourage[] developers to submit applications and local governments to make

land use decisions that will help the state achieve its climate goals under AB 32, assist in the achievement of state and federal air quality standards, and increase petroleum conservation.” (SB 375, Stats. 2008, ch. 728, § 1(f) [uncodified legislative findings].) SB 375, therefore, envisions that development of an SCS will lead to “changed land use patterns...” (*Id.*, § 1(c).) In preparing the proposed Plan, MTC and ABAG reasonably forecast that local jurisdictions, as part of their concerted efforts to achieve climate goals under AB 32, will not expand current urban boundary lines, as they are defined in response B6-10 and B6-11. The proposed Plan, however, does not compel local jurisdictions to conform to this forecast. See also Master Response A.1 regarding local land use control.

- B6-13: “Protected open space” and “urban growth boundaries” are potentially overlapping but distinct terms. These designations only relate, as noted in the EIR, in the sense that local governments use urban growth boundaries as an implementation tool, along with urban service areas, environmental corridors, slope/density restrictions, stream conservation areas and riparian buffers to limit urban sprawl. Land may be both protected open space and within an urban growth boundary; the proposed Plan does not assume that all land within urban growth boundaries or even within Priority Development Areas will be developed. See responses B6-1 through B6-3, and B6-9 through B6-10 for a discussion of the terms “protected open space” and “urban growth boundaries” and an explanation of how actual land use designations, such as protected open space and urban growth boundaries, are made by local jurisdictions. See also Master Response A.1 regarding local land use control.
- B6-14: PCAs are a Plan concept and specific mapping will occur during Plan implementation. No more geographic detail is available currently, so this EIR used a programmatic approach and did not undertake any overlay analysis to determine how PCAs related to protected open space and urbanized areas. The 100 areas noted in the proposed Plan are part of the Project Description, so no revision is warranted, as no additional information is available on the location and extent of each PCA. A map has been added to the Draft EIR, Figure 1.2-2B, which shows general proposed PCA locations; see Section 2 of this Final EIR for the map.
- B6-15: MTC and ABAG disagree with the commenter that the Draft EIR failed to provide sufficient information relating to the meaning of “protected open space” and “urban growth boundaries.” See also responses B6-1 through B6-3, and B6-9 through B6-13 for a discussion of the terms “protected open space” and “urban growth boundaries” and an explanation of how actual land use designations, such as protected open space and urban growth boundaries, are made by local jurisdictions. Because there is a valid factual basis for the analysis and no Cargill land is being designated as “protected open space” or subject to an “urban growth boundary” initiated by the proposed Plan, the EIR can and does perform its function under CEQA – to disclose the environmental consequences of the proposed action to decision-makers and the public. For this reason the EIR is adequate under CEQA for the purposes cited in the comment.
- B6-16: See responses B6-1 and B6-3. As discussed in the EIR, the proposed Plan was developed with input from local jurisdictions for both land use and transportation projects. Land use authority will remain with the relevant local jurisdictions and permitting agencies (such as BCDP) and the proposed Plan will only be implemented insofar as local jurisdictions adopt its policies and recommendations. Because ultimate implementation of the proposed Plan

resides with local jurisdictions, the proposed Plan by its very nature does not result in any enforceable conflicts with local land use plans. See also Master Response A.1.

B6-17: See responses B6-1 and B6-3. Land use authority will remain with the relevant local jurisdictions and permitting agencies (such as BCDP) and the proposed Plan will only be implemented insofar as local jurisdictions adopt its policies and recommendations. In determining whether a future project has the potential to impact protected open space, lead agencies will consider applicable local and regional plans. Mitigation measures included in the EIR to protect open space are only applicable to a future project to the extent the local jurisdiction or permitting agency (such as BCDP) serving as the lead agency concludes, based on substantial evidence, that the project has the potential to significantly impact open space. Even then, lead agencies for future land use development projects must only comply with the mitigation measures set forth in the EIR to the extent it seeks to take advantage of the CEQA streamlining provisions established by SB 375. See also Master Response A.1 and A.2 regarding local land use control and CEQA streamlining respectively.

Mitigation Measure 2.3(h) states that mitigation measures shall be considered by implementing agencies and/or project sponsors where feasible based on project-and site-specific considerations to mitigate impacts to agricultural and open space lands including “[r]equiring conservation easements on land at least equal in quality and size as partial compensation for the direct loss of protected open space.” The determination regarding the potential for a future project to impact protected open space shall be determined by the implementing agency in consideration of applicable land use plans. The proposed Plan does not limit an implementing agency’s discretion in considering whether a project has the potential to impact protected open space. Similarly, acquisition of conservation easements on suitable lands would be undertaken by the implementing agencies and/or project sponsors based on project-and site-specific considerations. The proposed Plan does not limit in any way the manner in which an implementing agency may exercise its discretion in implementing this measure.

B6-18: The designation of protected open space presented in this EIR is a valid basis for the environmental analysis and does comply with CEQA and the requirements for environmental review; it is supported by substantial evidence, as explained in the above responses.

B6-19: The EIR does not identify Cargill’s property as protected open space.

B6-20: See responses B6-1 and B6-3. As Figure 2.3-4 is only a graphic tool to convey a concept, and does not in fact identify Cargill land as protected open space, there is no need to update the map.

B6-21: The proposal for a change in maps and policy language in the proposed Plan is acknowledged. The text on pg. 2.3-47 of the Draft EIR will be amended to add the following sentence at the end of the paragraph: “...Table 2.3-14. The urban growth boundary in the proposed Plan reflects locally designated urban growth boundaries.” See Section 2 of this Final EIR for this change as well. This change does not affect the analysis or conclusions in the EIR. See also responses B6-9 and B6-10.

- B6-22: Land use authority will remain with the relevant local jurisdictions and permitting agencies (such as BCDC) and the proposed Plan will only be implemented insofar as local jurisdictions adopt its policies and recommendations. Responses B6-1, B6-3, B6-9, B6-11, B6-12, and B6-13 clarify what the EIR analysis addresses and why it is an accurate reflection of existing conditions and potential impacts associated with the proposed Plan. See also Master Response A.1 on local control over land use.
- B6-23: See responses B6-1, B6-2, B6-3, B6-6, B6-9, B6-11, B6-12, B6-13, B6-20, and B6-21.

**Letter B7      BIA (5/17/2013)**

- B7-1: The comment introduces and summarizes the key points addressed in the remainder of the letter, comments B7-2 through B7-26. See responses B7-2 to B7-26.
- B7-2: The commenter asserts the No Project alternative omitted a substantial number of projects. As described in greater detail below, the No Project alternative omitted projects that were “uncommitted” and thus not likely to be constructed in the no project scenario.

The EIR must include a comparative analysis of the No Project alternative to compare the impacts of approving the project with the impacts of not approving the project. (CEQA Guidelines § 15126.6(e).) Future conditions under existing plans typically constitute the no project alternative; however, it is not legally adequate, nor does it allow for a meaningful comparison if a lead agency simply relies on currently planned projects without a more nuanced examination of those plans. (*Woodward Park Homeowners Ass’n v. City of Fresno* (2007) 150 Cal.App.4th 683, 715.) The Draft EIR relied on substantial evidence and properly defined the projects that are included in the no project alternative. (Draft EIR, p. 3.1-5.)

The commenter is only partly correct by stating the proposed project is a revision to the Bay Area’s existing Regional Transportation Plan (Transportation 2035). Importantly, as described in greater detail in response B7-3, the projects from Transportation 2035 that were omitted from the no project alternative are uncommitted projects that are uncertain to occur in the no project scenario. (Draft EIR, p. 3.1-5.) The proposed project is an update to the Bay Area Regional Transportation Plan (RTP), which MTC is required to adopt every four years. The proposed project is also the Bay Area’s first Sustainable Communities Strategy (SCS), as required by SB 375. The purpose of the SCS is to meet the Bay Area’s GHG reduction targets by integrating land use and transportation planning. Transportation 2035 was the last RTP approved by MTC that does not include the now mandatory SCS. As an SCS is now a mandatory requirement, implementation of projects in the previous RTP is not an accurate predictor of what would occur in the Bay Area in the no project scenario.

The commenter also asserts that the No Project alternative was constructed using a land use pattern that “differs substantially” from the pattern used in the adopted Regional Transportation Plan (RTP), in violation of CEQA. The land use pattern (Projections 2009) used for Transportation 2035, the region’s last adopted RTP, was a more focused growth pattern than has historically occurred in the region. However, the land use pattern in Projections 2009 has not fully come to fruition and therefore is not an accurate basis for the

No Project alternative. The No Project alternative land use pattern to represents current land use trends related to expansion of the urban boundaries continuing at historic rates. This is a reasonable comparison and an accurate representation of land use development patterns if current trends continue 28-years into the future.

Moreover, the fact that commenter disagrees with some of an EIR’s methodologies and conclusions is not a basis for overturning an EIR that is supported by substantial evidence – such as the Plan’s Draft EIR. Pursuant to CEQA, “substantial evidence” includes “fact, a reasonable assumption predicated upon fact, or expert opinion supported by fact.” (Pub. Resources Code, § 21080, subd. (e)(1); CEQA Guidelines, § 15834, subd. (b).) Substantial evidence is *not* conjecture, nor is it speculation or unsubstantiated opinion or narrative. (CEQA Guidelines § 15384(a).)

“Challenges to the scope of the analysis, the methodology for studying an impact, and the reliability or accuracy of the data present factual issues, so such challenges must be rejected if substantial evidence supports the agency’s decision as to those matters and the EIR is not clearly inadequate or unsupported.” (*Federation of Hillside & Canyon Assns. v. City of Los Angeles* (2000) 83 Cal.App.4th 1252, 1252.) Here, substantial evidence supports the conclusions in the Draft EIR, including the description of the No Project alternative. Where substantial evidence supports the agency’s findings, the agency’s actions must be upheld. (*N. Coast Rivers Alliance v. Marin Municipal Water District Bd. of Dirs.* (2013) 216 Cal.App.4th 614; see also *El Morro Community Assn. v. Cal. Dept. of Parks and Recreation* (2004) 122 Cal.App.4th 1341, 1349 [court must uphold the EIR “*if there is any substantial evidence in the record to support the agency’s decision that the EIR is adequate and complies with CEQA*”] (italics added).)

B7-3: The commenter asserts the No Project alternative should have included all projects listed in Transportation 2035 and that the omission of projects listed in Transportation 2035 results in understated impacts of the No Project alternative with respect to the construction and operation of transportation projects and overstated impacts of the proposed project. As discussed in response B7-2 and in the Draft EIR, the Draft EIR included projects that are identified as “committed” in MTC Resolution 4006, which does not include all projects listed in Transportation 2035. (Draft EIR, p. 3.1-5.) The committed projects provide a more realistic no project scenario than simply including all projects in Transportation 2035, and as such are the proper basis for the description of the no project alternative. The No Project alternative does not assume all projects included in Transportation 2035 are implemented. RTPs are updated every four years because circumstances – both for individual projects and more generally – change over the life of the plans. There have been a number of changes in project definitions and costs, available revenues, and project sponsor priorities since adoption of Transportation 2035 in April 2009. MTC and ABAG cannot reasonably assume that all projects in Transportation 2035 would be implemented if Plan Bay Area were not approved.

B7-4: See responses B7-2 and B7-3 regarding adequacy of the no project alternative and its comparison against the proposed project.

The commenter asserts that MTC violated CEQA’s prohibition against project segmentation by making certain policy decisions in 2011 and 2012 regarding the definition of committed

projects. The commenter speculates that those policy changes may influence the performance of the no project alternative and the proposed project in the alternatives analysis, and therefore the proper time for environmental review was prior to adoption of the 2011 and 2012 resolutions.

The commenter's analysis is incorrect. MTC's 2011 and 2012 resolutions revised the definition of the term "committed projects." CEQA defines a project as an "activity which may cause either a direct physical change in the environment, or a reasonably foreseeable indirect physical change in the environment." (Public Resources Code § 21065.) The 2011 and 2012 resolutions did not meet those criteria.<sup>1</sup>

The commenter seems to suggest that any policy decision made by MTC, is subject to environmental review. The policy inputs that inform the Plan have been developed over time. To follow the commenter's logic every decision that has been made to provide a framework for the plan, since the current plan, Transportation 2035, was adopted would be subject to environmental review including the Plan's performance targets; the criteria for the One Bay Area Grant program; and, the criteria for Priority Development Areas and Priority Conservation Areas.

It would be an entirely unreasonable reading of CEQA to define the 2011 and 2012 resolutions as a "project" necessitating environmental review of an entire RTP/SCS. There is no basis for the commenter's position.

Commenter asserts the approval of the 2011 and 2012 resolutions constituted pre-approval action in violation of CEQA Guidelines § 15004(b)(2). CEQA Guidelines § 15004(b) states that "[c]hoosing the precise time for CEQA compliance involves a balancing of competing factors. EIRs ... should be prepared as early as feasible in the planning process to enable environmental considerations to influence project program and design and yet late enough to provide meaningful information for the environmental assessment." As the commenter points out, MTC and ABAG were still early in the public planning process that eventually defined the Plan when the 2011 and 2012 resolutions were adopted. MTC and ABAG had not yet adequately defined the RTP/SCS in a way that would allow for meaningful environmental review.

CEQA Guidelines § 15004(b)(2) states that agencies should not take actions "concerning the proposed public project that would have a significant adverse effect or limit the choice of alternatives or mitigation measures, before completion of CEQA compliance." In a related provision, CEQA defines a project "approval" as the "decision by a public agency which

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<sup>1</sup> The Staff Memo regarding the committed projects policy can be found at:

[http://apps.mtc.ca.gov/meeting\\_packet\\_documents/agenda\\_1629/04\\_0\\_Committed\\_Policy\\_PC\\_031111\\_Final.pdf](http://apps.mtc.ca.gov/meeting_packet_documents/agenda_1629/04_0_Committed_Policy_PC_031111_Final.pdf)

and the presentation at :

[http://apps.mtc.ca.gov/meeting\\_packet\\_documents/agenda\\_1629/04\\_2\\_CommittedPolicy\\_PC\\_031111\\_final.pdf](http://apps.mtc.ca.gov/meeting_packet_documents/agenda_1629/04_2_CommittedPolicy_PC_031111_final.pdf)

commits the agency to a definite course of action in regard to a project ... ." (CEQA Guidelines § 15352.) The adoption of the 2011 and 2012 resolutions does not meet those criteria. The revisions to the definition of "committed project" did not have the effect of limiting alternatives or mitigation measures in the RTP/SCS environmental review. It provided a clear framework by which projects could be assessed, including relative to the environmental review process. The 2011 and 2012 resolutions adopted by MTC did not constitute a commitment to the project that precedes environmental review. (*Save Tara v. City of West Hollywood* (2008) 45 Cal.4th 116, 129-130.)

Furthermore, CEQA's longest statute of limitations (180-days) for a challenge to the adequacy of environmental review for the 2011 and 2012 resolutions has passed. (Public Res. Code § 21167.) MTC disagrees with the commenter's assertion that environmental review of the entire project should have occurred prior to the 2011/2012 policy decisions and, in any event, the time to raise that assertion has long since passed.

B7-5: The commenter assumes the No Project alternative has "an improper land use pattern." As discussed in response B7-3, the description of the no-project alternative is reasonable and supported by substantial evidence.

The No Project alternative projects a likely future growth pattern without the adoption of the Proposed Plan. For this exercise, existing policies must be interpreted into the future. The wide variety of urban growth boundaries and other "limit lines" currently existing in the Bay Area was documented by MTC and ABAG and an effort was undertaken to generalize about long-term policy implications of these limitations. No limit lines were described as permanent. Common situations involved lines that could be changed by a council or public vote (with numerous historical examples of expansions of this type), lines that required periodic new votes to remain in effect, and lines with no explicit rules regarding their longevity. This situation is not surprising given that the Portland Urban Growth Boundary (the most well-known planning limit line in the U.S.) was designed for periodic expansion and has been expanded more than once.

This situation rendered the assumption of all growth remaining within limit lines unlikely. Instead, MTC and ABAG took a different approach to get at likely overall regional expansion by calculating the increase in incorporated land (due to both city expansion and new city formation) over the past three decades. This analysis found that the increase in incorporated land was statistically related to population growth in the previous decade and hadn't slowed significantly in recent years. MTC and ABAG used this ratio and the projected population increases to calculate the amount of new land to be added to cities (and thus put within the limit lines). The construction of a three-decade spatial model to determine the location of this new land was not feasible within the time allowed. Instead, a scoring system assigned it to flat locations near highways since this general pattern seemed to hold over the past few decades. In its analysis, MTC and ABAG applied similar zoning to this land as found in nearby suburban areas and allowed it to develop within the market framework as modeled by UrbanSim.

B7-6: See responses B7-2 to B7-5.



B7-7: See responses B7-2 to B7-5.

B7-8: See responses B7-2 to B7-5.

Commenter Cites to *Planning and Conservation League v. Dept. of Water Resources* (2000) Cal.App.4th 892 (*PCL v. DWR*) to support the assertion that the No Project alternative improperly excludes uncommitted projects and that the growth pattern in the No Project alternative is inaccurate. *PCL v. DWR* does not support the commenter's position. In that case, the parties to a contract met to discuss amendments to certain provisions of the contract that both parties agreed needed to be revised. (*Id.* at p. 900.) The EIR, however, failed to disclose what would happen if the contract were not amended – in other words, the EIR failed to describe the no-project alternative. (*Id.* at pp. 917-920.) The court held the EIR was inadequate because it completely failed to analyze what was certain to happen if the parties did not amend the contract.

The Draft EIR for the Plan is not similar to the flawed EIR in *PCL v. DWR*. Here, as discussed in comments B7-2 through B7-7, the Draft EIR provided an accurate description of what is most likely to happen in the no project scenario, consistent with CEQA's requirements (Draft EIR, P.3.1-5.).

B7-9: The commenter incorrectly characterizes the time period and the decision making process leading up to the adoption of the Jobs-Housing Connection Scenario. The housing control total for the Preferred Scenario adopted in Spring 2012 was informed by several key inputs in addition to local input. Inputs to the forecast that were not previously available included the 2010 US Census results indicating a lower level of growth between 2000-2010 than previously estimated by the US Census and the Department of Finance, the incorporation of inputs related to analysis by UC Berkeley, Strategic Economics, and the Center for the Study of the California Economy pertaining to impacts related to the 2008-2009 recession, the nation's deepest economic downturn since the Great Depression, and a consideration of how the Bay Area would likely emerge from recession and perform relative to the national and global economies in coming decades. The economic downturn had an enormous impact on the Bay Area's housing market including historically high vacancy and foreclosure rates in addition to a significant number of jobs lost in the region, which is taken into account in ABAG's jobs and population projections.

The Jobs-Housing Connection Scenario also took into account a detailed analysis related to shifting demographic changes including the rapid rise in the region's senior population projected through 2040, as well as the shifting employment and housing locational preferences of knowledge-based employers and their workers to more walkable, amenity rich, transit-served locations also informed the forecast changes. The control total for the Preferred Scenario that would become the Project and Draft Plan has been consistent and is based on recent trends in employment and demographics. See Master Response B.1 for more information on population projections.

The commenter misinterprets SB 375's requirement to provide adequate housing. The Plan complies with SB 375 by providing housing for "all the population." The Plan does so by planning for enough housing to accommodate the Bay Area's projected population through

2040, including no increase in the proportion of the population that commutes into the region from other counties.

There are an estimated 116,000 workers who currently commute into the Bay Area from outside the region. (Draft EIR, p. 2.1-17.) This amounts to approximately 3.4 percent of the Bay Area's workforce. The Plan and the Draft EIR assume that ratio of in-commuters will remain constant through 2040. This represents a marked change from recent decades in which the ratio has increased. The existing proportion of in-commuters is part of the existing conditions baseline and is not an environmental impact of the project. MTC's and ABAG's assumption that a certain proportion of the Bay Area workforce will continue to in-commute is reasonable.

The San Francisco Bay Area is not an isolated metropolitan area. In fact the nine county Bay Area is part of a larger metropolitan area recognized by the U.S Government. The United States Office of Management and Budget (OMB) has designated the 12-county San Jose-San Francisco-Oakland, CA Combined Statistical Area (CSA) for the greater San Francisco Bay Area. This designation is utilized by the US Census. The CSA comprises the following seven Metropolitan Statistical Areas (MSAs):

1. The San Francisco-Oakland-Hayward, CA Metropolitan Statistical Area comprising Alameda, Contra Costa, San Francisco, San Mateo, and Marin counties
2. The San Jose-Sunnyvale-Santa Clara, CA Metropolitan Statistical Area comprising Santa Clara and San Benito counties
3. The Stockton-Lodi, CA Metropolitan Statistical Area comprising San Joaquin County
4. The Santa Rosa, CA Metropolitan Statistical Area comprising Sonoma County
5. The Vallejo-Fairfield, CA Metropolitan Statistical Area comprising Solano County
6. The Santa Cruz-Watsonville, CA Metropolitan Statistical Area comprising Santa Cruz County
7. The Napa, CA Metropolitan Statistical Area comprising Napa County

The CSA ranks as the fifth most populous metropolitan area of the United States. The consolidated metropolitan area is based upon existing economic links including commute patterns between counties encompassing the nine Bay Area counties and the non-Bay Area counties of San Joaquin, Santa Cruz and San Benito.<sup>2</sup> The consolidated 12 county metropolitan area directly abuts the adjacent Sacramento metropolitan area (the nation's 18<sup>th</sup> largest) and the Salinas metropolitan area.

It is unreasonable to assume that any action taken by MTC and ABAG will eliminate the daily commute of individuals across political boundaries. To give two examples: some number of Solano County residents will always travel to Sacramento County (approximately

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<sup>2</sup> OMB Bulletin No. 13-01: Revised Delineations of Metropolitan Statistical Areas, Micropolitan Statistical Areas, and Combined Statistical Areas, and Guidance on Uses of the Delineations of These Areas". United States Office of Management and Budget. February 28, 2013. Retrieved April 17, 2013.

3,300 did in 1990<sup>3</sup> and 4,500 in 2000<sup>4</sup>) to work and some number of Santa Cruz County residents will always travel to Santa Clara County to work (approximately 17,000 workers in 1990 and 21,000 in 2000). Commuting across regional lines is done for a multitude of reasons. Family, micro-climates, schools as well as preferences for certain lifestyles. If one wants to have a ranch, San Joaquin County might be more desirable than Alameda County. If one wants a beach town environment it's hard to beat Santa Cruz or Monterey. Yet people who seek those amenities may also commute to the Bay Area for work or have a partner that does so. It's unrealistic to assume that everyone who commutes across the line to Livermore or Gilroy is doing so because they have no other choice.

At the request of the commenter, the Draft EIR analyzes an alternative that eliminates in-commuters as part of the Draft EIR's reasonable range of alternatives (Alternative 4); MTC and ABAG are under no obligation to adopt that alternative, however. The commenter misinterprets the language in Alternative 4 regarding SB375's housing requirement. (Draft EIR, p. 3.1-10.) The language in the Draft EIR has been revised to eliminate any potential confusion. The revised language is included in Section 2 of this Final EIR.

MTC performed a sensitivity analysis that uniformly scaled up the Alternative 2 "proposed Plan control totals" (i.e., population and jobs) to match the Alternative 4 control totals. The result was a 17 percent reduction in per capita GHG emissions relative to 2005 (ignoring improvements in vehicle technology, i.e. the SB 375 metric). This reduction is slightly greater than the 16 percent reduction estimated for Alternative 2 using the proposed Plan control totals. Two factors contribute to this improved performance: (i) increasing the amount of housing and employment in the focused growth pattern of Alternative 2 provides travelers more opportunities to live and work in close proximity, slightly increasing the relative efficiency of travel in the Bay Area; and, (ii) the slight increase in population did not significantly increase congestion, which allowed travel speeds and effective miles per gallon to remain similar across the two scenarios.

- B7-10: The language in the Draft EIR mistakenly implied that Alternative 4 was the only alternative that met the housing requirements in SB 375. The language has been revised and is included in Section 2 of this Final EIR.
- B7-11: The commenter states that the Draft EIR's analysis of Alternative 4 departs from an unspecified "rule of the game" regarding the number of jobs that the alternative will support relative to the number of housing units. MTC and ABAG respectfully disagree. The job figure for Alternative 4 reflects the maximum number of jobs the region may reasonably assume in the forecast period based upon a variety of factors including national employment trends, the relationship of the region to national trends across various sectors, as well as housing availability. The housing control total for the project is based upon an assessment of

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<sup>3</sup> "Journey to Work in the San Francisco Bay Area – 1990 Census, Census Transportation Planning Package (Statewide Element)", Metropolitan Transportation Commission.

<sup>4</sup> See Data Summary 5 here: [http://www.mtc.ca.gov/maps\\_and\\_data/datamart/census/datasum.htm](http://www.mtc.ca.gov/maps_and_data/datamart/census/datasum.htm)

how much housing is needed to support a strong, but reasonable level of job growth in the Bay Area. The level of job growth assumed in Alternative 4 reflects the maximum level of employment growth that the region can assume based upon the analysis of the employment forecast. Although housing capacity has a significant impact on employment growth, it is one of many factors that drive regional economic and employment growth.

In addition, analysis was done regarding the number of jobs that would be created by the larger population total. With new residents, household consumption stimulates additional economic activity because Bay Area businesses and public agencies will provide the goods and services that these household would have consumed in the neighboring regions. These additional jobs (approximately 45,000) were also included in the Alternative 4 jobs figures.

See Master Response B.1 for more information regarding the population projections.

B7-12: The comment asserts that the proposed Plan does not meet SB 375's housing requirement or the corresponding project objective. The comment also criticizes the Draft EIR's analysis of the in-commuting issue. Neither CEQA nor SB 375 requires an RTP/SCS to eliminate the existing ratio of in-commuters. The Plan and Draft EIR make the reasonable assumption that a certain portion of the Bay Area's workforce will continue to in-commute from surrounding areas into the nine county Bay Area region covered by the Plan. It is unreasonable to assert that workforce migration would simply stop at the boundaries of the Plan if a certain amount of residential units were constructed within the region. Regardless of the number of residential units in the area covered by the Plan, a certain portion of the population will still choose, for various reasons, to live in places such as Davis, Sacramento, Stockton, Tracy, Salinas, Santa Cruz, and Monterey.

The Plan complies with SB 375's requirement to house "all the population" by planning for enough residential units within the region for all new growth, which keeps the current proportion of in-commuters constant. As the Santa Clara VTA noted in comment A30-9, the Contra Costa Transportation Authority in comment A39-4, and the Solano Transportation Authority noted in comment A41-4, other metropolitan planning organizations share MTC's and ABAG's interpretation of SB 375's requirement to house all of the population. For instance, The Sacramento Area Council of Government's (SACOG) SCS acknowledges that "some people will always choose to commute to work," noting multiple factors that influence people's commuting decisions, such as housing cost, lifestyle, quality of schools, and two-person households.<sup>5</sup> MTC's and ABAG's assumption regarding the continued reality of in-commuting is thus reasonable and consistent with other regional and local transportation agencies' practices.

B7-13: The comment asserts making a reasonable assumption that the proportion of in-commuters in the Bay Area will remain constant is an improper use of a "ratio theory" that is prohibited

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<sup>5</sup> Sacramento Area Council of Governments. Metropolitan Transportation Plan/Sustainable Communities Strategy, April 2012, available at <http://www.sacog.org/2035/files/MTP-SCS/MTPSCS%20WEB.pdf>.

by CEQA in the context of cumulative impacts analyses. The commenter cites no legal authority to support its assertion. Presumably, the commenter refers to the use of a ratio theory in analyzing cumulative impacts that was struck down by courts in *Kings County Farm Bureau v. City of Hanford* (1990) 221 Cal.App.3d 692, 718 and *Los Angeles Unified School District v. City of Los Angeles* (1997) 58 Cal.App.4th 1019, 1025. The commenter's comparison of MTC and ABAG's reasonable assumption regarding in-commuters to the ratio theory invalidated in the *Hanford* and *LAUSD* cases is inapposite.

In the *Hanford* and *LAUSD* cases, the lead agencies used an approach to analyzing a project's cumulative impact by comparing the project's relative impacts to existing conditions that already exceeded thresholds of significance. The agencies in those cases found their projects' cumulative impacts would be less than significant because the impacts were small compared to existing cumulative conditions. The courts held the analysis was flawed because it did not adequately disclose and analyze a project's contributions to an already significant impact. Thus, it is improper to trivialize a project's cumulative impacts as small compared to a large, pre-existing significant impact condition. These cases, however, do not apply to MTC's and ABAG's reasonable assumption that a proportion of the Bay Area's workforce will continue to in-commute to the region.

The proportion of Bay Area in-commuters is part of the existing conditions baseline against which the Plan's impacts are measured. (Draft EIR, pp. 1.2-6, 1.2-33, 2.1-17.) As discussed in comment B7-12, nothing in CEQA or SB 375 mandates elimination of the existing ratio of in-commuters. The Draft EIR discusses in-commuters as a ratio or proportion of the Bay Area workforce, but it does not use the "ratio theory" for analyzing the project's contribution to cumulative impacts. The Draft EIR properly analyzes the project's impacts based on population projections that are supported by substantial evidence (See Master Response B.1), and reasonably assumes the proportion of the Bay Area workforce will remain constant. The Draft EIR does not attempt to trivialize the impacts of the plan as compared to a greater cumulative impacts scenario, as was the case in the *Hanford* and *LAUSD* cases.

The commenter is correct that the actual number of in-commuters will increase over the life of the Plan. In fact, the Draft EIR projects the number of in-commuters is expected to increase from 116,000 in 2010 to 155,000 in 2040. (Draft EIR, p. 1.2-33.) This is not a consequence of the Plan; rather, it is a reality that the Plan must address in its land use and transportation planning. By increasing housing opportunities in the Bay Area, the proposed Plan houses all of the region's population with no increase in the ratio of in-commuting, despite significant job growth.

B7-14: The commenter again asserts MTC and ABAG improperly changed a "rule of the game." Please refer to response B7-11 above. Furthermore, commenter asserts the Draft EIR failed to provide a "stable and finite project description" because ABAG's population, employment, and housing demand projections evolved over time in response to new input prior to the release of the Draft EIR. The commenter misunderstands CEQA's requirement that an EIR include a stable project description. EIR's must contain an accurate, stable, and finite project description. (*Save Round Valley Alliance v. County of Inyo* (2007) 157 Cal.App.4th 1437, 1458.) The fact that ABAG refined its projections over time *prior to the release of the*

*Draft EIR* has no bearing on the stability of the project description in the Draft EIR. In fact, the project description has remained constant since release of the Draft Preferred scenario in May, 2012, approximately one year prior to release of the Draft EIR.

In *County of Inyo v. City of Los Angeles* (1977) 71 Cal.App.3rd 185, 192, the court held an EIR is inadequate when the project description is unstable and shifts *within* the EIR. (See also, *San Joaquin Raptor Rescue Center v. County of Merced* (2007) 149 Cal.App.4th 645, 655 [project description was misleading due to inconsistencies within the EIR].) Here, the Draft EIR clearly and consistently addresses the in-commuter issue in various places. (Draft EIR, pp. 1.2-6, 1.2-33, 2.1-17.) There are no inconsistencies in the Draft EIR's discussion of in-commuters, thus, there is no instability in the EIR's project description.

B7-15: The commenter contends that the jobs to housing unit ratio was a standard developed in creating the forecast and that the Draft Plan violates its own standard. ABAG and MTC did not create a standard for jobs to housing unit ratio. While the jobs to housing unit ratio is a useful measurement for assessing existing and future jobs and housing, it is a product of many other assumptions used in the forecast, including unemployment rates, housing vacancy rates, labor force participation rates, and demographic trends.

The commenter also contends that an increase in the jobs to housing unit ratio implies a larger increase of workers commuting from outside the region. We estimate that Bay Area jobs held by workers living outside the region will increase from approximately 116,000 in 2010 to 155,200 by 2040. However, we anticipate no increase in the ratio of in-commuters to all commuters, which is expected to remain at 3.4% throughout the 30-year forecast period.

The commenter's approach of citing an increase in the jobs to housing unit ratio over the 30-year period and then providing a jobs to housing unit ratio measurement of incremental jobs and housing is misleading. The jobs to housing unit ratio will change depending on housing vacancy rates and unemployment rates. As vacancy rates and unemployment rates increase, the jobs to housing unit ratio will decrease. Because the Bay Area was still recovering from the housing crisis and subsequent recession that began in 2008, both vacancy rates and unemployment rates were unusually high in 2010, contributing to an unusually low jobs to housing unit ratio. The Bay Area jobs to housing unit ratio in 2010 was 1.22, with an unemployment rate of 10.6% and an overall housing vacancy rate of 6.4%. The forecast assumes that unemployment rates will decline to 5.1% by 2020. This reduction in the unemployment rate assumes that roughly 200,000 workers who were unemployed in 2010 will become re-employed by 2020. The forecast also assumes that housing vacancy rates will decrease to 4% by 2020. Together, the decreases in the unemployment rate and the vacancy rate bring the jobs per housing unit ratio to 1.35. Then, as the Bay Area population ages, labor force participation rate (the proportion of working residents) will decline and the jobs per housing unit is expected to gradually decrease to 1.31 by 2040.

B7-16: The commenter re-asserts its prior comment B7-15 that the Plan is a return to "paper-planning." Please see response B7-15.

The commenter quotes portions of the proposed Plan referencing the Plan's commitment to house the region's increasing population. The Plan was able to house all new growth without

increasing the proportion of in-commuters and still achieve SB 375's GHG reduction targets which, as the quoted language suggests, is a significant achievement. The comment raises no environmental issues that require a response under CEQA.

B7-17: As discussed in Master Response B.1, ABAG's housing projections are reasonable and supported by substantial evidence. ABAG relied on those population projections to arrive at reasonable housing demand projections

The comment makes reference to three independent, but related, elements with respect to the regional forecast: (1) the validity of the regional housing forecast; (2) the rationale for modifications to the regional forecast; and (3) the proposed housing distribution in the Draft Plan.

With respect to the validity of the regional housing forecast, ABAG's housing projections are reasonable and supported by substantial evidence. During development of the Alternative Scenarios, released in September 2011, a preliminary housing growth estimate of 770,000 units was used as a placeholder, utilizing basic assumptions about employment and population growth, jobs per household ratios and pace of recovery of the housing market.

Following issuance of the Alternative Scenarios, ABAG and a team of consultants developed a rigorous and thorough methodology that creates internally-consistent job, population and household projections that are based on credible assumptions about key relationships including job shares, labor force participation rates, and household formation rates, among other critical factors. This regional forecast also reflects changing data regarding national, state, and regional demographic and economic conditions, most notably the recent sustained economic recession.

More specifically, the regional growth forecast starts with projected regional job growth, as in all major regional forecast modeling in California and around the nation including regional projections produced by SCAG, SANDAG, SACOG, AMBAG, and SBCAG, as well as in the regional population growth in the models used by the three major national forecasting firms – IHS Global Insight, Regional Economic Models, Inc., and Moody's.

Population growth is projected in terms of natural increases from births and deaths and migration into the region. The ABAG forecast uses California Department of Finance (DOF) fertility and mortality assumptions to determine the amount of natural increase in the population to develop a population profile. Migration, rather than being tied to recent trends, is forecasted as a function of job growth. From population growth, a forecast of households and housing units is developed.

The final housing forecast of 660,000 new units in the Draft Plan was calculated by incorporating detailed demographic information from the State Department of Finance (DOF) and the 2010 U.S. Census, including:

- Labor force participation rates by age and ethnicity
- Household formation rates by age and ethnicity
- Vacancy assumptions



- Unemployment rates
- In-migration assumptions
- Housing production constraints, including availability of funding to support affordable housing.

The regional housing forecast in the Draft Plan was developed through a reasoned, systematic approach to assessing growth, as noted above. This approach was presented to the ABAG Regional Planning Committee and the ABAG Executive Board in March of 2012. Furthermore, the housing forecast in the Draft Plan has undergone significant scrutiny and has been validated by the DOF and the California Department of Housing and Community Development (HCD).

The commenter inaccurately represents the rationale for the modifications to the housing forecast during development of the planning scenarios. As noted above, the regional forecast, including the housing forecast, in the Draft Plan was developed to create an internally-consistent job, population and household projections that are based on credible assumptions about key relationships and reflects changing data regarding national, state, and regional demographic and economic conditions. ABAG and MTC have never stated that the regional forecast was modified because of compulsion to do so by state or federal law. By our interpretation, however, the regional forecast *does* meet the standards and requirements set forth in both the state and federal statutes governing the Sustainable Communities Strategy.

With respect to the location of growth, many of the Priority Development Areas that collectively make up approximately 80% of projected housing growth are located outside of the urban core. In addition, the average density of development in Priority Development Areas (PDAs) is not projected to be 80 dwelling units/acre. Densities vary across the Priority Development Areas and the intensity of projected growth varies as well. The Place Types selected by jurisdictions for each PDA range from Transit Neighborhoods, with a potential range of 20-50 dwelling units/acre, to mixed use neighborhoods with a range of 25-60 dwelling units per acre, and Regional Centers with a range of 75-300 dwelling units/acre. The maximum density of four of the seven PDA place types is below 80 dwelling units/acre. (See, Jobs Housing Connection Strategy.) Most importantly, the Place Type densities are intended to provide guidance, but do not represent requirements. To be eligible to be a PDA, an area must have an average existing or planned density of 20 dwelling units/acre. By 2035, 35% of all housing units will be in PDAs.

While the Draft Plan acknowledges the challenges of infill development, ABAG and MTC tested the feasibility of the Plan with an assessment of a representative sample of PDAs from throughout the region by the renowned consultants at Economic and Planning Systems (EPS), deeply familiar with the market characteristics of each jurisdiction the Bay Area. Overall, the study concluded that the proposed development pattern contained in the preferred scenario, while ambitious, represents an achievable level of growth with sufficient policy changes, some of which are now underway or currently being advanced.

See Master Response B.2 regarding the Plan's feasibility.

B7-18: See Master Responses B.1 and B.2 regarding population projections and Plan feasibility.

It is unclear to which specific analyses of Chapple and Levy the commenter refers to regarding ranges of job and housing growth. This comment also inaccurately represents how the regional forecast of employment, population and housing was constructed. The regional forecast was not developed simply by pairing together various assessments of growth. Instead, the forecast incorporates the most recent data and trends and utilizes a sound and rational methodology. The work of Levy and Chapple do support the regional forecast, and were used as a starting point in developing the regional forecast. As noted in response B7-17, the final regional forecast was developed through a complex analysis that creates an appropriate alignment of employment, population and housing growth via a number of accepted forecasting factors, including labor force participation rates (by age and ethnicity), household formation rates (by age and ethnicity), in-migration and in-commuting rates, and vacancy and unemployment assumptions. This forecast analysis was then further constrained by optimistic assumptions for housing production. The rationale for this methodology and the factors and assumptions used are well documented in the Draft Forecast of Jobs, Population and Housing, a supplemental report to the Draft Plan ([http://onebayarea.org/pdf/Draft\\_Plan\\_Bay\\_Area/Draft\\_PBA\\_Forecast\\_of\\_Jobs\\_Population\\_and\\_Housing.pdf](http://onebayarea.org/pdf/Draft_Plan_Bay_Area/Draft_PBA_Forecast_of_Jobs_Population_and_Housing.pdf)).

B7-19: The comment makes conclusory, general assertions regarding the adequacy of the SCS and changes in MTC and ABAG policies that occurred during the development of the project. See responses B7-2 through B7-18 for detailed responses to the issues raised. For the reasons discussed in greater detail in responder's previous comments, MTC and ABAG disagree with the assertion that the Draft EIR fails as an informational document.

B7-20: See Master response B.2 regarding PDA feasibility and the PDA Development Feasibility and Readiness Assessment.

B7-21: The commenter references the "Burns Report" and asserts the Burns Report contradicts assumptions and conclusions in the Plan with respect to certain "macro regional issues."

The Burns Report disagrees with the analysis in the Plan, but it does not undermine the evidence relied on by MTC and ABAG. This is an important distinction. The fact that a purported expert disagrees with the Plan's assumptions and conclusions does not render the Plan's development pattern "arbitrary and capricious," as the commenter asserts. On the contrary, the approval of a project cannot be set aside under CEQA on the ground that an opposite conclusion could have been reached by relying on contradictory evidence. (*Greenebaum v. City of Los Angeles* (1984) 153 Cal.App.3d 391, 401.) Challenges to the scope of the analysis, the methodology for studying an impact, and the reliability or accuracy of the data present factual issues, so such challenges must be rejected if substantial evidence supports the agency's decision as to those matters and the EIR is not clearly inadequate or unsupported." (*Federation of Hillside & Canyon Assns. v. City of Los Angeles* (2000) 83 Cal.App.4th 1252, 1252 (Federation).) Here, substantial evidence supports the conclusions in the Draft EIR. Where substantial evidence supports the agency's findings, the agency's actions must be upheld. (*N. Coast Rivers Alliance v. Marin Municipal Water District Bd. of Dirs.* (2013) 216 Cal.App.4th 614; see also *El Morro Community Assn. v. Cal. Dept. of Parks and*

*Recreation* (2004) 122 Cal.App.4th 1341, 1349 [court must uphold the EIR “if there is any substantial evidence in the record to support the agency’s decision that the EIR is adequate and complies with CEQA”] (*italics added*).)

The Burns Report provides a very general critique of the development pattern in the Plan, however, it does not undermine any of the analysis or conclusions in the Draft EIR. In fact, the Burns Report doesn’t even reference the Draft EIR. Furthermore, the Burns Report constitutes an argument for last generation’s growth strategy – single family homes in sprawling suburban communities – based on analyses of last generation’s preferences. The Plan, on the other hand, represents a departure from past development patterns towards more compact and sustainable communities.

The Burns Report provides a critique, again at a very general level, of a report by Arthur Nelson for the Urban Land Institute titled “The New California Dream: How Demographic and Economic Housing Trends May Shape the Housing Market: A Land Use Scenario for 2020 and 2035.” The Nelson Report is a much more detailed academic analysis than the Burns Report. The Nelson Report is also a forward-looking projection of housing demand over a time period that is much more relevant to MTC and ABAG for the purposes of developing the Draft Plan than the general analysis of past housing trends supplied by the Burns Report. The Nelson Report disagrees with the conclusions in the Burns Report regarding the demand for new single family residential development. After considering the relevant evidence, MTC and ABAG reached their own conclusions regarding the appropriate development pattern in the Draft Plan. Nothing in the Burns Report undermines those conclusions.

- B7-22: ABAG did not calculate the number of new units that are single-family or multi-family. However, there are estimates on the number of households living in single-family or multi-family units. ABAG estimates approximately 215,000 multi-family households and approximately 465,100 single-family households in the region. These represent approximately 31 percent and 69 percent, respectively, of the regional total of new households.
- B7-23: The commenter requests detailed data that are not available at the regional planning level. At this time, MTC and ABAG cannot predict with certainty the information the commenter requests, nor is that information needed in order to conduct programmatic environmental review. “While foreseeing the unforeseeable is not possible, an agency must use its best efforts to find out and disclose all it reasonably can. (CEQA Guidelines § 15144.) MTC and ABAG have met their information disclosure requirements for this project.
- B7-24: See responses B7-23.
- B7-25: See responses B7-23.

**Letter B8 Sierra Club (5/16/2013)**

- B8-1: Commenter's support of Alternative 5 and for locating "high opportunity" areas near transit within PDAs is acknowledged. Commenter's requests will be considered by MTC and ABAG prior to taking final action on Plan Bay Area.
- B8-2: The health issues raised in this comment are explicitly addressed in Chapter 2.2 of the Draft EIR and in particular in the dispersion modeling of pollutants near freeways (see Draft pgs. 2.2-39 to 2.2-41) and the analysis of local pollutant concentrations (Draft EIR pgs. 2.2-40 and 2.2-41). Mitigation measures are proposed to address these impacts. The EIR also notes that these mitigation measures may not be sufficient to reduce all impacts to less than significant levels, and that additional site specific analysis may be needed. Because local agencies cannot be required to adopt these mitigation measures, this impact remains significant and unavoidable. Individual transportation projects under Plan Bay Area, including highway development, will also require a project-level environmental review which must take into account the impacts of air pollution among other issues. See response B25-8 regarding health impacts associated with toxic air contaminants.
- B8-3: The issue of sea level rise is explicitly addressed in Draft EIR Chapter 2.5 and states sea level rise may result in a potentially significant impact and lists specific mitigation measures focused on creating an adaptation strategy for the Bay Area. Enforcement responsibility would rest with local governments and the land use authority they retain under the proposed Plan would not change, so responsibility for enforcing risk mitigation measures would devolve to these jurisdictions under the mitigation measures proposed for this criterion. State agencies' responsibilities for sea level rise planning and adaptation were set in place in Executive Order S-13-08, and the proposed Plan would not change that obligation. The proposed Plan would ask implementing agencies to require project sponsors to incorporate appropriate adaptation strategies into local transportation and land use projects. MTC and ABAG also will be formulating regional guidance to facilitate implementation of a regional sea level rise adaptation strategy. See Master Response E for additional information on sea level rise.
- B8-4: The Draft EIR fully addresses impacts that might affect wildlife and habitat in Chapter 2.9. Mitigation measures to minimize potentially significant conflicts with local habitat conservation initiatives and protect significant natural resources are identified. These include preparation of biological resources assessments (Measure 2.9(a)), consultation with responsible agencies and project redesigns (Measure 2.9(b)), preconstruction breeding bird surveys (Measure 2.9(c)), "no net loss" programs for wetlands and mitigation banking (Measure 2.9(d)), wildlife corridor protection and enhancement (Measure 2.9(e)), and maximum feasible consistency with adopted habitat conservation programs and conservation strategies (Measure 2.9(g)). However, because responsibility for some of these measures would devolve to local governments and MTC and ABAG cannot require compliance, the impacts under some criteria would remain significant. In other instances (e.g., for Measures 2.9(f), 2.9(g) and 2.9(h)) where the measures are tied to existing regulations that are law and binding on local agencies, the impact would be less than significant.

**Letter B9 Chinatown Community Development Center (5/16/2013)**

- B9-1: For a detailed description of the analysis of population displacement, please refer to Master Response F. Note that much of the displacement pressure in San Francisco will come from population growth anticipated through 2040 regardless of the proposed Plan (see Master Response B.1). As Table 3.1-3 in the Draft EIR shows, the number of households in San Francisco is expected to grow from 345,000 in 2010 to 447,000 under the proposed Plan (30 percent increase), but would grow to 436,000 under the No Project alternative (26 percent increase). The proposed Plan would add 11,000 households to San Francisco beyond the No Project alternative's 80,000 household increase. Furthermore, future development in San Francisco under the proposed Plan will still be subject to all local laws and regulations regarding affordable housing, rent control, and other anti-displacement measures. See Master Response A.1 regarding local control.
- B9-2: See response B9-1. The EIR did consider three alternative strategies for regional growth, in addition to the No Project alternative. Decision-makers will weigh the advantages and disadvantages of each alternative in determining which option to adopt.
- B9-3: The proposed Plan provides a blueprint for regional growth. The RHNA is a separate program which will take the growth distribution proposed in the final adopted Plan Bay Area into account along with other factors when assigning housing numbers and income targets. See Master Response F regarding displacement and initiatives included in the Plan to support affordable housing.
- B9-4: See response B9-1. MTC and ABAG do not control State legislation, but may advocate for such reform as part of Plan implementation. MTC and ABAG will work with local jurisdictions and community stakeholders in advocating for future legislation that will benefit the region as part of Plan implementation.
- B9-5: The Draft EIR examined impacts on character in Chapters 2.10, Visual Resources, and 2.11, Cultural Resources. Future land development in San Francisco under the proposed Plan will be subject to all discretionary review of the City of San Francisco, including zoning and design guidelines, even if it qualifies for CEQA streamlining; see Master Response A.1 for more information on local land use control and A.2 regarding CEQA streamlining. The commenter's opposition to congestion pricing is acknowledged; there will be many opportunities for public input in that individual project as it moves forward.
- B9-6: The comment is correct that the proposed Plan would increase VMT on already congested roadways compared to existing conditions. However, this analysis is at a region-wide level and does not speak to the impact on specific roadways within San Francisco, let alone Chinatown. Localized roadway impacts will be analyzed and mitigated, if required, by project-level environmental analysis. See Master Response A.3 regarding the specificity required of this program EIR. In addition, as discussed in the Draft EIR on page 3.1-20 (as corrected in Section 2 of this Final EIR), "the No Project alternative leads to per-capita congested VMT levels that are 150 percent higher than the proposed project during the AM peak, 74 percent higher during the PM peak, and 115 percent higher over the course of a typical weekday." That suggests that this impact is a consequence of regional population

growth and economic activity and that the proposed Plan will in fact provide a beneficial result on this issue compared to a No Project scenario. The proposed Plan includes multiple transportation programs designed to combat this issue, listed on p. 2.1-33, and would include Mitigation Measures 2.1(a), (b), and (c) as well.

Page 2.2-36 of the Draft EIR actually finds that the proposed Plan would reduce ROG, NO<sub>x</sub>, CO, and PM<sub>2.5</sub> from on-road mobile sources compared to existing conditions. Further, although the Draft EIR does find in Impact 2.2-6 smaller decreases of TACs and/or PM<sub>2.5</sub> emissions in disproportionately impacted communities compared to the remainder of the Bay Area communities, Tables 2.2-11 and 12 show that these communities of concern (CARE community) within San Francisco would experience not only a net decrease in on-road mobile source exhaust emissions (both overall and PM emissions), but would experience a larger decrease in such emissions than the rest of the city. As described above, however, and in Master Response A.3, this regional, program EIR does not assess the impacts of the Plan on specific neighborhoods. Future projects or second tier plans with the potential to impact specific neighborhoods must comply with CEQA.

B9-7: Please see Master Response A.1 regarding local control over land use and see Master Response I regarding development of the PDAs.

**Letter B10 Ditching Dirty Diesel Collaborative (5/16/2013)**

B10-1: See Master Response C regarding the request to extend the public comment period.

B10-1.5: Commenter's support for Alternative 5 is acknowledged and will be forwarded to MTC and ABAG for consideration.

B10-2: The intent of the local pollutant analysis in the Draft EIR was to identify areas within the Bay Area that were above a concentration of toxic air contaminants/particulate matter that should be further analyzed when land use projects with sensitive receptors are proposed. The analysis assumed that sensitive receptors will be located in these areas without regard to the total number of sensitive receptors, whether it is one person or one million people is irrelevant at this level of analysis. Plan Bay Area does not change or alter any existing land use or zoning classifications within any local jurisdiction in the Bay Area. The air quality analysis in the Draft EIR assumed that sensitive land uses could be developed in areas that are already disproportionately impacted from diesel particulate matter, toxic air contaminants and particulate matter in general. See also response B25-8 regarding the health impacts associated with toxic air contaminants.

B10-3: The local impact analysis in the Draft EIR is based primarily on dispersion modeling of diesel particulate matter to determine the increased health risk for individuals living near major roadways and or stationary sources of air pollution. The Draft EIR did not conduct a much broader Health Impact Assessment which considers social, economic and other environmental influences, as that is beyond the scope of a regional program EIR for the SCS. The location of affordable housing, availability of nutritious food and safety from violent crime are in part dependent on land use decisions made by local jurisdictions. Plan Bay Area does not propose or change any existing land use or zoning designations that

would influence these other factors considered in a Health Impact Assessment and therefore this type of analysis would not be appropriate for the proposed project. See also response B25-8 regarding the health impacts associated with toxic air contaminants.

- B10-4: An equity analysis was provided in Plan Bay Area, please see [http://onebayarea.org/pdf/Draft\\_Plan\\_Bay\\_Area/Draft\\_Equity\\_Analysis\\_Report.pdf](http://onebayarea.org/pdf/Draft_Plan_Bay_Area/Draft_Equity_Analysis_Report.pdf). The demographics of potential future residents within the Bay Area is not considered an environmental issue requiring analysis in the Draft EIR. However, Chapter 2.2 of the Draft EIR, under Impact 2.2-5(c) analyzed whether the proposed Plan could result in noncompliance with an adopted Community Risk Reduction Plan and under Impact 2.2-6 whether the proposed Plan could result in a localized larger increase or smaller decrease of TACs and or PM<sub>2.5</sub> emissions in disproportionately impacted communities compared to the remainder of the Bay Area communities. The Draft EIR found the impact of the former to be less than significant, but did find a significant and unavoidable impact on the latter in spite of Mitigation Measures 2.1(a), (b), (c) and 2.2(d), (e), and (f) since exact impact reductions from the mitigation measures are not known at this time. See also response B25-8 regarding the health impacts associated with toxic air contaminants.
- B10-5: MTC and ABAG cannot directly influence or “prevent” the future location of logistic services as they do not have any land use authority. The land use and travel models used by MTC take into consideration social and economic influences to predict regional traffic distribution, VMT and levels of congestion. The MTC travel model explicitly represents commercial vehicle movements and these movements are shaped by the distribution of employment in the region. As employment moves to suburban locations, commercial vehicles follow. As such, MTC’s estimates of congestion and emissions are informed by estimates of commercial vehicle movements. Therefore, the number of truck trips and their potential routes are estimated in these models, which is then used in the air quality analysis. See *Summary of Predicted Traveler Responses* Supplemental Report for more details on the travel model.
- B10-6: The land use and travel models used by MTC estimate the number of daily commuters entering the region from outside the Bay Area. These models take into consideration the cost of living in the Bay Area and those effects on low income workers who cannot afford to live in the Bay Area. The air quality analysis uses these estimates from the travel model to estimate emissions, including CO<sub>2</sub> and PM emissions. Therefore, daily commuters are accounted for in the emissions analysis..
- B10-7: The commenter is correct that reducing VMT would reduce PM<sub>10</sub> impacts. In the analysis of Impact 2.2-3(b), the Draft EIR also includes Mitigation Measures 2.1(a), (b), and (c), which will help reduce VMT/emissions, as well as 2.2(d) and (e) which include project design features to reduce the impacts of future land use development. Furthermore, the proposed Plan is fundamentally designed to reduce VMT through its transportation investment strategy and proposed land development pattern so further mitigation options are limited. While commenter notes generally that “additional measures to reduce VMT are called for to mitigate this impact”, commenter does not identify any additional measures for consideration. Commenter’s speculation that additional measures exist does not constitute



substantial evidence. (CEQA Guidelines, § 15384(a) [substantial evidence is *not* conjecture, nor is it speculation or unsubstantiated opinion or narrative].)

- B10-8: This comment is not related to the adequacy of the Draft EIR and is an issue for implementing agencies and/or project sponsors.
- B10-9: Please see Master Response F regarding displacement.
- B10-10: Please see Master Response F regarding displacement.
- B10-11: As discussed in Chapters 1.2 and 2.3 of the Draft EIR, the proposed Plan would accommodate projected population growth and even incorporates an assumed regionwide vacancy rate of four percent (Draft EIR, p.1.2-6). As a result, as pages 2.3-35 to 36 of the Draft EIR explain, “Changing development types and higher prices resulting from increased demand could disrupt business patterns and displace existing residents to other parts of the region or outside the region altogether. However, the proposed Plan seeks to accommodate the projected population and employment growth in the region, consistent with historic trends. As such, any displacement or disruption would most likely occur locally, and in general, more units and jobs would be created to replace any lost jobs and housing overall.”
- B10-12: See response B10-11 and Master Response F regarding displacement. The Draft EIR acknowledges there will be projected growth outside of PDAs, as is shown in the Draft Plan. Page 1.2-25 of the Draft EIR states that, “PDAs would absorb about 77 percent of new housing and 63 percent of new jobs.”
- B10-13: Alternatives 3, 4, and 5 are all calibrated to meet the SB 375 requirement to accommodate the region’s projected growth, so response B10-11 applies to those alternatives as well. Also see response B10-6 regarding what the models take into consideration.
- B10-14: SB 375 directed CARB to assign GHG emissions reduction targets to be attained by 2020 and 2035 by each region as a result of its RTP/SCS. See Master Response D.1 for a description of what measures may be included in analysis for the SB 375 target. As cited and analyzed in Chapter 2.5 of the Draft EIR, CARB assigned the Bay Area GHG emissions reductions targets of 7 percent below 2005 levels by 2020 and 15 percent below 2005 levels by 2035. The analysis under Impact 2.5-1 concluded that the proposed Plan would reach those targets. As a result of this finding, an APS is not required.
- B10-15: The criterion of significance adopted for this EIR is simply that the proposed Plan does not impede attainment of the 2050 goals of Executive Orders S-3-05 and B-16-2012. Under CEQA, the lead agency has considerable discretion to decide which significance threshold to apply to an impact. If supported by substantial evidence, that threshold is adequate, regardless of whether a petitioner proposes an alternative threshold. (*Citizens for Responsible Equitable Environmental Development v. City of Chula Vista* (2011) 197 Cal.App.4th 327, 335-336 (CREED) [rejecting petitioner’s argument that the City erred by failing to apply a different significance threshold]; (*California Oak Foundation v. Regents of University of Cal.* (2010) 188 Cal.App.4th 227, 282 [rejecting argument that a lead agency used the incorrect significance threshold]; *National Parks & Conservation Assn. v. County of Riverside* (1999) 71 Cal.App.4th

1341, 1356-1357 [upholding the County's biological significance threshold as supported by substantial evidence].) Here, MTC operated within its discretion when it adopted the significance thresholds identified in the EIR. (See also *N. Coast Rivers Alliance v. Marin Municipal Water District Bd. of Dirs.* (2013) 216 Cal.App.4th 614 [upholding a GHG threshold based upon whether the project would interfere with the lead agency's goal of reducing GHG emissions to 15 percent below 1990 levels by 2020].)

As discussed in the analysis of Impact 2.5-3, the proposed Plan drives GHG emissions reductions in the correct direction and meets CARB's goals for the region. Reaching those goals will involve contributions from many plans, including those listed on p.2.5-60, as well as CARB's own acknowledgement of a need for new technologies and strategies to reach the goals, cited on the same page. Furthermore, CARB's scoping plan includes measures such as the Low Carbon Fuel Standard, Pavley regulations, and enhanced CAFE standards that MTC and ABAG are not allowed to consider in attaining the SB 375 targets. See Master Response D.1 for a description of what measures may be included in analysis for the SB 375 target.

In brief, the proposed Plan is one of many strategies placed in motion by the State to help reach the goals of the Executive Orders. The proposed Plan does not impede other programs and fulfills its own legal obligations.

B10-16: The proposed Plan is fundamentally designed to lower the greenhouse gas emissions of the Bay Area region, itself a climate change reduction strategy. Please refer to Chapter 2.5 of the Draft EIR and Master Response E on sea level rise.

The adaptation strategies cited may be recommended as a result of a regional sea level rise adaptation strategy required of Mitigation Measure 2.5(b) and shall be taken into consideration by MTC and ABAG for that effort.

B10-17: Chapter 2.13, Hazards, states the possible impacts of the Plan and mitigation measures related to the release of hazardous materials into the environment. Impact 2.13-2 states the possibility of hazardous materials being release into the environment as a result of the proposed Plan. Mitigation measure 2.13(b) provides adequate mitigation measures related to Impact 2.13-2.

B10-18: Chapter 2.13, Hazards, states the possible impacts on airport operations and mitigation measures related to the impacts of the Plan on public use airports in the region. Impact 2.13-5 states the possible impacts as a result of implementation of the proposed in relation to land development near airport flight corridors. This impact is considered to be less than significant after mitigation. Mitigation measure 2.13(e) provides measures that, when considered and implemented by implementing agencies and/or project sponsors, will make the impact less than significant. Please refer to Master Response A.1 on local control over land use.

B10-19: Chapter 2.14, Public Services, states the possible impacts of the Plan and mitigation measures related to parks and recreation facilities. Impact 2.14-1 states the possible impacts of environmental impacts related to parks and recreation facilities. Mitigation measure

2.14(a) provides adequate mitigation measure related to impact 2.14-1. In applying this mitigation measure, impacts would be less than significant.

B10-20: An EIR cannot guarantee mitigation when changes or alterations are within the responsibility and jurisdiction of another public agency and not the agency making the finding. (CEQA Guidelines, § 15091, subd. (a)(2).) See Master Response A.1 on local control over land use and Master Response A.3 on the level of specificity in the EIR.

B10-21: Please see response B25-8 related to public health impacts of exposure to toxic air contaminants.

B10-22: No attachment was received by MTC and ABAG.

**Letter B11 East Bay Housing Organizations (5/16/2013)**

B11-1: Your support of Alternative 5 is acknowledged and your request to include components of it in Plan Bay Area will be considered by MTC and ABAG prior to taking action on Plan Bay Area.

B11-2: The commenter requests that 25,000 RHNA units be shifted from PDAs to PDA-like places. The distribution of housing in the proposed Plan was adopted in July 2012 by the ABAG Executive Board and the Commission as the Preferred Alternative. This followed extensive consultation with local jurisdictions, stakeholders, and the general public. The proposed Plan's housing distribution identifies the locations that can accommodate future growth, including the scale and type of growth most appropriate for different types of locations. It provides a more focused growth pattern for the region than historic trends, identifies locations for future housing growth while recognizing the unique characteristics of the Bay Area's communities. Relative to the assertion that the proposed Plan's land-use pattern is not feasible, the Priority Development Area Readiness Assessment found that the proposed Plan's growth allocations represent an achievable, if not easy, outcome consistent with the scope and purpose of a comprehensive regional plan. The assessment also found that it is not at all certain that non-PDA areas are more "ready" for significantly more growth than has been allocated to them under the proposed Plan. See Master Response B.2 regarding PDA Feasibility.

Shifting low and moderate income housing to job and transit rich suburbs, would require a dramatic increase in housing subsidies for which no funding source has been identified. Redistributing housing to suburban locations also conflicts with SB 375's requirement to "utilize the most recent planning assumptions considering local general plans and other factors." (Government Code Section 65080(b)(2)(B).)

The request that the OneBayArea Grant program be modified to ensure that recipients adopt and implement strong anti-displacement protections and provide substantial regional funding for community stabilization measures will be considered as MTC and ABAG deliberate the final Plan recommendations.

- B11-3: The Draft EIR does not recommend or select which alternative should be selected by decision-makers. The Findings and Statement of Overriding Considerations which accompany action on the EIR and proposed Plan will include a thorough analysis of the environmental impacts, feasibility, and performance against project objectives of the proposed Plan and the alternatives.
- B11-4: See Master Response F regarding displacement. MTC and ABAG will consider additional support for affordable housing and additional funding for transit operations and capital, as well as local streets and roads maintenance, prior to taking action on Plan Bay Area.

**Letter B12 Federated Indians of Graton Rancheria (5/16/2013)**

- B12-1: As part of the CEQA process, evaluation of impacts on cultural resources is required. Please refer to Chapter 2.11 of the Draft EIR for the impact analysis of cultural resources in the region. Your request regarding Sonoma and Marin counties will be considered during the next RTP/SCS update, though note that PDAs are voluntary designations made by local jurisdictions and so the proposed Plan attempts to tie future growth to this local-level support of growth. See Chapter 1.2 of the Draft EIR for a list of new transportation projects in the proposed Plan, accompanied by general location maps, and Appendix J of the Draft EIR, added through Section 2 of this Final EIR, for a list of all PDAs.
- B12-2: UrbanSim explicitly represents future projects that meet specific criteria: 1) the project is a public-private partnership, 2) the project is very large in size (over 1 million square feet commercial or 500 units), and 3) the project is underway (under construction or significant amounts of money and time have been spent on acquiring permissions). These are projects that would be unlikely to occur in the land market without government intervention and large enough to have a regional impact on transportation patterns. All other projects (i.e. the great majority of growth predicted by UrbanSim) are modeled as an outcome of the UrbanSim real estate developer submodel. Neither the Graton Casino and Resort (under 600,000 square feet) nor the Sutter Hospital (under 175,000 square feet) meet this size criteria. Sonoma Mountain Village was not included because the project is almost totally private, with limited direct public subsidy. MTC and ABAG do not oppose these projects; we actively tried to capture them in our Proposed Plan. For instance the Sonoma Mountain Village is a Priority Development Area and the level of growth projected in the plan for the area is based in part in large part of local jurisdictional input, and the neighborhood plan for this area.
- B12-3: Reference to the Draft Tribal Transportation Plan has been added to the Regional and Local Statutes section of the Draft EIR, Chapter 2.1, page 2.1-22, as shown in Section 2 of this Final EIR.
- B12-4: MTC and ABAG commend the Tribe's efforts to implement the Tribal Electrical Vehicle Carshare and EV Charging Network Project for Sonoma and Marin counties. The project is one of the electric vehicle projects included in the MTC Climate Initiatives Program Innovative Grants, which funds innovative projects such as the advancement of electric vehicles. MTC will highlight the successes and lessons learned from this project so that other

agencies, tribal governments and organizations may learn from and replicate the project within their communities.

B12-5: The Sonoma-Marin Area Rail Transit (SMART) project is included in Plan Bay Area from Larkspur in Marin County to Windsor in Sonoma County, which includes the Initial Operating Segment and Phase II extensions to Larkspur and Windsor. SMART Phase 3, extending from Windsor to Cloverdale, is included in Plan Bay Area only for environmental studies as a result of its low benefit-cost ratio in the Plan Bay Area Project Performance Assessment. In particular, this northernmost segment of the SMART project lacks substantial ridership and was identified as a potentially cost-ineffective use of regional transportation funding. An overview of the Project Performance Assessment and the compelling case process for low-performing projects can be found in the response B25-5, as well as in the Plan Bay Area *Draft Performance Assessment Report*.

B12-6: The WeGo Rideshare project was not submitted as an individual project for funding as part of the Proposed Plan project selection. It therefore cannot be included as a stand-alone project in the Plan. However, funds are included in the proposed Plan for the continuation and expansion of the Climate Innovative Grants Program. WeGo Rideshare is currently funded by a climate grant, and it is anticipated the program will apply for future grant funds to continue the project. Should it be selected for future funding, it would continue as part of that regional program and does not need to be listed separately in the Plan.

## **Letter B13 Earth Justice (5/16/2013)**

B13-1: The GHG emissions analysis in the Draft EIR is consistent with the requirement of measuring benefits related to SB 375 separately from technology and efficiency measures in the Scoping Plan. In response to Commenter's assertion that the Draft EIR's reductions are achieved by taking credit for reductions that will be achieved under separate statutory mechanisms, "a condition requiring compliance with environmental regulations is a common and reasonable mitigating measure." (*Clover Valley Foundation v. City of Rocklin* (2011) 197 Cal.App.4th 200, 236-37 [upholding mitigation measures that required compliance with regulatory permitting], quoting *Sundstrom v. County of Mendocino* (1988) 202 Cal.App.3d 296, 308; see also *Oakland Heritage Alliance v. City of Oakland* (2011) 195 Cal.App.4th 884 [upholding a seismic mitigation measure requiring compliance with all state and local building regulations].) After conducting a thorough analysis of the Plan's methodology, CARB staff concluded that the Plan's methodology is sound and, if implemented, the Plan would meet CARB's 2020 and 2035 GHG reduction targets.<sup>6</sup> CARB's Technical Evaluation (p. 21) states:

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<sup>6</sup> Id. at p. 107, lines 15-16. See also, Draft Technical Evaluation of the Greenhouse Gas Emissions Reduction Quantification for the Association of Bay Area Governments' and Metropolitan Transportation Commission's SB 375 Sustainable Community Strategy ("Technical Evaluation"), June 2013, p. 5.

MTC and ABAG have appropriately not included GHG emissions reductions from the technology and fuel programs adopted by CARB, such as the Low Carbon Fuel Standard and the Advanced Clean Cars program. This is because the targets adopted by ARB in 2010 do not include reductions from these statewide technology and fuel programs, but rather focus on reductions from strategies implemented at the regional and local level.

See also Master Response D.1 for information on greenhouse gas emissions included in the analysis for the SB 375 target.

- B13-2: MTC and ABAG conducted an extensive screening process to identify potential Plan alternatives and to ultimately identify a reasonable range of alternatives for full evaluation in the EIR. The range of alternatives studied in the EIR reflects a reasonable attempt to identify and evaluate various types of alternatives that would potentially be capable of reducing the environmental effects of the Plan Bay Area. The examination of this broad range of alternatives was an iterative effort with significant community involvement, which informed MTC and ABAG in their development and refinement of potential Plan Bay Area project alternatives. The five alternatives analyzed in the EIR (including the proposed Project) cover a comprehensive range of reasonable alternatives, in compliance with CEQA.

Moreover, each alternative was subject to the same quantitative analysis of GHG emissions as the proposed Plan; the same model runs were made, each with different input data reflecting the transportation network and land use assumptions for that alternative. The model output was then compared for each criterion, and the results presented in tables providing a systematic and logical comparison of differences. Chapter 3.1 of the Draft EIR, which evaluates alternatives to the proposed Plan, includes 56 tables comparing outcomes of the alternatives to the proposed Plan and to each another. Furthermore, per CEQA Guidelines section 15126.6(d), the impacts of the alternatives may be discussed “in less detail than the significant effects of the project proposed.” The Draft EIR found that Alternative 5 would have the largest reduction in annual total GHG emissions, although only marginally (see Table 3.1-29), and was identified as the environmentally superior alternative. The proposed Plan performs comparably in reducing per-capita GHG reductions. (See Table 3.1-28.) See also Master Response D.1 for information on greenhouse gas emissions included in the analysis for the SB 375 target.

- B13-3: The Plan is required to attain *per capita* emissions reductions from cars and light trucks, to achieve a target assigned to the Bay Area region by CARB, per SB 375. This target can be attained through a combination of transportation investments and policy and a proposed land use development pattern that will reduce VMT. MTC and ABAG are restricted in the technologies and strategies they can consider in reaching this target; see Master Response D.1 for information on the analysis for the SB 375 target. As Table 2.5-7 of the Draft EIR shows, the proposed Plan reaches those targets.

As a result of the EIR scoping process, MTC and ABAG decided to also set a significance criterion regarding whether the proposed Plan could result in a net increase in direct and indirect GHG emissions in 2040 when compared to existing conditions. Under CEQA, the lead agency has considerable discretion to decide which significance threshold to apply to an

impact. If supported by substantial evidence, that threshold is adequate, regardless of whether a petitioner proposes an alternative threshold. (*Citizens for Responsible Equitable Environmental Development v. City of Chula Vista* (2011) 197 Cal.App.4th 327, 335-336 (CREED) [rejecting petitioner's argument that the City erred by failing to apply a different significance threshold]; (*California Oak Foundation v. Regents of University of Cal.* (2010) 188 Cal.App.4th 227, 282 [rejecting argument that a lead agency used the incorrect significance threshold]; *National Parks & Conservation Assn. v. County of Riverside* (1999) 71 Cal.App.4th 1341, 1356-1357 [upholding the County's biological significance threshold as supported by substantial evidence].) Here, MTC operated within its discretion when it adopted the GHG significance thresholds identified in the EIR.

Moreover, this analysis for Impact 2.5-2 is not required by SB 375 and was always intended to include Pavley, LCFS, and the effects of some State efforts from the Scoping Plan (Draft EIR, pgs. 2.5-43, 2.5-50, and 2.5-55) as shown in Table 2.5-9. Unlike the SB 375 mandated target, this criterion measures total emissions, rather than per capita emissions. The *total* vehicle GHG emissions increase shown in Table 2.5-9 is a result of regional growth that will occur with or without the proposed Plan; this is emphasized in the contrast with the *per capita* car and light truck GHG emissions decrease shown in Table 2.5-7. The analysis under Impact 2.5-2 properly concludes there is no adverse impact and no mitigation measures are required.

B13-4: See responses B13-1, 2, and 3, as well the following responses that address these comments in detail: responses B13-7 through 23.

B13-5: The statutory framework described has governed preparation of this EIR. The objective was to include statements about all significant effects on the environment of the proposed Plan and mitigation measures to minimize impacts, which are in Chapters 2.0 through 2.14, and to compare these effects with alternatives, which is done in Chapter 3.1. The CEQA-required conclusions, including statements about unavoidable and/or irreversible effects and growth-inducing impacts are in Chapter 3.2. The methodology and scope of analysis is intended to fully inform decision-makers of the environmental consequences of the proposed Plan, providing them with information, which will enable them to make a decision which intelligently takes account of these consequences.

B13-6: See responses B13-1, 2, and 3.

B13-7: The EIR properly explains its conclusions regarding impacts under Criterion 1. The quantification of future emissions clearly shows in Table 2.5-7 reductions in CO2 emissions per capita that are 7 percent and 15 percent below 2005 levels. The methodology is explained on pgs. 2.5-42 through 2.5-46. In sum, the approach was straightforward:

- Data were developed for on-road car and light duty truck emissions for the 2005 baseline and the two SB 375 target years, 2020 and 2035. This was done using CARB's EMFAC 2011 model, as required by CARB, which is based on travel demand forecast model outputs and, therefore, accounts for the land use pattern as well as transportation improvements in the proposed Plan.



- Then, reduction factors were applied to the estimated emissions based on the modeled effectiveness of various climate initiatives proposed in the Plan. (This was done for each of the alternatives as well.)
- The last step involved dividing the estimated emissions by estimated modeled/simulated population in 2020 and 2035 and comparing these per capita amounts against the baseline and the SB 375 targets. A percentage reduction was calculated for both the per capita CO2 emissions reduction relative to 2005 and the difference between that figure and the SB 375 target to communicate the finding in specific numerical terms.
- All of the information is in one place and, in fact, in one table; it is not scattered around in the EIR, nor relegated to an appendix.
- Note these numbers do not incorporate Pavley or Low Carbon Fuel Standard per SB 375 requirements.

This methodology is clear and consistent with SB 375; it is a good faith reasoned analysis. See Master Response D.1 for additional information on GHG emissions included in the analysis per SB 375, and Master Response D.2 on the connection between high-density housing near transit and reduced GHG emissions. See also Response B13-3 regarding a lead agency's discretion to select the significance thresholds used in the EIR.

B13-8: While a comparison of 2010 and 2040 Plan conditions highlights growth in total vehicle miles traveled (VMT), the Draft Plan is expected to reduce per capita VMT – both by shortening auto trip distances and by shifting a substantial number of auto trips to alternative modes, such as public transit, walking, and bicycling. Similarly, the Draft Plan reduces per capita GHG greenhouse gas emissions, exceeding the SB 375 and CARB mandated reduction of 15 percent by year 2035. Refer to the response B13-3 with regards to the SB 375 emphasis on per-capita reductions, rather than overall reductions.

While GHG emissions per capita are expected to decrease as a result of the Draft Plan's land use and transportation investments, total GHG emissions are expected to increase as a result of regional population growth only if vehicle emissions regulations are assumed not to take place. As shown on page 2.5-55 of the Draft EIR, total GHG emissions in the Bay Area are expected to decrease by 19% over the life of the Plan under existing air quality regulations – even as total vehicle trips and total VMT increase under the Draft Plan, primarily due to population and employment growth.

This comment also discusses the Draft Plan's allocation of funding between expansion and operations and maintenance, as well as the allocation of funding between highways and public transit. The vast majority of proposed Plan funding is allocated towards operating and maintaining the existing road and transit systems. Not only does this reflect the Commission's adopted policy, but it is also a key element in the region's efforts to reduce GHG emissions. The funding in the proposed Plan improves the pavement quality of local roads, eliminating potholes that slow driving speeds and generate greater per-mile GHG emissions; additionally, maintenance funding supports repair of transit vehicles and operating costs for existing transit systems, as degradation of existing services could lead to greater automobile use and higher GHG emissions. Additionally, funding for expansion is prioritized for public transit expansion over freeway expansion; while roadway lane-miles

would only increase by 3 percent over the life of the proposed Plan, transit seat-miles would increase by 27 percent over the life of the proposed Plan.

- B13-9: The analysis supporting the greenhouse gas emissions estimates attributed to the Climate Initiatives Program is included in Chapter 5 of the Supplemental Report, *Draft Summary of Predicted Traveler Responses*, which is available for review on the project website: [http://onebayarea.org/pdf/Draft\\_Plan\\_Bay\\_Area/Draft\\_PBA\\_Summary\\_of\\_Predicted\\_Traveler\\_Responses.pdf](http://onebayarea.org/pdf/Draft_Plan_Bay_Area/Draft_PBA_Summary_of_Predicted_Traveler_Responses.pdf). See also responses B25-5 and B25-6 regarding CEQA's requirement to include technical detail in appendices and not in the body of the Draft EIR.
- B13-10: Please see Master Response D.2 on the connection between high-density housing near transit and reduced GHG emissions. To be eligible for a Priority Development Area, a place must meet several criteria adopted by the ABAG Executive Board, including being within ½ mile of a transit stop (rail station, ferry terminal or along a bus route) with peak hour headways of 20 minutes or less. The commenter is correct that there is no specific analysis in the Draft EIR regarding how OBAG interacts with other transit investments and contributes to reductions of transit GHGs. This has no effect on the GHG analysis in the EIR. The specific projects funded by OBAG are still to be determined; it is a grant program, administered by the county congestion management agencies. Because the exact projects that will receive OBAG funding is unknown at this time, an analysis of GHG reductions specifically attributable to OBAG is not possible. By requiring a portion of the funds be spent in PDAs, the program aims to support focused growth in areas served by high quality transit.
- B13-11: See Master Responses A.1 on local control over land use and A.2 on CEQA streamlining and further environmental review.
- B13-12: See response B13-7. Each step of the impact analysis is explained in Chapter 2.5 of the Draft EIR and tables summarize data on existing and forecasted emissions, with both numerical changes and percentage changes calculated in a consistent fashion.
- B13-13: See response B13-3. The quantification and analysis of GHG emissions does not mask total emissions as Table 2.5-9 shows total GHG emissions with and without Pavley and LCFS reductions. This table was created by following the steps below to describe accurately and completely the scope and effects of the proposed Plan on GHG emissions and is consistent with SB 375. For Criterion 2, the focus of the GHG emissions analysis was on an absolute basis (not per capita).
- First, data were collected for on-road transportation emissions. The effects of Climate initiatives were then incorporated, using data derived for Criterion 1, along with the Pavley Rules and the Low Carbon Fuel Standard to arrive at a final total for transportation emissions.
  - Land use emissions were based on estimated energy consumption per land use type (e.g. single-family residential, multi-family residential and commercial). ABAG provided information on households by housing type, and estimates of commercial space were derived from ABAG's projections of square footage based on an average growth of square feet per job type, per UrbanSim outputs. Energy emissions were then calculated

using standard coefficients that estimate CH<sub>4</sub>, NO<sub>x</sub> and CO<sub>2</sub> per kWh and then converted to MTCO<sub>2e</sub>.

- In addition, landfill emissions were calculated based on tonnage increasing at the same rate as population growth, with emissions estimated by EPA’s WARM model, assuming mixed waste.
- Land use emissions were then reduced using the measures recommended by the California Air Resources Board in their Scoping Plan. Only measures specific to the land use analysis were considered. The Draft EIR assumes 19 percent of possible statewide reductions, removing policies that may overlap with each other, consistent with the Bay Area’s share of the State’s population. (This is the same methodology used by SACOG in the EIR on its MTP/SCS.) It applies the reductions to “business as usual” use rates, which is appropriate because it is reasonable to expect land use energy efficiencies over the next 30 years (as opposed to efficiencies related to land use planning that are treated separately, as per SB 375). In no case are reductions assumed that exceed what is expected to occur, on a proportional basis, under the Scoping Plan.
- Land use emissions were then added to transportation emissions (with reductions).
- For Criterion 2, the data in the EIR do show that without the Scoping Plan reductions and application of Pavley and the Low Carbon Fuel Standard, there would be an overall increase in total emissions as a result of more population, jobs, and travel. However, with the reductions, which are mandated by law, there is a net reduction; hence, the determination presented in the EIR of a less-than-significant impact.

The findings and conclusions are not “vague or subjective characterizations” as they are clearly founded on an analytical methodology, which has been fully vetted with responsible agencies, local governments and the public.

B13-14: The comment appears to be confusing the GHG emissions target required of SB 375 (per capita decrease from cars and light trucks) with the total net emissions significance threshold adopted by MTC and ABAG as part of the environmental review. As discussed in Master Response D.1 and response B13-3, the Draft EIR followed SB 375 guidelines in calculating per capita GHG emissions from cars and light trucks, analyzed under Impact 2.5-1 of the Draft EIR. For the analysis under Impact 2.5-2, which is not part of SB 375 compliance, Pavley and LCFS reductions are included as they are mandated by law. See responses B13-3 and B13-13 for more detail. For all of these reasons, the requested revision will not be made.

B13-15: The comment states that the Draft EIR should not have included GHG emissions reductions from CARB Scoping Plan measures. The Draft EIR includes two different GHG emissions calculations. (1) Criterion 2.5-1 focuses on the SB 375 GHG emissions reduction target, which as the comment rightly documents, cannot factor in reductions from other programs under the CARB Scoping Plan to account for GHG reductions under the SCS. The SCS reductions measured for meeting the SB 375 emissions reduction target can only be met through land use and transportation investments. (2) Criterion 2.5-2 includes all GHG emissions in the region, and includes GHG emissions reductions from other relevant Scoping Plan items related to land use and transportation. This criterion was meant to provide a more complete picture of GHG emissions in the region in 2040. The Tables 2.5-8

and 2.5-9 in the Draft EIR (pages 2.5-53 through 2.5-55) clearly document those reductions that are the result of Scoping Plan measures, showing total emissions with and without the Scoping Plan measures. The analysis only includes those reductions identified in the Scoping Plan for the electricity and natural gas sectors, recycling and waste sector. MTC and ABAG believe including those Scoping Plan measures most closely related to transportation and land use is appropriate for the overall GHG emissions criterion, Criterion 2.5-2, while it is inappropriate, as the commenter notes, to include those reductions in the SB 375 criterion, Criterion 2.5-1. Commenter appears to be on a mission to find just the right combination of assumptions and conditions that can produce a GHG target MTC and ABAG will fail to meet. Moreover, “a condition requiring compliance with environmental regulations is a common and reasonable mitigating measure.” (*Clover Valley Foundation v. City of Rocklin* (2011) 197 Cal.App.4th 200, 236-37 [upholding mitigation measures that required compliance with regulatory permitting], quoting *Sundstrom v. County of Mendocino* (1988) 202 Cal.App.3d 296, 308; see also *Oakland Heritage Alliance v. City of Oakland* (2011) 195 Cal.App.4th 884 [upholding a seismic mitigation measure requiring compliance with all state and local building regulations].)

B13-16: The comment states that the alternatives analysis, particularly as it relates to GHG emissions, is inadequate. The comment goes on to note the various metrics for which alternatives other than the proposed Plan perform the best.

See response B25-20 regarding the adequacy of the alternatives analysis.

The Draft EIR clearly documents that Alternative 5, the Environment, Equity and Jobs alternative performs the best overall, reducing total GHG marginally better than the proposed Plan, as documented in the Environmentally Superior Alternative Determination section of Chapter 3 (Draft EIR pages 3.1-146 through 3.1-148). The GHG alternatives analysis includes extensive charts documenting GHG emissions for all alternatives, and as the commenter points out, numerous other metrics are included in other sections of the 148-page alternatives chapter, such as vehicle miles traveled, that relate to GHG emissions.

Commenter’s assertion that the EIR is flawed because some alternatives may better achieve the GHG reductions goals of SB 375 is incorrect. Public Resources Code Section 21002 provides that “public agencies should not approve projects as proposed if there are feasible alternatives ... which would substantially lessen the significant environmental effects of such projects.” CEQA requires an EIR to consider a reasonable range of alternatives to a proposed project or to the location of the proposed project which would “feasibly attain most of the basic objectives of the project” (CEQA Guidelines, Section 15126.6(a)). Section 15126.6, subdivision (f) of the CEQA Guidelines limits the alternatives that must be considered in the EIR to those “that would avoid or substantially lessen any of the significant effects of the project.” The factors that may be considered by a lead agency in evaluating alternatives analyzed in an EIR include (1) the ability to avoid or substantially lessen potentially significant environmental impacts of the proposed project (Pub. Resources Code, § 21002), (2) the ability to achieve project objectives including the statutory objective to achieve the CO<sub>2</sub> emission targets established pursuant to SB 375, and (3) feasibility of the alternatives (CEQA Guidelines, §§ 15091, subd. (a)(3), 15364).

B13-17: With regard to airport-related ground transportation, the regional travel model demand forecasts vehicles traveling to/from airport facilities and their associated GHG emissions. Forecasted trips for each airport are based on MTC's 2006 Regional Airport Planning Study. Additional information on the ground transportation forecasts associated with the region's airports is on page 10 of the *Draft Summary of Predicted Traveler Responses*.

With regard to the GHG analysis for the airplanes themselves, Section 2 of this Final EIR includes additional analysis inserted into the Draft EIR on emissions from airplanes. BAAQMD has estimated daily tons of GHG emissions from airport operations the region's commercial airports through 2030, based on FAA estimates, which have been extrapolated in a linear trend to 2040. Airport emissions are estimated to increase from 1,634,000 metric tons of CO<sub>2</sub>e per year in 2010 to 2,809,000 in 2040; these emissions will occur regardless of the proposed Plan as they are related to regional growth. Taking emissions from airplanes into account modestly reduces the decreases in transportation emissions shown under Impact 2.5-2, but the EIR's conclusion of no adverse impact still holds.

B13-18: See response B10-15 regarding Impact 2.5-3. The commenter fails to explain why Pavley and LCSF cannot be considered in analyzing whether implementation of the proposed Plan could substantially impede attainment of goals set forth in Executive Order S-3-05 and Executive Order B-16-2012—those are among the suite of programs, along with the SCS and the regional GHG emissions reductions targets, advanced by the State to reach the goals. These efforts are meant to work together in order to reach the goals, not be evaluated separately. There is no impact, as the Draft EIR found, so long as the proposed Plan does not block the implementation or effectiveness of the Scoping Plan efforts. The proposed Plan does not impede other programs and fulfills its own legal obligations to the State's GHG reduction efforts.

B13-19: See responses B10-15 and B13-18 regarding the meaning and approach of the EIR analysis for Impact 2.5-3. In addition, the commenter misinterprets the Executive Orders in writing, "If the Bay Area is to attain the goals of the executive orders and attain 80% of 1990 levels of GHG emissions by the year 2050..." The Bay Area region is not a geographic scale of measurement for the Executive Orders, which are a) focused on statewide GHG emissions and b) do not place the onus for reaching the goals solely on regional transportation plans. The commenter incorrectly implies that the goals from the Executive Orders are thresholds of significance in the EIR. They are not. Reaching the goals of the Executive Orders will involve contributions from many plans, including those listed on p. 2.5-60, as well as CARB's own acknowledgement of a need for new technologies and strategies to reach the goals, cited on the same page. The significance criterion requires the proposed Plan to not impede other efforts working toward the Executive Orders' goals; it does not require the proposed Plan to reach these goals on its own. Furthermore, the Executive Orders are only binding on State Agencies, not regional planning agencies such as MTC and ABAG.

By attaining the GHG emissions reductions targets for the Bay Area set by ARB, and avoiding a net increase in emissions from transportation and land use, the proposed Plan is in fact making a significant contribution toward meeting the goals. ARB assigned GHG targets at levels appropriate to attain the larger statewide effort to hit the 2050 goals.

Regarding the comment about per capita reductions being misleading, the analysis under Impact 2.5-2 explicitly addresses net aggregate GHG emissions, and is used as the basis for the graphs under the Impact 2.5-3 analysis. The comment concludes by saying that “Due to flawed assumptions, the Draft EIR’s analysis of Criterion 3 makes the wrong conclusion. This should be a significance finding.” For all of the reasons cited in this response, the requested revision will not be made.

B13-20: Per response B13-1 and Master Response D.1, the proposed Plan follows the requirements of SB 375 and meets the GHG emissions reduction targets assigned by ARB. Local climate action plans would not be altered or interfered with by the proposed Plan; see Master Response A.1 regarding local land use control.

B13-21: The Draft EIR states that sea level rise may result in a potentially significant impact under Criterion 5 and lists specific mitigation measures focused on creating an adaptation strategy for the Bay Area. This clearly is evidence of taking responsibility for implementation. Enforcement responsibility that would rest with local governments and the land use authority they retain under the proposed Plan would not change, so responsibility for enforcing risk mitigation measures would belong to jurisdictions under the mitigation measures proposed for this criterion. State agencies’ responsibilities for sea level rise planning and adaptation were set in place in Executive Order S-13-08, and the proposed Plan would not change that obligation. The proposed Plan would ask implementing agencies to require project sponsors to incorporate appropriate adaptation strategies into local transportation and land use projects. MTC and ABAG, in coordination with BCDC, also will be formulating regional guidance to facilitate implementation of a regional sea level rise adaptation strategy. See Master Response E for more information on sea level rise.

In addition, as discussed in Chapter 3.1 of the Draft EIR, all of the alternatives—including the No Project alternative—will result in transportation projects within potential inundation areas and an increase in the number of residents within the future sea level rise inundation zone compared to year 2010 baseline conditions. Consequently, the proposed mitigation measures to develop adaptation strategies that are both regionally and locally appropriate is a sound strategy in light of the inevitability of development in these areas.

B13-22: The purpose of the Draft EIR is to analyze the environmental impacts of the proposed Plan at the project horizon (the year 2040 in this case) compared to existing conditions and to evaluate the impacts of a range of feasible alternatives against the same criteria. MTC and ABAG will prepare findings regarding the project, including a Statement of Overriding Considerations, which falls beyond the scope of the Draft EIR and this Final EIR.

With regard to the adequacy of considerations of the alternatives regarding sea level rise impacts, the Draft EIR includes in the alternatives analysis presented in Chapter 3.1 a specific assessment of how mid-century sea level rise may potentially affect transportation projects in counties affected by this condition. The sea level rise analysis also compares the number of people and the number of jobs within PDAs and TPPs that would be within potential inundation zones under each of the alternatives. This analysis covers pages 3.1-64 to 81, or 18 pages, and includes 22 tables of numbers and analysis, a level of analysis as complete as the one presented on the proposed Plan in Chapter 2.5.

Commenter's assertion that the EIR is required to explain the overriding considerations justifying the Plan or to state why the Plan is the most suitable alternative is incorrect. Commenter cites CEQA Guidelines section 15093, which sets forth the requirement that a lead agency adopt a statement of overriding considerations when the lead agency approves a project which will result in the occurrence of significant and unavoidable impacts. The statement of overriding considerations is a separate document prepared by the lead agency, and is not part of the EIR.

B13-23: See Master Responses A.1 regarding local control over land use and A.2 regarding further environmental review for streamlined and other projects. Also, it is a standard finding for EIRs, per Section 15091(a)(2) of the CEQA Guidelines, that a public agency may approve or carry out a project in spite of significant environmental effects if it is found that mitigation measures, "are within the responsibility and jurisdiction of another public agency and not the agency making the finding. Such changes have been adopted by such other agency or can and should be adopted by such other agency," also known as Finding 2.

B13-24: For all of the reasons presented above in Responses B13-1 through B13-23, the analysis in the Draft EIR is adequate in its conclusions that implementation of the Plan would not have a potentially significant adverse effect for GHG emissions. Mitigation measures are included in the Draft EIR where an analysis for a specific criterion, such as sea level rise, led to a conclusion of a significant effect. Commenter's support of Alternative 5 is acknowledged and will be forwarded to MTC and ABAG for their consideration.

**Letter B14     Housing Rights Committee of San Francisco and San Francisco Tenants Union (5/16/2013)**

B14-1: The comment raises general issues associated with economic displacement, but points to no specific environmental impacts. As stated in Chapter 2.0 of the Draft EIR, "as a program-level EIR individual project impacts are not addressed in detail; the focus of this analysis is to address the impacts which, individually or in the aggregate, may be regionally significant." As such, impacts on specific locations are more appropriately dealt with as part of detailed local analyses. See Master Response A.2 for more information on CEQA streamlining and Master Response A.3 regarding the level of specificity in the EIR. The Draft EIR analyzes displacement at a regional level in Chapter 2.3 and found that, "the proposed Plan seeks to accommodate the projected population and employment growth in the region, consistent with historic trends. As such, any displacement or disruption would most likely occur locally, and in general, more units and jobs would be created to replace any lost jobs and housing overall. Displacement impacts as a result of land use projects at the regional level would therefore be less than significant." MTC and ABAG acknowledge that Draft EIR Chapter 2.3 did, however, also find that, "implementation of the proposed Plan could result in potentially significant permanent localized displacement and disruption." See Master Response F for additional information on displacement.

B14-2: See response B14-1 and Master Response F regarding displacement.

B14-3: This comment does not raise an environmental issue that requires a response under CEQA.



B14-4: None of the alternatives, including the proposed Plan, “cause” displacement, as the comment suggests. Displacement is a potential effect of the population increase that the Plan and the alternatives seek to accommodate. Decision-makers will weigh the advantages and disadvantages of each alternative in determining which option to adopt. MTC and ABAG will also consider the requested addition to the advocacy platform.

**Letter B15 Lafayette Homeowners Council (5/14/2013)**

B15-1: See Master Response C regarding the request to extend the public comment period.

**Letter B16 League of Women Voters of Diablo Valley (5/14/2013)**

B16-1: The comment requests funding be shifted to transit operations and maintenance. The proposed Project invests \$159 billion, or 55 percent of all revenues, to transit operations and maintenance. This is compared to \$21 billion, or 7 percent, dedicated to transit expansion, and \$15 billion, or 5 percent, to roadway expansion. The comment in support of additional investment in transit operations and maintenance is noted and will be considered as the Final Plan investment strategy is determined.

B16-2: Mitigation Measure 2.5(d) notes that Executive Order S-13-08 requires all state agencies, including Caltrans, to incorporate sea level rise into planning for all new construction and routine maintenance projects; however, no such requirement exists for local transportation assets and development projects. The measure goes on: “Implementing agencies shall require project sponsors to incorporate the appropriate adaptation strategy or strategies to reduce the impacts of sea level rise on specific transportation and land use development projects where feasible based on project- and site-specific considerations. Potential adaptation strategies are included in the Adaptation Strategy sub-section found at the end of this section.” However, as MTC and ABAG do not have local land use authority, they cannot require such measures at a local level. Please refer to Master Response E for additional information on sea level rise. See Master Response A.3 regarding the level of specificity in the EIR.

B16-3: Your request will be considered by decision-makers as part of the EIR certification process and action on the proposed Plan.

**Letter B17 Marin Audubon Society (5/15/2013)**

B17-1: Please refer to Chapter 2.9 of the Draft EIR for the regional-scale analysis of biological resources impacts in the region. As this is a regional plan, the scope of the Draft EIR does not include an individual assessment of each proposed PDA. As stated in Chapter 2.0 of the Draft EIR, “as a program-level EIR individual project impacts are not addressed in detail; the focus of this analysis is to address the impacts which, individually or in the aggregate, may be regionally significant.” See Master Response A.3 regarding the level of specificity of the EIR.

The locations of PDAs are shown in the Draft EIR, in Figure 1.2-2. Appendix H of the Draft EIR, as cited repeatedly in Chapter 2.9, also contains tables listing potential conflicts between PDAs and transportation projects and biological resources:

- See Table H-1 in Appendix H for a complete list of special-status species with potential to occur in the planning area.
- Tables H-1a through H-1d list the PDAs and 350 transportation projects that have the potential to impact special-status plant or wildlife species, listing the potentially impacted species and the amount of acreage or linear distance involved.
- Tables H-2a, b, and c list PDAs and transportation projects that lie within, or are adjacent to, areas that are designated by the USFWS as critical habitat for federally listed species.
- Tables H-3a and b list PDAs and transportation projects that may impact salmonid critical habitat.
- Tables H-4a and H-5a summarize the potential impacts PDA development could have on jurisdictional waters, including wetlands, “other waters” (streams, rivers, lakes, San Francisco Bay, etc.), and riparian habitat. Tables H-4-B, C, and D and H-5B list the same information for transportation projects.

B17-2: The comment is concerned that the Draft EIR does not recognize the importance of San Francisco Bay and associated wetland and upland habitats or that of freshwater streams for wildlife. As stated on page 1-1.4 of the Draft EIR, this is a program level EIR and as such, the analysis is programmatic in nature and the environmental setting is, as a result, coarse-grained. See Master Response A.3 regarding the nature of a program EIR and the level of analysis required in such a document.

There are many areas that are not called out specifically as supporting or not supporting sensitive resources. However, Figures 2.9-1 through 2.9-9 illustrate special-status species locations, critical habitat, and essential connectivity areas in relation to the major transportation corridors within the planning area and the tables presented in Appendix H of the Draft EIR list the results of a GIS-based analysis that compared the locations of the proposed PDAs and transportation projects with locations of sensitive biological resources, thereby outline which biological resources could be impacted by each project.

The comment further notes that the location of development near a transportation corridor or urban area would not mean that it would have no or minimal impacts. While the comment is correct that impacts on biological resources could take place in developed areas, it is also true that, in general, habitat in developed areas is already degraded through a number of mechanisms, including fragmentation and isolation, proximity to human uses, lighting, etc., and impacts would likely be correspondingly less severe than were development to occur in previously undeveloped or rural areas. In addition, special-status species generally are less likely to occur in developed areas or along transportation corridors. However, the Draft EIR does not state that impacts would not occur at all in previously developed areas. Mitigation Measure 2.9(a) calls for a biological assessment and specific biological surveys (as required based on the general assessment) to be conducted as part of the subsequent environmental review process for each specific project under the proposed

Plan to determine the presence and extent of sensitive habitats and/or species in a specific project area, regardless of the location of that project.

- B17-3: The comment states that the impacts of development outside of the PDAs are not considered and that the analysis should be revised to consider potential impacts resulting from such development. Potential impacts resulting from development outside the PDAs are considered in a general way throughout the impacts analysis and are generally expected to be similar to those of development within PDAs. See, for example, the following statement on p. 2.9-57 of the Draft EIR: “As noted above, additional development would occur outside the PDAs in all parts of the Bay Area, and would also have impacts on special-status species. While less development is expected to occur outside PDAs it would have the same general types of impacts and, when situated in more rural areas where habitat is less degraded than in heavily urbanized areas, could have a greater relative effect than development in PDAs.”

However, similar to projects within PDAs, the details of future individual and site-specific projects located outside PDAs in local jurisdictions throughout the planning area are not known at this time, including the one in Larkspur. Therefore, it would be speculative to attempt to quantify such impacts. Moreover, site- and project-specific impacts not analyzed in this program EIR would be subject to further, more detailed review at the time a specific project is proposed. As stated on p. 1.1-2 of the Draft EIR, the Draft EIR’s programmatic, regional approach to the analysis of potential impacts “does not relieve local jurisdictions of the responsibility for evaluating project-specific, locally significant impacts. All impacts of individual projects will be evaluated in future environmental review, as relevant, by the appropriate implementing agency as required under CEQA and/or NEPA prior to each project being considered for approval, as applicable.” See Master Responses A.1 regarding local land use control and A.2 regarding additional CEQA analysis.

- B17-4: The comment notes that the PDAs in Marin County would have the potential to impact special-status or endangered species. Please see Table H-1A in Appendix H of the Draft EIR which outlines the impacts on special-status species may occur as a result of development in all Marin County PDAs. See also responses B17-1 to B17-3.

- B17-5: MTC and ABAG cannot require that local jurisdictions adopt or implement Plan Bay Area, or the mitigation measures of the EIR. Please refer to Master Response A.1 on local control over land use.

- B17-6: MTC and ABAG cannot require that local jurisdictions implement Plan Bay Area; see Master Response A.1 on local land use control. While SB 375 specifically does not grant regional agencies with control over local land use decisions, the proposed Plan includes incentives to pursue the proposed land use pattern through the OneBayArea Grant (OBAG) program and through possible CEQA streamlining established by SB 375. See the Draft Plan, pages 73 through 75, for more details. See also Master Response A.2 regarding CEQA streamlining.

- B17-7: The comment states that the Draft EIR does not discuss San Francisco Bay and its importance to the people of the Bay Area and the wildlife that depend on it. The Draft EIR

provides a natural community summary of the Bay on pp. 2.9-11 and 2.9-12. Migratory shorebirds and ducks are discussed briefly on p. 2.9-12 under the natural community summary for coastal marsh and estuaries, which includes San Francisco Bay. In addition, the text discussing San Francisco Bay Aquatic Resources on p. 2.9-11 is revised in Section 2 of this Final EIR to more fully reflect the importance of this resource for migratory birds.

B17-8: See response B17-7.

B17-9: The comment states that several specific areas of sensitive biological resources around the Bay should be mentioned. As stated on page 1-1.4 of the Draft EIR, this is a program level EIR and as such, the analysis is programmatic in nature and the environmental setting is, as a result, coarse-grained. There are many biologically important areas in the Bay Area, many of which are located in protected open space, and most of which are not mentioned specifically in the Draft EIR. There is no compelling reason to specifically discuss areas mentioned in this comment when there are many other equally important areas in the planning area. To specifically address each area is neither feasible nor required in a program EIR. An EIR should be analytic rather than encyclopedic (CEQA Guidelines Section 15006(o)). Those portions of the EIR that are most useful to decision makers and the public should be emphasized rather than emphasizing background material (CEQA Guidelines Section 15006(s)). Further, the disclosure of the specific areas does not alter the findings or provide new information of the programmatic impact analysis that would alter the conclusion of the biological analysis. As noted in responses B17-1 and B17-3, site- and project-specific impacts not analyzed in this program EIR would be subject to further, more detailed review at the time a specific project is proposed. This would include, as applicable, discussion of specific sensitive biological resources in the vicinity of a particular development project that could subsequently be proposed.

B17-10: See response B17-9.

B17-11: Mitigation Measure 2.9(d) requires that project sponsors and lead agencies pursue mitigation measures to reduce impacts on wetlands and other aquatic resources, including compensatory mitigation at a minimum 1:1 ratio to avoid net loss of wetlands resulting from projects under the proposed Plan. See also Master Response A.1 regarding local control over land use.

B17-12: The comment states that the Draft EIR setting does not adequately address special-status wildlife or their habitat needs. Special-status wildlife is discussed in the context of each natural community in the Physical Setting portion of Section 2.9, Biological Resources, coastal marsh and estuary habitat is described on pages 2.9-12 and 13, special-status plants and wildlife in these locations on pages 2.9-13 and 14, and effects on such wildlife species are identified generally on p. 2.9-56 and 2.9-59, with mitigation described on p. 2.9-60. Appendix H lists more than a dozen special status species that use brackish or salt marshes as habitat and cites PDAs and transportation projects that could impact these species. It is unclear what further discussion the comment is looking for that is not covered by all of these instances. Please see also responses B17-3 and B17-9 regarding the nature of this EIR and the type of information and analysis that is appropriate under CEQA for a program EIR.

B17-13: The comment states that uplands adjacent to tidal salt marsh are an essential part of endangered species habitat and impacts to this ‘transition’ habitat should be addressed in the Draft EIR. The comment is correct in stating the importance of adjacent upland habitat for tidal marsh species, both as a refuge from high tides and as a source of additional nesting and foraging opportunities. Such habitat, although not specifically called out in the Draft EIR, would be considered in the project-specific biological assessments required in support of the project permitting process under Mitigation Measure 2.9(a), which would determine the presence and extent of sensitive habitat and/or species in the project vicinity. These assessments typically would take into account all of a species requirements including, for example, upland transitional habitat for tidal marsh species. In addition, wetland buffer zones typically prescribed in project permitting documents, and often prescribed in local policies and ordinances, are usually sufficient to protect upland transitional habitat for tidal marsh species. Mitigation Measure 2.9(a) further requires that project design shall be reconfigured to avoid sensitive species and their habitat, whenever feasible, and that projects shall minimize ground disturbance and construction footprints in sensitive areas. Together these measures would minimize potential project-specific impacts on all habitat used by special-status species, including upland areas adjacent to tidal marshes or other wetlands. These and all other applicable and feasible mitigation measures included in the program EIR must be implemented for a local jurisdiction to take advantage of SB 375’s CEQA streamlining benefits. See Master Response A.2 regarding CEQA streamlining. While MTC and ABAG cannot require local jurisdictions that are not either utilizing SB 375’s CEQA streamlining benefits or seeking funding from MTC or ABAG to adopt or implement Plan Bay Area, or the mitigation measures included in this program EIR (see Master Response A.1 regarding local control over land use), implementing agencies must comply with CEQA before approving future site-specific projects.

The comment further states that impacts to specific species at specific locations in Marin County should be addressed in the Draft EIR. Impacts to special-status species are discussed in Impacts 2.9-1a, b, and c. Impacts to special-status species in Marin County resulting from implementation of Plan projects are quantified in Tables H-1A through H-3B in Appendix H to the Draft EIR. Please see also responses B17-3 and B17-9 regarding the nature of this EIR and the type of information and analysis that is appropriate under CEQA for a program EIR.

B17-14: The comment states that USFWS is “barely mentioned” in the Draft EIR and that the agency should be consulted about the locations of endangered species populations. USFWS and its role in protection of endangered species is discussed on p. 2.9-16 (designation of critical habitat) and in numerous places in the Regulatory Setting section beginning on p. 2.9-29 of the Draft EIR. Further, the Service was consulted regarding special-status species that occur throughout the nine Bay Area counties. Species-specific consultation with USFWS is required to be conducted in association with specific projects, per Mitigation Measure 2.9(a).

B17-15: Critical habitat is defined and discussed on pages 2.9-16 through 33 of the Draft EIR, including four maps and one table. The Draft EIR relies on the designations of the USFWS as well as the National Marine Fisheries Service. These sources are used because the significance criterion regarding habitat is whether the proposed Plan would “Have a substantial adverse effect: either directly or through habitat modifications, on...designated

critical habitat for federally listed plant and wildlife species.” (There is an additional criterion that relates to riparian habitat.) MTC and ABAG, informed by public and agency comments on the draft significance criteria proposed in the Notice of Preparation, had to choose a threshold that could be mutually agreed upon and commonly defined.

Mitigation Measure 2.9(a) calls on implementing agencies and project sponsors to conduct biological surveys, “to determine the presence and extent of sensitive habitats and/or species in the project vicinity. Surveys shall follow established methods and shall be undertaken at times when the subject species is most likely to be identified. In cases where impacts to State- or federal-listed plant or wildlife species are possible, formal protocol-level surveys may be required on a species-by-species basis to determine the local distribution of these species. Consultation with the USFWS and/or CDFW shall be conducted early in the planning process at an informal level for projects that could adversely affect federal or State candidate, threatened, or endangered species to determine the need for further consultation or permitting actions.” Mitigation Measure 2.9(d) includes a similar requirement for areas containing, or likely to contain, jurisdictional waters and/or other sensitive or special-status communities. This mitigation measure is appropriate for a program EIR.

Also see response B17-9 noting that an EIR is not required to be encyclopedic and B17-13 and Master Response A.3 regarding the level of specificity of the EIR.

B17-16: The comment disagrees with the statement on p. 2.9-53 of the Draft EIR that the analysis greatly overestimates actual impact acreages due to the coarse level of analysis. The statement that the analysis “greatly overestimates actual impact acreages” is presented out of context in the comment, as the Draft EIR provides supporting rationale for the statement on p. 2.9-35, as follows:

“....many special-status species polygons from the CNDDDB are non-specific polygons and simply indicate that a species was documented somewhere within the general area depicted. In addition, many CNDDDB species locations are historical and habitat no longer occurs for the species due to urbanization. Therefore, a PDA polygon intersection with a special-status species polygon simply indicates that the species does, or did once, occur in that area and that projects within that PDA may have impacts on that species if habitat for the species still occurs within or adjacent to the specific project site. Even if the species is currently present, impacts would not necessarily ensue because ... designation of a PDA does not imply that the entirety of that area will undergo development during the lifetime of the Plan.”

These factors combine to likely overestimate the impacts analyzed (acreages given in Appendix H). No quantitative analysis was conducted on potential impacts of projects outside PDAs as the majority of growth is anticipated to be within PDAs. However, GIS layers depicting such potential development locations were examined in association with the resources layers in order to inform this analysis and evaluate the general order of magnitude of possible impacts. The comment provides no substantial evidence that acreages are “probably” underestimated. See also response B17-17.

The comment further states that there may be wetlands and special-status species in locations where they are not currently identified in the Draft EIR. This concern is

recognized throughout the impacts analysis of the Draft EIR, hence the requirement for site-specific assessments and surveys for individual projects in Mitigation Measures 2.9(a) through 2.9(c) (special-status species) and 2.9(d) (wetlands).

B17-17: The comment states that the EIR does not consider all potential PDAs and the growth inducing effects of the development of those PDAs, especially related to impacts on biological resources (e.g. Clapper Rails). The proposed Plan is not intended to “induce” growth outside PDAs, and it would be speculative to consider potential PDAs, which are not included in the proposed Plan. Also, local government land use plans as well as individual land development projects are required to comply with CEQA, so a process is in place should any potential development not currently envisioned in adopted plans be proposed that would have an impact on biological resources. As stated on page 1-1.4 of the Draft EIR, this is a program level EIR and as such, the analysis is programmatic in nature and the environmental setting is, as a result, coarse-grained. Development is not reasonably foreseeable on the vast majority of land outside of PDAs. However, GIS layers depicting such potential development locations were examined in association with the resources layers in order to inform this analysis and evaluate the general order of magnitude of possible impacts. This analysis responds to the comment’s question about whether similar areas were considered within the nine-county analysis.

Further, mitigation measures outlined in the biological resources impact analysis apply to all projects proposed under the proposed Plan, both inside and outside of PDAs, as well as proposed transportation projects. Specifically, mitigation requires project-specific biological assessments to document special-status species. These mitigation measures included in the program EIR must be implemented for a local jurisdiction to take advantage of SB 375’s CEQA streamlining benefits. See Master Response A.2 regarding CEQA streamlining. While MTC and ABAG cannot require local jurisdictions that are not either utilizing SB 375’s CEQA streamlining benefits or seeking funding from MTC or ABAG to adopt or implement Plan Bay Area, or the mitigation measures included in this program EIR (see Master Response A.1 regarding local control over land use), implementing agencies must comply with CEQA before approving future site-specific projects. Also refer to responses B17-1 and B17-3 above regarding the level of analysis required in a program EIR and response B17-9 and Master Response A.3 regarding the nature of an EIR and the type of information that should be provided and the fact that subsequent project-specific review may be required for individual projects.

B17-18: The Draft EIR does include analysis of biological resources and maps of critical habitat for each quadrant of the Bay that as studied, includes areas around the Bay and their sensitivity, and documents what the effects would be on these resources. The correct Figure 2.9-5, “Critical Habitat: North Bay,” is included in Section 2 of this Final EIR; this figure is only a graphic representation of the EIR analysis and its inclusion would not change the conclusions of the EIR. More specifically, Appendix H documents potential impacts of PDA development on jurisdictional waters, wetlands, and riparian habitat. The comment also states that there should be a discussion of growth-inducing impacts in the Draft EIR. Growth-inducing impacts are discussed in detail, beginning on p. 3.2-4 of the Draft EIR.



B17-19: The comment states that the analysis of impacts and mitigation measures is inadequate and then notes that it is uncertain that the mitigation measures proposed in the Draft EIR would be implemented and unclear whether they would be effective. MTC and ABAG believe that the analysis is, in fact, robust, thorough and complete for all of the impact areas and criteria of significance. The comment further states that the use of language such as “where possible” and “when feasible” provides loopholes in the mitigation requirements. A close reading of the mitigation measures shows that there is usually a logical sequence: avoidance is the first priority, followed by minimizing effects, on-site or off-site enhancement, mitigation banking, or other measures. The language does not provide loopholes, but rather imposes obligations that apply to a variety of circumstances, with the overriding objective of developing an effective mitigation program. Responsible agencies with permitting authority, including the U.S. Corps of Engineers, BCDC, RWQB, CDFW, and CCC also have obligations under the law to impose compensatory mitigation; such mitigation must be implemented, maintained and monitored. The Draft EIR also repeatedly recognizes that the proposed mitigation measures may not be carried out in all cases. Finally, all mitigation measures proposed in this Draft EIR are based on (a) the best available science and (b) measures typically recommended by permitting agencies (e.g., CDFW, USFWS, RWQCB) and are generally recognized by those agencies as being sufficient to mitigate impacts on a project-level basis. Further, as stated in the Draft EIR, project-specific mitigation details will be developed on a project-by-project basis and tailored to be effective for the given situation.

B17-20: MTC and ABAG believe that all of the impact analysis is fully supported by data, as described in the setting sections, and regulatory standards, and that the text fully explains the methodology used for the analysis. The comment claims that the conclusion reached by the Draft EIR that biological resources impacts would be more significant in rural areas is questionable and states that impacts on sensitive habitats in urbanized areas could be more significant. In reality, the Draft EIR does not reach an overall conclusion of this nature. The Draft EIR impact analysis relies largely on the potential for biological resource impacts based on proximity to sensitive resources, whether these occur in rural or urbanized environments. Sensitive resources include those whose significance has been identified pursuant to State or federal law. On p. 2.9-54 the Draft EIR clearly states that impacts would be most likely to occur where development and transportation projects could have an effect upon ecologically sensitive or significant areas, without qualifying whether these areas occur within rural or urbanized settings. These areas have been mapped, and the maps used in the analysis.

Chapter 3.1 does say that “the potential for project-specific impacts on biological resources will be greater in lightly developed and rural areas, since sensitive biological resources are less abundant in highly urbanized portions of the Bay Area.” This logic is sound and appropriate for a regional program-level EIR, as described in responses B17-1, 3, and 9, but as noted in the paragraph above, the Draft EIR recognizes that significant impacts on biological resources can occur in urban settings as well (e.g., “Construction impacts on nesting birds and raptors can occur in both urban and rural areas.”).

In general, and in the absence of adjacent sensitive resources, the strategy of concentrating development in already urbanized areas, as proposed in this Plan, is found through the

analysis in this Draft EIR to be more protective of biological resources than unconstrained development allowed to occur in rural areas. The final comment about the importance of protecting remaining habitat is valid, and MTC and ABAG agree with it and have included Priority Conservation Areas (PCAs) in the proposed Plan.

B17-21: The commenter states that agency mitigation guidelines and regulations should be presented in the Draft EIR for the reader. The Regulatory Setting, starting on p. 2.9-39 of the Draft EIR, provides a 13-page detailed description of federal, State, and local regulations protective of biological resources and applicable to the proposed Plan. Specific citations to regulations are included for those who want additional information. The level of detail presented is appropriate for a program-level assessment. Further, all of these agency regulations and guidelines are available online. None of the regulations are simply “incentives” for project design; they include specific standards, permitting requirements, review and approval criteria and compensatory mitigation. Activities subject to these regulations must follow them; to characterize it as a negotiating process ignores the standards for review imposed on development, and the penalties that can be imposed to compel adherence. Moreover, “[a] condition requiring compliance with environmental regulations is a common and reasonable mitigating measure.” [citation]” (*Clover Valley Foundation v. City of Rocklin* (2011) 197 Cal.App.4th 200, 236.) The objective of this EIR is to determine potential impacts and identify mitigation to protect species, so they would not be adversely affected or “lose” through implementation of Plan Bay Area. See also response B17-1 and B17-3 above regarding the nature of a program EIR and the level of analysis required in a program EIR and also response B17-9 and Master Response A.3 regarding the level of specificity in the EIR.

B17-22: The comment misquotes the Draft EIR related to the impacts of transportation projects. On p. 2.9-45 the Draft EIR actually states (emphasis added): “Transportation projects under the proposed Plan that would not directly expand transportation-dedicated lands were assumed to have minimal potential biological impacts. Such projects include signal and traffic operational improvements, rail extensions along existing rights-of-way, and road widening in urban areas or within existing rights of way.” The qualifier is made because such projects are confined to existing rights-of-way, and low-lying areas adjacent to them would not be affected.

Indirect effects related to people, lights, noise and urban development are addressed in detail in Chapters 2.3 (Land Use and Physical Development), 2.10 (Visual Resources), 2.6 (Noise), 2.12 (Public Utilities and Facilities) and 2.14 (Public Services and Recreation). Finally, where implemented the site- and project-specific surveys required in the mitigation measures, such as 2.9(a), will ensure that all sensitive resources present are identified for a given project and that direct and indirect effects not analyzed in this Draft EIR are examined in detail as required under CEQA. This and other applicable and feasible mitigation measures included in this program EIR must be implemented for a local jurisdiction to take advantage of SB 375’s CEQA streamlining benefits. See Master Response A.2 regarding CEQA streamlining. While MTC and ABAG cannot require local jurisdictions that are not either utilizing SB 375’s CEQA streamlining benefits to adopt or implement Plan Bay Area, or the mitigation measures included in this program EIR (see Master Response A.1 regarding local control

over land use), implementing agencies must comply with CEQA before approving future site-specific projects.

B17-23: The comment states that the Draft EIR should recommend that mitigation be provided for all habitat loss and impacts to special-status and migratory species and their habitats. The Draft EIR does this: Mitigation Measures 2.9(a), 2.9(b), and 2.9(c) provide measures for any potential habitat loss to reduce impacts on special-status and migratory species, as well as to provide compensatory mitigation, as required by the resources agencies, for loss of special-status species habitat. Mitigation Measure 2.9(d) provides measures to avoid and minimize impacts on riparian, wetland, and other sensitive communities, as well as a requirement for compensatory mitigation because avoidance of wetlands and habitat is not always feasible. The Draft EIR does recognize that details of mitigation can only be worked out in the context of site-specific biological assessments. In fact, in *Clover Valley Foundation v. City of Rocklin* (2011) 197 Cal.App.4th 200, the Court stated that “deferring the formulation of the details of a mitigation measure [is authorized] where another regulatory agency will issue a permit for the project and is expected to impose mitigation requirements independent of the CEQA process so long as the EIR included performance criteria and the lead agency committed itself to mitigation.”(p. 237) Both judicial standards are met in this EIR. See Master Response A.3 regarding the level of specificity in the EIR.

In addition the comment recommends that the statement “whenever practicable” be removed from Mitigation Measure 2.9(a). CEQA Guidelines Section 15126.4(a)(1) states that an EIR shall describe feasible measures that could minimize the adverse impacts of a project. Section 15364 of the CEQA Guidelines defines the term feasible as meaning, “... capable of being accomplished in a successful manner within a reasonable period of time, taking into account economic, environmental, legal, social, and technological factors.” As the word practicable is a synonym for feasible, the mitigation language as written is consistent with the intent of Section 15364 of the CEQA Guidelines.

The comment also states that use of a wetland mitigation bank should not be allowed and that a “no net loss” policy be required with respect to wetlands. As stated on page 2.9-67 of the Draft EIR, “In accordance with Corps, EPA, USFWS, RWQCB, and CDFW guidelines, a goal of ‘no net loss’ of wetland acreage and value is required, wherever possible, through avoidance of the resource. Where avoidance is not possible, mitigation for wetland impacts would be based on project-specific wetland mitigation plans, subject to approval by the Corps, RWQCB, CDFW, and the BCDC and CCC where applicable.” Thus, compensatory mitigation is only considered when impacts to wetlands cannot be avoided and/or minimized. That is, MTC and ABAG agree that avoidance is the first priority, consistent with a “no net loss” policy (see pg. 2.9-71), and that mitigation banking only is an option after other alternatives have been evaluated and determined to be infeasible. Wetland mitigation banking is an option supported by the EPA and the Army Corps of Engineers and is currently their preferred method of compensatory mitigation over permittee-responsible mitigation. Wetland mitigation banking focuses on preserving, restoring, and enhancing large, contiguous wetland areas which typically provide much higher quality habitat values than restoration of smaller, possibly isolated, fragmented, or otherwise degraded wetlands is likely to. However, the proposed Plan does not alter the existing land use authority of the implementing agency. Therefore, an implementing agency retains the

discretion to adopt mitigation other than wetland mitigation banking to the extent feasible to substantially reduce or avoid wetland impacts. Similarly, implementing agencies retain the discretion to deny a project based on, for example, potential significant biological impacts to wetlands or other natural resource.

Finally, the comment states that a “no take” approach be required for special-status species. Mitigation Measures 2.9(a) through 2.9(c) of the Draft EIR are designed to avoid and/or minimize take of special-status species. Further, page 2.9-60 of the Draft EIR specifies that a “no take” approach is required during construction near special-status plant and wildlife species whenever feasible.

B17-24: MTC and ABAG agree that Impact 2.9-1a remains significant and unavoidable because local agencies cannot be compelled to adopt adequate mitigation.

B17-25: The comment misrepresents the Draft EIR’s statement on p. 2.9-62 with respect to the critical habitat impacts discussion. The Draft EIR says:

“As noted under the Method of Analysis, above, the GIS-based analysis overestimates the acreage likely to be affected, because it simply represents the intersection of areas where species are, or have been, present and areas where development is likely to occur. Because the analysis is at a regional level it is necessarily very coarse-grained, the actual acreage anticipated to be affected by future development projects would likely be far less than indicated in the tables, due to the potential absence of species and/or habitat from specific development sites.”

Critical habitat units contain both occupied and unoccupied habitat, as well as areas that contain actual habitat for a species and areas that don’t. This fact, combined with the nature of the GIS-based analysis described above, as well as the requirement that critical habitat first be avoided, supports the conclusion that actual impact acreages will likely be lower than the acreages presented in Tables H-2A through H-2C (critical habitat) and H-3A through H-3B (salmonid critical habitat) in Appendix H to the Draft EIR. See also response B17-16.

The comment also states that special-status species should be presumed to exist where suitable habitat exists and that the Draft EIR assumes that critical habitat is the only endangered species habitat that need to be protected. MTC and ABAG agree with the observation about federal and state law, and this point is made in the Draft EIR in the Regulatory Setting section of Chapter 2.9 Also, please see response to Comment B17-15.

The comment further states that no information is provided to support the assumption that the GIS-based analysis overestimates the acreage likely to be affected by future development. Please see the Draft EIR quote above and response B17-16.

Finally, as noted in Response B17-23, MTC and ABAG agree that avoidance should be a first priority in mitigation and that the impact remains significant and unavoidable

B17-26: The comment requests a listing of guidelines and regulations governing mitigation for impacts to special-status birds. Please see response B17-21 on a similar issue and see also

responses B17-1 and B17-3 above regarding the nature of a program EIR and the level of analysis required in a program EIR and also response B17-9 regarding the nature of an EIR and the type of information that should be provided. MTC and ABAG agree that there is no certainty that guidelines and regulations would be used by local jurisdictions if there is no legal obligation to do so, but where a permit is required from a responsible agency with authority over the proposed activity, the guidelines and regulations have the force of law and do apply. The comment about the San Francisco RWQCB is acknowledged; their regulatory authority is noted in the discussion of impacts on jurisdictional waters on pgs. 2.9-66 through 2.9-71.

B17-27: Referencing impact discussion 2.9-2 the comment agrees with the Draft EIR that impacts on jurisdictional wetlands should be avoided and states again that a no net loss of wetland acreage should be implemented. Please see response B17-23 regarding no net loss. The comment also states that the impact discussion should address the role of the Corps and the RWQCB in regulating wetlands. The Draft EIR discusses the role of all wetland permitting agencies on p. 2.9-14 and in the Regulatory Setting section starting on p. 2.9-31. The Draft EIR also refers to the roles and responsibilities of the wetland permitting agencies, including the Corps and the RWQCB, throughout impact discussion 2.9-2, on pgs. 2.9-67 through 2.9-71.

The comment reiterates opinions expressed in earlier comments regarding the location of projects in urbanized versus previously undeveloped areas and the relative potential for impacts in each situation. Please see responses B17-2, B17-3, B17-15, B17-16, and B17-20.

B17-28: The comment states that mitigation measures for wetland impacts should be required, not just considered “where feasible.” The Draft EIR does this: Mitigation Measure 2.9(d) states that “*Implementing agencies shall require project sponsors to prepare biological resource assessments.... The assessment shall identify specific mitigation measures... and said measures shall be implemented.*” For additional information, see response B17-23.

The comment further states that a minimum 1:1 mitigation ratio for wetlands is insufficient. Mitigation Measure 2.9(d) on p. 2.9-71 puts forward this ratio as a minimum, in keeping with no net loss policies, and goes on to say mitigation shall in all cases be consistent with mitigation ratios set forth in local plans (such as general plans and HCPs/NCCPs) or in project-specific permitting documentation. These ratios are often greater than 1:1. In addition, mitigation ratios are often tied to the quality and function of a specific wetland. Therefore, compensatory mitigation for a low quality, degraded wetland that supports common wildlife and is dominated by non-native plant species may appropriately be placed at a 1:1 ratio and a high quality wetland dominated by native vegetation and supporting special-status wildlife would require a higher mitigation ratio of 2:1 or greater.

B17-29: The comment expresses disagreement with the conclusion that Impact 2.9-3 would be less than significant. This is not the conclusion of this EIR, which makes the determination that the combined effects of land and transportation development are potentially significant on p. 2.9-74 of the Draft EIR and proposes the measures in Mitigation Measure 2.9(e) to avoid and minimize potential impacts to less than significant. However, the final determination for this impact is significant and unavoidable, as stated on p. 2.9-75 of the Draft EIR, because

MTC and ABAG cannot compel local implementing agencies to adopt Mitigation Measure 2.9(e).

- B17-30: The comment states that all wetlands along the bay and all riparian corridors and open space should be considered movement corridors. MTC and ABAG agree with the commenter and the Draft EIR recognizes and underscores this point in several places, including the natural community summaries and in the impact analysis itself. The discussion of Essential Connectivity Areas (ECAs) is appropriate for a regional plan; the Draft EIR also looks at potential impacts to migratory corridors on the local level on p. 2.9-73 and states that areas including waterways, riparian corridors, and contiguous or semi-contiguous expanses of habitat are likely to facilitate wildlife movement, even through urbanized areas, throughout the region. Mitigation Measure 2.9(f) requires a project-specific assessment of local wildlife movement corridors and proposes measures to avoid and reduce impacts on such corridors to less than significant levels.
- B17-31: The comment states that Impact 2.9-4 should not be limited to HCPs and NCCPs but should include local general plan policies and ordinances. The Impact 2.9-4 discussion includes consideration of Local Coastal Programs, Conservation Strategies and local ordinances and policies on pp. 2.9-76 and 2.9-77. Mitigation Measure 2.9(f) requires consistency with the most recent General Plan, policy, ordinances and conservation plans, and documentation as part of project-level environmental review that such compliance is achieved. As a result, local jurisdictions are not *“required to have weaker standards than they have adopted”*. The link back to adopted plans is clearly stated as the obligation to design for avoidance first (see second bullet in this measure). See also Master Response A.1 regarding local land use control.
- B17-32: The sea level rise analysis does, in fact, consider effects associated with all low-lying land, including the individual PDAs noted. Impacts are quantified and reported on a county-by-county basis (see Tables 2.5-16 through 2.5-21). Table 2.5-13 lists 430 acres in Marin County PDAs that would be within the potential sea level rise zone. See Master Response E for additional information on sea level rise.
- B17-33: The commenter suggests that tidal wetlands and adjacent upland transition zones should be used as buffers against sea level rise within the setback/buffer strategy. The Draft EIR considers the value of wetlands as a buffer against sea level rise under the “Strategies with a Range of Outcomes” section, “Create / restore / enhance wetlands”. The Draft EIR also notes the importance of upland transition zones to help provide space for wetlands to migrate inland impacts as sea levels rise.
- B17-34: The commenter questions that if raising the floor level of structures is used as a mitigation strategy, as used in other flooded areas, how would people get around with flooded streets? A mitigation strategy associated with raising a building’s elevation is typically associated with periodic flooding associated with a flood event. Most commonly, buildings are raised so that the first floor elevation is above the 100-year base flood elevation, which is associated with a Federal Emergency Management Agency minimum recommendation. In a flood event, the streets and roadways may act as floodways to convey the floodwaters. When the floodwaters recede, the home would be accessible, and if the first floor elevation was sufficiently high, no

damage would have occurred to the structure. Any evacuation plans or strategies associated with a flood event should be specified in the community's emergency management plan or Hazard Mitigation Plan. The mitigation measure "Raise elevation" in the Draft EIR is not specific to raising the elevation of only a single structure, but rather raising a development or set of structures. The mitigation measure further suggests that any changes to overland flow and increased flooding in adjacent areas would need to be considered. See also Master Response E for additional information on sea level rise. Chapter 2.13, Hazards, includes additional information on how implementation of the proposed Plan might impair or physically interfere with an adopted emergency response plan or emergency evacuation plan. The conclusion, under Impact 2.13-7, is that the potential impact would be less than significant.

- B17-35: MTC and ABAG agree with the idea of locating development outside of high-risk areas and the suggestion that this could be combined with funding to purchase properties and restore wetlands or open space lands. The Adaptation Strategies described for informational purposes in the Draft EIR (pages 2.5-76 through 2.5-82) include a number of strategies, including but not limited to: encouraging cluster development in low-risk areas, establishing setbacks/buffers, zoning restrictions in high-risk areas, and conditional development in high-risk areas, and in the more extreme case, relocation. See response B17-38 for more information on the Priority Conservation Area program.
- B17-36: These issues are addressed in this Draft EIR, in Chapters 2.5 (Climate Change and Greenhouse Gases), 2.7 (Geology and Seismicity), 2.8 (Water Resources), and 2.13 (Hazards).
- B17-37: As the comment notes, MTC and ABAG are charged by SB 375 with creating a sustainable communities strategy to reduce greenhouse gas emissions through transportation and land use planning. The proposed Plan does go further, and this Draft EIR includes analysis of vegetation, which is in the Air Quality chapter. Mitigation Measure 2.2(d), on page 2.2-81 of the Draft EIR includes planting trees and/or vegetation to trap particulates as a strategy to reduce the impacts of PM emissions. This mitigation measure also applies to impact criterion 2.2-5(a). MTC and ABAG agree that wetlands and other habitat restoration could provide air quality benefits along with increasing habitat, and improving aesthetic and recreational opportunities. Such site-specific considerations are acknowledged in the mitigation measures in Chapter 2.9 and could well be included in the planning process as part of goal-setting and specifying success criteria and specifics of restoration/creation/enhancement.
- B17-38: For the purposes of this programmatic EIR, Priority Conservation Areas (PCAs) within the region are identified in general terms. The nomination of an area for PCA designation requires the approval of the respective local jurisdiction. Preservation of a PCA may be initiated by a public, private or non-profit entity as a result of a land purchase or a conservation easement that is applied to the land title. MTC and ABAG acknowledge the Marin Audubon Society's comment regarding the need to refine the role of PCAs in the proposed Plan, as well as the process by which the PCAs were selected. In a June 7, 2013 report to their respective boards, MTC and ABAG stated that they will expand and refine the PCA program to strengthen regional coordination around open space preservation and maximize the impact of available funding. This will involve defining the role of different



kinds of PCAs in supporting agriculture, recreation, habitat, and other ecological functions and using this analysis to seek additional funding for PCA conservation efforts. See Section 2 of this Final EIR for text added to page 1.2-26 of the Draft EIR.

B17-39: This Draft EIR includes a thorough evaluation of the proposed Plan effects on natural resources. Chapter 2.8, Water Resources, states the full range of environmental impacts pertaining to water and water resources. Additionally, Chapter 2.9, Biological Resources, provides a detailed environmental analysis of impacts on wildlife. The mitigation measures provided in these chapters are adequate to provide protection of these natural resources on a regional scale. Mitigation Measure 2.9(a) calls on project sponsors to prepare biological resources assessments for specific projects proposed in areas containing, or likely to contain, habitat for special-status plants and wildlife, developed consistent with the requirements of CEQA, USFWS, and CDFW regulations and guidelines, and that consultation with the USFWS and/or CDFW shall be conducted early in the planning process at an informal level for projects that could adversely affect federal or State candidate, threatened, or endangered species to determine the need for further consultation or permitting actions, and loss of habitat shall be mitigated at an agency approved mitigation bank or through individual mitigation sites as approved by USFWS and/or CDFW. Furthermore, as part of the EIR process, mitigation consultation meetings were held with public resource agencies in January 2013 to review the draft mitigations; the invitation list included USFWS, National Marine Fisheries Service, and CDFW. That said, it is not the role of the EIR to “explore a more active, aggressive program”. The purpose of the EIR is to examine the environmental consequences of the proposals in the proposed Plan. The consultation meetings noted above helped MTC and ABAG refine mitigation measures for this EIR and through them valuable information was obtained that has been incorporated into this Draft EIR.

**Letter B18 Santa Clara County League of Conservation Voters (5/30/2013)**

B18-1: The letter refers to a system of HOT lanes, which presumably is the Regional Express Lane Network. This Network represents only a modest increase in the region’s freeway capacity. Table 3.1-7 of the Draft EIR shows only a 4 percent difference in freeway lane-miles between the No Project alternative, which includes only committed express lanes, and the proposed Project, which includes the full Network. This is because approximately half of the Network is composed of existing HOV lanes that will be converted to express lanes. Only the remaining half of the Network would be developed by building new express lanes. Furthermore, express lane mileage is managed capacity, which gives priority to transit and buses and is subject to Federal requirements to maintain speeds of 45 miles per hour or better 90 percent of the time express lanes are in operation. This effectively limits the number of vehicles to approximately 1,600 vehicles per hour per lane, which is less than the typical capacity of an unmanaged lane (2,200 vehicles per hour per lane).

The traffic impacts of the express lane projects on local communities, intra-regional highways, and feeder street networks will be analyzed and addressed through project-level environmental review for the Network. This EIR evaluates Plan Bay Area as a single, regional project and assesses its impacts at a regional level across all nine counties, which is consistent with CEQA provisions regarding program EIRs. As stated in Chapter 2.0 of the Draft EIR, “as a program-level EIR individual project impacts are not addressed in detail;

the focus of this analysis is to address the impacts which, individually or in the aggregate, may be regionally significant.” The individual projects that may result from the proposed Plan must comply with CEQA.

- B18-2: This comment states that highway capacity expansion promotes the development of housing far from jobs. The proposed Plan dedicates only 5 percent of the total revenues to road and highway expansion, resulting in a 3 percent increase in total roadway lane miles in the region. This is compared to a 27 percent increase in total daily transit seat-miles by 2040 (Draft EIR page 2.1-27). As outlined in the Draft Plan (page 42), the proposed land use pattern seeks to achieve four comprehensive objectives: (1) create a network of complete communities, (2) increase the accessibility, affordability and diversity of housing, (3) create jobs to maintain and expand a prosperous and equitable regional economy, and (4) protect the region’s unique natural environment. In contrast to past trends that saw the outward expansion of urban growth in the region and spillover growth in surrounding regions, the proposed Plan directs new growth within locally adopted urban growth boundaries, or other similar constructs, and along major transit corridors. These strategies are all meant to improve the jobs-housing balance in the region and reduce the housing sprawl.

The comment also asserts that highway expansion eliminates open space and farm land. The proposed Plan accommodates all non-agricultural growth between 2010 and 2040 within the 2010 urban footprint (Draft Plan, page 116). This is in part the result of the focused growth pattern reflected in the proposed Plan, as well as the historic commitment of local jurisdictions and counties throughout the region to protect and preserve open space through policies such as urban growth boundaries and urban limit lines. (The Draft EIR on pages 3.1-47 through 3.1-55 did find that the proposed Plan does have a significant unavoidable impact on open space and farm land, as do all of the alternatives; this is because the criterion of significance is any conversion of open space or farmland, even if it is included within an existing urban boundary.)

- B18-3: MTC and ABAG agree with this comment; these are factors that went into the design of the proposed Plan. Chapter 2.1 of the Draft EIR, Impact 2.1-4, finds that under the proposed Plan per capita VMT will decrease by 6 percent compared to existing conditions. Chapter 2.4 in its assessment of energy impacts, on page 2.4-20, notes that, “According to a study from the Energy Information Administration, multi-family residential units, when compared to single family residential units, are 44 percent more efficient on a per unit basis in terms of consumption of electricity and 35 percent more efficient with natural gas consumption.” And that under the proposed Plan, “Multifamily units are projected to increase from 37 percent of all residential units in 2010 to 44 percent in 2040.”

- B18-4: The comment states that HOT lanes will promote sprawl, which will reduce demand for Transit Oriented Development (TODs) and related transit, but if the inter-regional highways were allowed to reach capacity, it would encourage in-fill development and encourage transit usage. As described in response B18-1, more than half of the Regional Express Lane Network is comprised of existing HOV lanes that will be converted to express lanes. Even with the new lanes, the Network represents only a modest increase in the region’s freeway capacity and the additional capacity is managed capacity as described in response B18-1. This is unlikely to significantly affect regional land use patterns. Furthermore, the proposed Plan

includes numerous measures to support TODs and transit ridership, including the OneBayArea grant program and a sizable funding commitment to transit operations. The proposed Plan funds a 27 percent increase in public transit service as measured by transit vehicle seat-miles; a breakdown of additional transit service supplied under the Draft Plan is shown on page 2.1-27 of the Draft EIR.

B18-5: See Master Response A.1 on local land use control. While SB 375 specifically does not grant regional agencies control over local land use decisions, the proposed Plan includes incentives to pursue the proposed land use pattern through the OneBayArea Grant (OBAG) program and potential CEQA streamlining benefits. See the Draft Plan, pages 73 through 75, for more details and Master Response A.2. Both OBAG and the CEQA streamlining benefits are designed to encourage more development near high-quality transit and reward jurisdictions that produce housing and jobs.

B18-6: The comment requests MTC and ABAG to reconsider the HOT Network and enforcement. This request will be considered as MTC and ABAG deliberate the final Plan recommendations. In addition, please see response B18-5 regarding local control and enforcement.

#### **Letter B19 Non Profit Housing Association of Northern California (5/16/2013)**

B19-1: See Master Response F regarding displacement. See responses B7-9 and B7-12 regarding in-commuting.

B19-1.5: On July 19, 2012, the ABAG Executive Board adopted the final Regional Housing Need Allocation (RHNA) methodology for the period between 2014 and 2022. Once adopted the RHNA methodology cannot be changed per state statute. The ABAG Board is scheduled to adopt the RHNA allocation in July 2013.

SB 375 requires metropolitan areas to create a Sustainable Communities Strategy (SCS) for the Regional Transportation Plan (RTP) that aligns land use and transportation planning in order to reduce greenhouse gas emissions from cars and light-duty trucks. While SB 375 requires that the RHNA be consistent with the development pattern included in the SCS, they are separate processes with different timelines and considerations. See also Master Response F regarding displacement and Master Response B.1 regarding population projections.

The commenter suggests shifting 25,000 RHNA units outside of PDAs. RHNA is not within the scope of this project. MTC and ABAG will consider the commenter's suggestion as it pertains to the Plan, however, it should be noted that there is no indication that the shift in housing units in the Plan would reduce any of the significant environmental impacts. MTC and ABAG believe the current housing distribution is the best approach to meeting SB 375's requirements to meet the GHG reduction targets and house all the population.

B19-2: See Master Response B.2 regarding the PDA Feasibility and Readiness Study.

B19-3: See responses B7-9 through B7-12.

**Letter B20      Natural Resources Defense Council (5/16/2013)**

B20-1:      Your request to include high-performing aspects of Alternative 5 will be considered by decision-makers as part of the EIR certification process and action on the proposed Plan.

B20-2:      The Climate Program is an innovative new program that includes a number of elements, most of which are new and promising strategies MTC and ABAG seek to implement either for the first time or at a larger scale than currently exists. The analysis of greenhouse gas reductions associated with the elements of the Climate Program is included in the Supplemental Report, Draft Summary Predicted Traveler Responses. The analysis details the assumptions and calculations used to estimate the GHG reduction anticipated due to the Climate Program. The analysis was based on the best available information, including existing regulations and current research. Because many of these programs are new and relatively untested, a conservative approach was generally used to estimate the GHG reductions. As the Climate Program is implemented, extensive evaluations will be conducted to quantify and better understand the benefits, particularly in terms of GHG reductions, of the program.

B20-3:      NRDC asks for additional information about two assumptions in MTC's analysis: the rate of adoption of car-sharing and the impact of car-sharing on members' driving patterns and GHG emissions. Two recent sources cited in the Draft Plan estimate that adoption rates for car-sharing will be between 10 percent and 13 percent; both sources reflect first generation car-sharing systems that require users to reserve vehicles for a specific amount of time and return vehicles to their original locations. There is a rapid diversification of the U.S. car-sharing market underway, including new one-way car-sharing and peer-to-peer car-sharing services. This shift allows for broader supply of car-sharing vehicles and will also increase the user base to which car-sharing appeals. MTC concludes that this shift will modestly increase the penetration rate of car-sharing to 15 percent in urban areas.

With regard to the impact of car sharing on members' GHG emissions, MTC applies estimates that are based on a representative sample of car share members. A majority of these members are in their 20s and 30s, but the average reduction applied represents all age ranges. In addition, MTC notes that the VMT reduction assumed per member is derived from a sample of urban car share members. Trip distances for suburban dwellers tend to be longer than those for urban dwellers. Therefore, while MTC expects car-share membership to be lower in suburban areas (as reflected in the analysis), the VMT reduced per member in suburban areas may actually be greater than assumed in the analysis.

B20-4:      NRDC suggests that the emission reductions attributed to Smart Driving are over-estimated, given that the ability of an advertising campaign to shift driving behavior has not yet been studied. There are two sub-strategies that compose the Smart Driving Strategy: a public information campaign, and a rebate program to encourage the installation of dashboard fuel economy meters. The impact of fuel economy meters has been demonstrated in large scale studies conducted by Fiat and the National Renewable Energy Laboratory, as cited in the Draft Plan. Of the GHG reductions attributed to the Smart Driving Strategy, approximately  $\frac{3}{4}$  are attributed to the installation of these fuel economy meters. MTC's estimate of the impact of the public information campaign is modest, at around 0.4% reduction in per capita

GHG emissions. Smart driving practices save both fuel and money for those that adopt them. The campaign envisioned would generate approximately 140,000,000 media ‘impressions’ in the Bay Area in the first four years, yet MTC made the conservative assumption that only around 280,000 people, around 5% of the driving age population, would change their behavior as a result of the campaign. The conclusions regarding the effectiveness of these measures are reasonable and supported by the evidence underlying these measures.

B20-5: Table 2.2-10 of the Draft EIR provides the specificity requested in this comment of where and when the mitigation measures should be implemented. The Draft EIR identifies specific distances around various sources of air pollution where these mitigation measures should be implemented to minimize potentially significant health impacts. The recommendation in the Draft EIR is that all of these mitigation measures should be implemented if sensitive land uses are proposed within any of the set distances identified in Table 2.2-10. To provide additional clarity, the language suggested by the commenter has been added to Mitigation 2.2(d), as shown in Section 2 of this Final EIR. Please see Master Response A.3 regarding the level of specificity in the EIR.

B20-6: The comment does not raise environmental issues that require a response under CEQA. Please refer to Master Response A.2 on CEQA streamlining. Please note that Table 1.1-1 of the Draft EIR summarizes the requirements and benefits for various types of CEQA streamlining under SB 375.

**Letter B21     Rose Foundation (5/16/2013)**

B21-1: Commenter’s support for Alternative 5, the Environment, Equity and Jobs Alternative, and of particular elements of the alternative, is acknowledged. Commenter’s request will be considered by decision-makers as part of the EIR certification process and action on the proposed Plan. Please see Master Response F regarding displacement.

B21-2: The methodology and significance thresholds used in the Draft EIR to assess public health effects related to air pollutants are consistent with those recommended by the Bay Area Air Quality Management District and other State and federal regulatory agencies. Table 2.2-10 of the Draft EIR identifies specific distances which were used to analyze whether the proposed Plan could cause a localized net increase in sensitive receptors located in Transit Priority Project (TPP) corridors within these set distances to mobile or stationary sources of TAC or PM<sub>2.5</sub> emissions. The recommendation in the Draft EIR is that Mitigation Measure 2.2(d) should be implemented if sensitive land uses are proposed within any of the set distances identified in Table 2.2-10. Please also see Master Response A.3 regarding the level of specificity in the EIR.

B21-3: The analysis in the Draft EIR included dispersion modeling for particulate matter along all major transportation corridors within the Bay Area. The methodology used is consistent with recommendations from the California Air Resources Board and U.S. Environmental Protection Agency. The analysis identified areas adjacent to major transportation corridors where concentrations could be above the threshold of significance used to determine if potential health impacts would be significant. This conclusion recognizes that adverse health

impacts could occur in some areas, and further analysis of these potential impacts should occur when any sensitive land uses are proposed in these areas above the threshold. A separate analysis was provided under Impact 2.2-6, which concluded that some currently disproportionately impacted communities would be adversely impacted from the proposed plan. In general, any alternative that reduces VMT could likely result in lower air pollution concentrations in the Bay Area and therefore a reduced level of health impacts to the public. Your support for Alternative 5 and of particular elements of the alternative is acknowledged. Decision-makers will weigh the advantages and disadvantages of each alternative in determining which option to adopt. See response B25-8 for additional information regarding air quality impacts.

B21-4: The commenter raises concerns regarding the ability of the proposed Plan to achieve a performance target established by MTC. The decision-makers will consider this comment in weighing the advantages and disadvantages of adopting the proposed Plan or one of the other alternatives included in the EIR. Additional details regarding the performance target are discussed below.

Road safety impacts, including collisions involving bikes and pedestrians associated with the proposed land use and transportation strategy were considered as part of the Plan Bay Area performance targets process (as indicated on page 1.2-22 of the Draft EIR; pages 99-100 of the Draft Plan).

The Draft Plan includes \$4.6 billion specifically for bicycle and pedestrian improvements during the Plan period. The One Bay Area Grant program, \$14.6 billion over the life of the Plan, is another fund source that can be used to pay for 'Complete Streets' projects. These projects can include stand-alone bicycle and pedestrian paths, bicycle lanes, pedestrian bulb-outs, lighting, new sidewalks, Safe Routes to Transit, and Safe Routes to Schools projects that will improve bicycle and pedestrian safety and travel.

Many of the counties in the region included bicycle and pedestrian programs, road safety enhancements, and streetscape improvements in their priority projects/programs being funded under the County Priorities portion of the discretionary funds (see Draft Plan page 83). Major capital projects often include significant elements to improve local streets, either as key components of those projects or as mitigations for project-level impacts. For example, the AC Transit East Bay Bus Rapid Transit project (included in the Draft Plan) will significantly improve the streetscape along International Boulevard in Oakland to improve the safety of all road users and to provide a more pleasant environment for walking and bicycling.

In addition to this funding, cities and counties that wish to use OBAG grant funds must adopt a 'Complete Streets' resolution and in the future an updated general plan element to improve the delivery of Complete Streets projects serving all road users, including pedestrians and bicyclists. During MTC's last survey of project sponsors in 2006, over 55 percent of transportation projects surveyed already included complete streets elements. The resolution requirement is expected to increase the rate of complete street implementation.

- B21-5: The Draft EIR is not required to analyze the individual impacts of subcomponents for each alternative evaluated. Therefore, the direct impacts of the proposed VMT tax in Alternative 5 were not measured separately from the additional transit services funded from those revenues. Both the VMT tax and the additional transit service contribute to reductions in automobile use and growth in transit boardings in Alternative 5, although the relative magnitude of the impact from each subcomponent cannot be determined based on the travel demand model forecast data available. See responses B25-21 through B25-26 for additional information regarding the adequacy of the analysis of Alternative 5. Your support of Alternative 5 without endorsement of the VMT tax is acknowledged.
- B21-6: See Master Response F on Displacement. See responses B25-21 through B25-26 for additional information regarding the adequacy of the analysis of Alternative 5.
- B21-7: See Master Response F on Displacement. See responses B25-21 through B25-26 for additional information regarding the adequacy of the analysis of Alternative 5. See responses B7-9 through B7-12 regarding the In-commuting issue.
- B21-8: The impacts of forecasted growth in regional transit ridership on “transit over-crowding” are analyzed under Impact 2.1-5, comparing the baseline and future levels of public transit demand with the level of public transit service supplied in each alternative. This transit utilization metric appropriately captures the regional transit capacity constraints by mode and by time of day. While individual bus or rail lines may experience transit capacity constraints both today and in the future, those conditions represent localized operational issues outside the regional scope of the Draft EIR. As noted on page 2.1-35 of the Draft EIR, localized operational transit capacity issues should be addressed when considering individual projects, rather than on the programmatic level for Plan Bay Area. Such analyses can look at a broad set of impacts related to capacity constraints, including travel time and public health (as discussed in this comment). As stated in Chapter 2.0 of the Draft EIR, “as a program-level EIR individual project impacts are not addressed in detail; the focus of this analysis is to address the impacts which, individually or in the aggregate, may be regionally significant.” As such, impacts on specific transit lines and systems are more appropriately dealt as part of detailed local analyses. See Master response A.3 regarding the level of specificity in the EIR.
- Plan Bay Area also provides funding to projects across the region (including within Alameda County) to address localized issues of transit capacity constraints. In Alameda County, Plan Bay Area prioritized BART Metro, which will allow for increased frequencies of BART service along rail segments with the highest levels of peak demand, and new bus rapid transit lines on International Boulevard and MacArthur Boulevard to provide additional capacity on some of AC Transit’s highest-demand bus routes.

**Letter B22 6 Wins Coalition (5/16/2013)**

- B22-1: Commenter’s general opinions regarding Alternative 5 are acknowledged. Decision-makers will weigh the advantages and disadvantages of each alternative in determining which option to adopt. The comment does not raise specific environmental issues to which a response is required under CEQA.



B22-2: Increased funding for transit operations and the youth bus pass will be considered by the MTC Commission and ABAG Executive Board as they take final action on Plan Bay Area. The comment does not raise specific environmental issues to which a response is required under CEQA.

Regarding a free youth pass, transit fare policy is set by local transit agency boards. It is not known whether all transit agencies would adopt a free youth pass program. One recent example from the Transit Performance Initiative (TPI), which provided regional funds to support agencies implementing performance improvements, is that some transit agencies did designate TPI funds to help offset the cost of pass programs for youth or low income riders.

B22-3: The comment refers to unspecified “impacts” but does not raise specific environmental issues to which a response is required under CEQA. Nonetheless, a response to the issue raised is provided below.

The proposed Plan demonstrates a robust commitment to expand and maintain transportation choices in express lane corridors and throughout the region. The proposed Plan would, like the two preceding Regional Transportation Plans, invest over 60 percent of all transportation revenue in transit, which includes commitments to the continued operation of the considerable express bus service that operates in the express lane corridors. In addition, the current plan invests in transit expansion projects along express lane corridors on I-80, I-880 and the transbay bridges. Specific projects include the Irvington BART Station, the Union City Commuter Rail Station, the Hercules Commuter Rail Station, new ferry routes and a portion of BART to San Jose.<sup>7</sup> Through the Freeway Performance Initiative’s Traveler Information/511 program, the proposed Plan would continue the region’s robust commitment to the Regional Rideshare Program, which will support the formation of carpools and vanpools in express lane corridors.<sup>8</sup> Finally, an additional \$6M is committed in the proposed Plan to funding efforts to maintain and increase the number of vanpools, with the goal of sustaining the investment long-term.<sup>9</sup>

A primary benefit of the Regional Express Lane Network is the closing of gaps and extension of the HOV network. This will leverage existing investments to expand and enhance transportation choices by improving reliability and reducing travel time for transit, carpools and vanpoolers. MTC does not oppose using net revenue from express lanes to fund transit or other investments and is prepared to evaluate specific options and make commitments once the initial HOV lane conversions, and perhaps the gap closures, are up and running and we have established a revenue track record.

In developing projects that compose the Express Lane Network, Bay Area Infrastructure Financing Authority will comply with all relevant state and federal laws and guidance for

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<sup>7</sup> Draft Plan Bay Area, page 89.

<sup>8</sup> Draft Plan Bay Area, page 78.

<sup>9</sup> Draft Plan Bay Area, page 85.

assessing impacts on low-income populations and respond accordingly if disproportionate adverse impacts are identified. For example, as described to MTC's Policy Advisory Council on March 13, 2013, MTC staff has begun to explore considerations about the use of FasTrak® toll tags raised by low-income travelers in targeted outreach conducted in fall 2012. See:

[http://apps.mtc.ca.gov/meeting\\_packet\\_documents/agenda\\_2008/5\\_Express\\_Lanes.pdf](http://apps.mtc.ca.gov/meeting_packet_documents/agenda_2008/5_Express_Lanes.pdf)

- B22-4: Please see Master Response F regarding displacement and Master Response B.1 regarding population and job growth projections, both of which also discuss the relationship between the SCS and RHNA.

In addition, as referenced in Plan Bay Area Chapter 1 and 6, this is a Plan to build on. Plan Bay Area will be updated every four years, as required by law. Addressing affordable housing issues requires efforts at all levels of government. See Master Response A.1 regarding local control over land use planning. For more information about ongoing efforts to provide housing in the Bay Area for all income levels, see: [http://onebayarea.org/pdf/9-26-12\\_DRAFT\\_Addressing\\_Regional\\_Housing\\_Needs\\_Regional\\_Policy.pdf](http://onebayarea.org/pdf/9-26-12_DRAFT_Addressing_Regional_Housing_Needs_Regional_Policy.pdf)

ABAG and MTC are also currently undertaking a three year initiative funded by a \$5 million grant from HUD. The initiative is intended to identify strategies to improve the region's economic prosperity by encouraging stronger, more sustainable communities, integrating housing and jobs planning, fostering local innovation in support of new jobs and building a healthy regional economy. The three pronged planning efforts includes the Economic Opportunity Strategy, a Housing the Workforce Initiative, and an Equity Collaborative that together will implement this program. The Housing the Workforce Initiative will provide tools and resources for housing production and preservation in transit served areas, support neighborhood stabilization in communities at risk of displacement, and provide more than \$1 million in sub grants for pilot projects. For more information see: <http://www.onebayarea.org/regional-initiatives/Bay-Area-Prosperity-Plan.html>

- B22-5: The Draft EIR and the Equity Analysis of the Draft Plan recognizes the potential for localized displacement of low income households. (Draft EIR, pp. 2.3-36 through 2.3-40.) In response to this possible risk, Mitigation Measures 2.3(a), 2.3(b), and 2.3(c), are included in the EIR. In addition, numerous policy initiatives are incorporated in the Plan to provide additional resources for addressing displacement pressure. First, several tasks in the Bay Area Prosperity Strategy will specifically research displacement pressures and trends and what actions can be taken to affect displacement pressure. The One Bay Area Grant (OBAG) program requires both cities and counties wishing to receive these funds to have an adopted housing element and for the Congestion Management Agencies (CMAs) to review what housing policies are currently in place throughout the region. As noted, MTC is making a direct investment of \$10 million to increase the Bay Area Transit Oriented Affordable Housing to at least \$90 million. This fund can finance both the preservation of existing housing that is affordable, land banking, or the construction of new affordable housing. This information has been incorporated into the discussion of this impact on page 2.3-39 of the Draft EIR. See the revised text in Section Two of this Final EIR.

B22-6: The Draft Plan makes a considerable investment in bicycle and pedestrian projects and adds new requirements for local agencies to access key funds. The investments for bicycle projects are included in funding under the Road and Bridge: Maintain the Existing System category, which totals almost \$100 billion. State Transportation Development Act (TDA) and local sales tax funds committed to bicycle and pedestrian improvements total \$4.6 billion during the plan period. The One Bay Area Grant program, \$14 billion over the life of the plan, is another fund source that can be used to pay for ‘Complete Streets’ projects. These projects can include stand-alone bicycle and pedestrian paths, bicycle lanes, pedestrian bulb-outs, lighting, new sidewalks, Safe Routes to Transit, and Safe Routes to Schools projects that will improve bicycle and pedestrian safety and travel. In addition to this funding, cities and counties that wish to use OBAG grant funds must adopt a ‘Complete Streets’ resolution and in the future an updated general plan element to improve the delivery of Complete Streets projects serving all road users, including pedestrians and bicyclists. During MTC’s last survey of project sponsors in 2006, over 55 percent of transportation projects surveyed already included complete streets elements. The resolution requirement is expected to increase the rate of complete street integration. Project specific analysis and mitigation are beyond the scope of this EIR. Please see Master Response A.3 regarding the level of specificity in the EIR.

The comment to “better mitigate air pollution” is unclear in what the commenter suggests could be done to improve the mitigation measures in Chapter 2.2 of the Draft EIR. MTC and ABAG believe these measures, which were developed by the Bay Area Air Quality Management District, would adequately reduce most impacts on air quality to less than significant levels, if implemented.

B22-7: This comment does not raise specific environmental issues that require a response under CEQA. That said, the proposed Plan includes an assessment of gross regional product on pages 102 and 103 of the Draft Plan. Local higher and wage policies are the purview of local jurisdictions and project sponsors. The regional agencies are interested in looking at economic development strategies and that is a key component of the Joint Policy Committee’s work plan for the coming year. See Master Response A.1 regarding local control over land use planning.

B22-8: See Master Response E regarding sea level rise.

B22-9: Mitigation measures 2.9(f), (g), and (h) emphasize the need for projects developed under the proposed Plan to incorporate information on biological resources and conservation plans. These measures call on project sponsors to prepare biological resources assessments for specific projects proposed in areas containing, or likely to contain, locally protected biological resources and apply mitigation; modify project designs to ensure the maximum feasible level of consistency with approved conservation plans; and careful review of the applicable local coastal program or San Francisco Bay Plan for potential conflicts. In addition, Priority Conservation Areas are the primary vehicle MTC and ABAG are utilizing as part of Plan Bay Area to support conservation. ABAG and MTC hope to partner with local jurisdictions, stakeholders and members of the public to strengthen the PCA framework in the coming years. To reflect the importance of PCAs, Section 2 of this Final EIR adds text to the Project Description of the Draft EIR, p.1.2-26. See response B17-38

for additional information on PCAs. These modifications do not change the findings or conclusions of the EIR.

**Letter B23 SPUR (5/16/2013)**

- B23-1: Commenter's support for sea level rise analysis is acknowledged. MTC and ABAG acknowledge that the sea level rise analysis is not required in the EIR; however, the analysis is included for informational purposes. See Master Response F for additional information on sea level rise.
- B23-2: The proposed Plan concentrates growth in PDAs, which were identified by local agencies in order to reflect local preferences and create a land use pattern with a likelihood of local implementation. Some growth is expected to occur outside of the PDAs under the Plan and local agencies have ultimate control over the land use decisions in each jurisdiction.
- B23-3: See Master Response F regarding displacement for more information on affordable housing and OBAG funds.

**Letter B24 Transform (5/16/2013)**

- B24-1: Your support for Alternative 5 is acknowledged and will be forwarded to MTC and ABAG for consideration.
- B24-1.5: Regarding shifting funds from HOT lanes to other transportation choices in the corridors, see response B22-3 and B24-2. Regarding the request to study implementing HOT lanes through conversion of a general purpose lane, see responses B24-4 and B24-5 below. This request will be considered by MTC and ABAG as part of Final Plan adoption.
- B24-2: This comment does not raise environmental issues that require a response under CEQA.
- The proposed Plan demonstrates a commitment to expand and maintain transportation choices in express lane corridors and throughout the region. The proposed Plan would, like the two preceding long range plans, invest over 60 percent of all transportation revenue in transit, which includes commitments to the continued operation of the express bus service that operates in the express lane corridors. In addition, the current plan invests in transit expansion projects along express lane corridors on I-80, I-880 and the transbay bridges. Specific projects include the Irvington BART Station, the Union City Commuter Rail Station, the Hercules Commuter Rail Station, new ferry routes and a portion of BART to San Jose. Through the Freeway Performance Initiative's Traveler Information/511 program, the proposed Plan continues the region's robust commitment to the Regional Rideshare Program, which will support the formation of carpools and vanpools in express lane corridors. Finally, an additional \$6 million is committed to funding efforts to maintain and increase the number of vanpools, with the goal of sustaining the investment long-term.

A primary benefit of the Regional Express Lane Network is the closing of gaps and extension of the HOV network. This will leverage existing investments to expand and enhance transportation choices by improving reliability and reducing travel time for transit,

carpoolers and vanpoolers. MTC does not oppose using net revenue from express lanes to fund transit or other investments and is prepared to evaluate specific options and make commitments once the initial HOV lane conversions, and the gap closures, are operational and have established a revenue track record.

- B24-3: For Plan Bay Area, the assessment of environmental justice impacts and commitment to mitigations are considered for the entire investment program rather than at the project-level. In developing projects that compose the HOT Network, Bay Area Infrastructure Financing Authority (BAIFA) will comply with all relevant State and federal laws and guidance for assessing impacts on low-income populations and respond accordingly if disproportionate adverse impacts are found. For example, as described to MTC's Policy Advisory Council on March 13, 2013, MTC staff has begun to study the use of FasTrak® toll tags raised by low-income travelers in targeted outreach conducted in fall 2012. See also response B22-3.

See Master Response F for more information on displacement and socio-economic issues.

- B24-4: This comment does not raise environmental issues that require a response under CEQA. While existing federal and State law clearly prohibits converting an existing general purpose lane to an express lane, MTC is willing to study the traffic impacts of this approach before pursuing new-construction projects that are initiated after adoption of the SCS.

- B24-5: This comment does not raise environmental issues that require a response under CEQA. As stated in response B24-4, MTC staff is willing to analyze the potential to use general purpose lanes to complete the HOV network. MTC will consider TransForm's recommendation to seek approval for pilot tests pending outcome of the analysis.

- B24-6: In developing the projects that compose the Network, BAIFA will comply with all relevant state and federal laws and guidance for assessing impacts on low-income populations. This guidance directs sponsors to identify any disproportionate adverse impacts through project-level studies during the environmental review process. Furthermore, findings from surveys of existing express lanes throughout the country show travelers of all income levels choose to use express lanes, indicating that travelers of all income levels receive benefits. As Transform notes in their whitepaper "Moving People, Not Just Cars" (May 2013), these surveys also show that higher-income travelers compose a larger share of paying customers; higher-income travelers do get more time savings and they also pay more. The same surveys also show that lower income travelers compose a higher share of carpools and transit riders who use the lane for free.

- B24-7: This EIR evaluates Plan Bay Area as a single, regional project and assesses its impacts at a regional level across all nine counties, which is consistent with CEQA provisions regarding program EIRs. As stated in Chapter 2.0 of the Draft EIR, "as a program-level EIR individual project impacts are not addressed in detail; the focus of this analysis is to address the impacts which, individually or in the aggregate, may be regionally significant." SB 375 only requires GHG emissions reductions on cars and light trucks at a regional level. The individual projects that may result from the proposed Plan must comply with CEQA. In developing the Network, BAIFA will comply with all relevant State and federal laws and

guidance. See Master Response A.3 regarding the level of specificity in the EIR and Master Response D.1 regarding SB 375's GHG reduction targets.

**Letter B25 Paul Hastings on behalf of Public Advocates (5/16/2013)**

B25-1: Commenter summarizes the comments contained in comments B25-3 through B25-39. See responses B25-3 through B25-39.

B25-2: Commenter summarizes the comments contained in comments B25-3 through B25-39. See responses B25-3 through B25-39.

Regarding the specific issue of the land use model, the UrbanSim model responds to a host of explicit inputs, including changes in zoning, accessibility, and development fees, when allocating jobs and households to individual parcels of land. Users of the model can also include less explicit policy levers. These policies may represent any number of governmental or non-governmental actions, such as a change in political climate, more development-friendly attitudes, and/or directed monetary subsidies. Effectively, these less explicit policies instruct the model to assume development is, all else equal, more likely to occur in certain places.

In the Draft EIR, these less explicit policies are referred to as “calibration techniques” and “subsidies” and were used in the UrbanSim analysis of the Proposed Plan, Enhanced Network of Communities, and Environment, Equity and Jobs (EEJ) Alternatives. The commenter’s claim that the “calibration techniques” were used for the Proposed Plan Alternative and not the EEJ Alternative is incorrect. To some extent, this is understood by the commenter, as the attachment to its letter refers to “... ‘calibration techniques’ which likely include [subsidies]” (Sustainable Systems Research (SSR) attachment, p. 5). In the EEJ Alternative, these less explicit policies were used to direct growth to PDAs and TPPs located in cities identified by Public Advocates, Urban Habitat, and TransForm (the designers of the alternative). The commenter’s claims that these “adjustments” were not used for the other alternatives is inaccurate. Again, the commenter seems to understand this comment is inaccurate, as the attachment to its letter notes that “[s]ubsidies were a key policy tool used to encourage the development of affordable housing near jobs in UrbanSim’s modeling of the EEJ alternative” (SSR attachment, p. 3).

B25-3: Commenter cites CEQA case law stating that EIRs must include sufficient detail to allow informed decision making and public participation, and summarizes its comments B25-4 through B25-10. See responses B25-4 through B25-10.

B25-4: Commenter cites the CEQA Guidelines sections relating to the information required in an EIR, and summarizes its comments B25-6 through B25-7. See responses B25-6 through B25-7.

B25-5: Commenter asserts it is unable to determine whether any low performing transportation projects were dropped from the Plan because, to do so, commenter must review a number of documents.

As noted by commenter, CEQA Guidelines section 15147 provides that “placement of highly technical and specialized analysis and data in the body of an EIR should be avoided through inclusion of supporting information and analyses....” Consistent with CEQA, the Draft EIR includes references to supporting analyses and technical reports, but does not include all technical data within the body of the Draft EIR. Commenter’s complaint that the Draft EIR relies on too many documents does not raise an issue under CEQA. The Plan covers complex issues over a large region and, as such, numerous technical studies and analyses were required to prepare the Plan and the Draft EIR. The Draft EIR properly summarizes such studies and references the supporting data and reports, as required by CEQA.

Commenter further alleges in a footnote that a number of technical reports relied on by the Draft EIR were published and/or revised after the Draft EIR was published on April 2, 2013 and, as such, commenter asserts the public has not been given adequate time to review the documents necessary to make an informed decision regarding the adequacy of the Draft EIR.

The dates below note when each of the Supplemental Reports relied upon in the EIR was published:

- Draft Online Project Database, March 22, 2013
- Draft Forecast of Jobs, Population and Housing, April 2, 2013
- Draft Summary of Predicted Land Use Responses, April 3, 2013
- Draft Summary of Predicted Traveler Responses, April 3, 2013

CEQA requires that public review for a draft EIR “should not be less than 30 days nor longer than 60 days except in unusual circumstances.” (CEQA Guidelines, § 15015, subd. (a).) Here, the Draft EIR was released for a period of 45 days, from April 2, 2013 through May 16, 2013, consistent with CEQA’s requirements.

CEQA does not prescribe a particular length of time required for public review of all technical reports and studies relied upon by the Draft EIR. CEQA Guidelines section 15148 provides that “preparation of EIRs is dependent upon information from many sources, including engineering project reports and many scientific documents relating to environmental features. These documents should be cited but not included in the EIR.” The Draft EIR complies with this requirement. Moreover, in *El Morro Community Assn. v. California Dept. of Parks and Recreation* (2004) 122 Cal.App.4th 1341, the Draft EIR included references to technical reports by subject matter but not by title, author and date. Petitioners argued the public was deprived of critical information that precluded their review of the technical information contained within the reports. The lead agency later provided copies of the technical reports to parties that requested copies, but did not extend the public comment period. While the length of the comment period was not directly at issue, the court held “the existence of the technical reports was revealed in the Draft EIR,” the information in the reports was either repeated in the Draft EIR or summarized in the Draft EIR, and nothing more was required. (*Id.*, at p. 1354.)



See Master response C for additional information regarding requests for extension of the comment period.

In response to this comment on low-performing projects, MTC emphasizes the importance of performance assessment throughout the Plan Bay Area process – both on the scenario and project level. As part of the Project Performance Assessment, all uncommitted projects were subject to evaluation. Two distinct assessments were performed for these projects: a benefit-cost assessment to determine the cost-effectiveness for the region's major capacity-increasing projects and a targets assessment to determine the level of support towards the Plan's adopted targets for all uncommitted projects. Additional information on the details of the Project Performance Assessment can be found in the Plan Bay Area Draft Performance Assessment Report (Chapter 4); this document was published and made available to the public on April 2, 2013.

As the assessment focused on identifying outliers (high- and low-performing projects), criteria were established to identify low-performers based on their benefit-cost ratios and success in achieving targets ("target scores"). Low-performing projects were defined as projects with benefit-cost ratios less than 1 or target scores less than -1. In total, 34 projects were identified as low-performers over the course of the Plan Bay Area Project Performance Assessment process between 2011 and 2013.

These low-performing projects were subject to additional scrutiny, as they failed to meet a basic cost-effectiveness threshold or had adverse impacts on the Plan's adopted performance targets. Projects sponsors had three choices on how to proceed after their project had been identified as a low-performer:

- Project sponsors could drop their low-performing project and instead fund other priorities identified as high- or medium-performing projects.
- Project sponsors could re-scope their project to exclude the construction phase or could agree to fund the project using 100% local dollars (exempting their project from the compelling case process).
- Project sponsors could submit a compelling case for consideration by the MTC Planning Committee under a set of eligible compelling case criteria (as documented on page 46 of the Performance Assessment Report).

The following 12 low-performing projects were submitted during the Call for Projects but were later dropped by project sponsors as a result of the compelling case process. These projects were therefore not included in the Draft Plan Bay Area.

- EV Solar Installation
- Golden Gate Bus Service Frequency Improvements
- Monterey Highway BRT
- BART to Livermore (Phase 2)
- Downtown East Valley (Phase 2: LRT)

- Sunnyvale-Cupertino BRT
- Capitol Expressway Light Rail Extension (Phase 3: to Nieman)
- SR-116 Widening & Rehabilitation (Elphick Road to Redwood Drive)
- SR-4 Widening (Marsh Creek Road to San Joaquin County line)
- SR-4 Bypass Completion (SR-160 to Walnut Avenue)
- SR-12 Widening (Walters Road to Sacramento County line)
- SR-4 Upgrade to Full Freeway (Phase 2: Cummings Skyway to I-80)

The following 12 low-performing projects were submitted during the Call for Projects but were substantially rescoped by project sponsors as a result of the compelling case process. The projects were therefore included as modified below in the Draft Plan Bay Area.

- Project sponsor agreed to only pursue right-of-way acquisition
  - ACE Service Expansion
- Project sponsor agreed to only pursue environmental studies
  - Dumbarton Rail
  - SMART (Phase 3: Extension from Windsor to Cloverdale)
  - Capitol Corridor Service Frequency Improvements (Oakland to San Jose)
  - Petaluma Cross-Town Connector/Interchange
  - SR-239 Expressway Construction (Brentwood to Tracy)
  - Whipple Road Widening (Mission Boulevard to I-880)
  - US-101 Widening (Gilroy to San Benito County line)
- Project sponsor agreed to fund the project with 100% local sales tax dollars
  - Pacheco Boulevard Widening
  - Vasona Light Rail Extension (Phase 2)
- Project sponsor agreed to fund the project with 100% toll revenue dollars
  - New SR-152 Alignment

The following 8 low-performing projects were submitted during the Call for Projects and had their compelling cases approved by the MTC Planning Committee in April 2012. These projects were therefore included in the Draft Plan Bay Area.

- Compelling case: project serves one or more communities of concern
  - Lifeline Transportation Program
  - Capitol Expressway Light Rail Extension (Phase 2: to Eastridge Transit Center)
  - Union City Commuter Rail Station + Dumbarton Rail Segment G Improvements
  - Sonoma Countywide Bus Service Frequency Improvements
  - Marin Countywide Bus Service Frequency Improvements
  - Farmers Lane Extension

- Compelling case: project provides cost-effective emissions reduction
  - SR-84/I-680 Interchange Improvements + SR-84 Widening
- Compelling case: project provides service for recreational trips and address transit vehicle crowding
  - Historic Streetcar Expansion Program
- Compelling case: changes to project scope and costs lead to benefit-cost ratio greater than 1
  - SMART (Phase 2: Extensions to Larkspur & Windsor + Pathway)

Two additional low-performing projects were identified as a result of a supplemental project performance assessment in the spring of 2013. These projects were both rescoped as a result of the supplemental compelling case process in May 2013 and therefore remained in Draft Plan Bay Area as modified.

- Project sponsor agreed to fund the project with 100% local dollars
  - James Donlon Boulevard/Expressway (Kirker Pass Road to Somersville Road) + Kirker Pass Operational Improvements
  - San Tomas Expressway Widening (SR-82 to Williams Road)

B25-6: Commenter alleges the document described on page 2.3-32 of the Draft EIR as the “Plan Bay Area Land Use Model Data Summary supplemental report” was improper and should in fact refer to the “Draft Summary of Predicted Land Use Responses” which is attached to the Plan as an appendix.

The reference on page 2.3-32 of the Draft EIR was mistakenly to the wrong document. The reference has been revised in the Final EIR. This minor typographical error does not render the EIR defective. In *El Morro Community Assn. v. California Dept. of Parks and Recreation* (2004) 122 Cal.App.4th 1341, petitioners similarly alleged a Draft EIR was procedurally defective for disclosing the existence of technical reports by subject matter but failing to include the titles of each technical report cited in the Draft EIR. In that case, the court held that the title of the technical reports was not required. (*Id.*, at p. 1354.) Here, the Draft EIR included the subject matter as well as the title of the technical report; even if the title in the Draft EIR is incorrect, it does not constitute a failure to comply with CEQA. Indeed, the commenter was clearly able to locate the correct report in the appendices; there was no procedural error. CEQA requires an EIR to reflect a good faith effort at full disclosure; *it does not mandate perfection.* (*Defend the Bay v. City of Irvine* (2004) 119 Cal. App.4th 1261, 1265.)

Commenter also alludes to its disfavor of the large volume of documents made available for public review by asserting the public must “plow through a technical appendix” to decipher the Draft EIR’s methodology. As noted in response B25-5, the Draft EIR properly included the extensive technical information required as appendices, consistent with CEQA Guidelines sections 15147 and 15148.

B25-7: Commenter asserts the Draft EIR relies upon a “tangle of documents” that make it difficult to discern the land use methodology used for the land use modeling. The land use modeling methodology is described briefly in the Draft EIR on page 1.2-17 and is explained in detail in the Supplemental Report, *Draft Summary of Predicted Land Use Responses*. See also responses B25-5 and B25-6 regarding CEQA’s requirement to include technical detail in appendices and not in the body of the Draft EIR.

B25-8: Commenter asserts the Draft EIR identifies increased air emissions in disproportionately-impacted communities as potentially significant, but fails to provide information regarding the health effects of these emissions.

Commenter is incorrect. The methodology and significance thresholds used in the SCS Draft EIR are consistent with those recommended by the Bay Area Air Quality Management District (BAAQMD) and other State and federal regulatory agencies. The Proposed Plan Draft EIR conducted dispersion modeling for all major transportation corridors within the Bay Area to identify areas that are exposed to levels of toxic air contaminants/particulate matter above the stated threshold of significance. When sensitive land uses are proposed in these areas, lead agencies should conduct a more detailed local air pollutant analysis to determine if project alternatives or mitigation measures exist to lessen any potentially significant impact to public health. The local pollutant analysis was conducted specifically because of epidemiological studies linking an individual’s close proximity to sources of air pollution and an increased risk of autism, asthma or other health concerns.

The Draft EIR discusses the health effects of the air pollutants analyzed in the Environmental Setting section under each pollutant (beginning on page 2.2-1). Most of these air pollutants (other than toxic air contaminants) have State and federal ambient air quality standards established that are based on potential health impacts for individual exposure to certain concentrations of the air pollutants and the duration someone is exposed (see Table 2.2-1). The analysis in the Draft EIR estimates the anticipated increase or decrease in these air pollutants associated with the Proposed Plan to determine if existing and future sensitive populations within the Bay Area will be exposed to an increase in adverse health risks or a decrease in potential health risk when compared to current air pollution levels. Any net increase in emissions or potential increase in exposure to toxic air contaminants or particulate matter identified with the Proposed Plan Draft EIR was considered to be a potentially significant health impact based on the health-based ambient air quality standards and thresholds of significance used in the Draft EIR.

The increased cancer risk of 100 in a million significance threshold used in the Draft EIR is a health based standard based on EPA guidance for conducting air toxics analyses and making risk management decisions at stationary source facilities and the community-scale level. In its guidance, EPA strives to provide maximum feasible protection against risks to health from Hazardous Air Pollutants (HAPs), or toxic air contaminants, by limiting exposure to no higher than a one hundred in a million estimated increased cancer risk that a person living near a source would be exposed to. The methodology used to estimate an individual’s increased cancer risk assumes the individual is outdoors 24 hours per day, 365 days per year over a 70 year lifetime. The EPA goal, and the threshold used to determine if significant health impacts occur in the Proposed Plan Draft EIR, is described in the

preamble to the benzene National Emissions Standards for Hazardous Air Pollutants (NESHAP) rulemaking (54 Federal Register 38044, September 14, 1989) and is incorporated by Congress for EPA’s residual risk program under Clean Air Act (CAA) section 112(f). The 100 in a million excess cancer cases is also consistent with the ambient cancer risk in the most pristine portions of the Bay Area based on the District’s recent regional modeling analysis, compared to the average increased cancer risk in the entire Bay Area is approximately 400 in a million.

Not only does the Draft EIR include a comprehensive discussion of toxic air contaminants, but a recently published CEQA decision demonstrates that impacts of the environment on the project, such as toxic air contaminants, “do not relate to environmental impacts under CEQA” and are not required to “be analyzed in an EIR.” (*Ballona Wetlands Land Trust v. City of Los Angeles* (2011) 201 Cal.App.4th 455, 475 (*Ballona*)). The health effects of existing air pollutants constitute an impact of the environment on the proposed Plan (as opposed to impacts of a project or plan on the environment). In *Ballona*, the court explicitly concluded that an EIR was not required to consider these types of impacts (in particular, sea level rise). (*Ibid.*) The court reached this conclusion because “the purpose of an EIR is to identify the significant effects of a project on the environment, not the significant effects of the environment on the project.” (*Id.* at p. 473.) Notwithstanding that an analysis of existing toxic air contaminants on the project is not required by CEQA, MTC and ABAG included a detailed discussion of TACs/particulate matter within the Draft EIR for informational purposes in an effort to foster a robust public discourse regarding the proposed Plan. Therefore, the EIR exceeds the requirements of CEQA with respect to providing information about the health effects of air pollutants including TACs.

- B25-9: Commenter re-asserts comment B25-8 by stating impacts to disproportionately impacted communities are identified as potentially significant on pages 2.2-26 to 2.2-27 of the Draft EIR, but the Draft EIR fails to analyze the significance of the impacts. See response B25-8.
- B25-10: Commenter re-asserts comment B25-8 by stating the Draft EIR fails to analyze or disclose the extent to which the Plan’s PM 2.5 and TAC emissions will impact public health. Commenter states the Draft EIR fails to disclose the impacts of the increase in PM 2.5 and TAC emissions on the existing cancer risk or the increase in cancer risk for disproportionately impacted communities. While the Draft EIR identifies the impacts as potentially significant on pages 2.2-24 to 2.2-27, commenter re-alleges its comment B25-8 that the Draft EIR fails to provide the requisite analysis of the extent of these impacts. See response B25-8.
- B25-11: Commenter cites CEQA case law regarding the requirements for an adequate project description and alleges the project description in the Draft EIR is inadequate for reasons explained in comments B25-12 through B25-19. See responses B25-12 through B25-19.
- B25-12: Commenter asserts the Draft EIR was required to have a chapter entitled “Project Description” rather than the chapter entitled “Overview of the Proposed Plan Bay Area,” which provided the project description for the Plan.

CEQA Guidelines section 15124 requires that the project description in an EIR must include the following information: project location and boundaries of the project, statement of project objectives, general description of the project's technical, economic and environmental characteristics, and a statement briefly describing the intended uses of the EIR. The project description "should not supply extensive detail beyond that needed for evaluation and review of the environmental impact." The Draft EIR contains the required information in the "Overview" chapter. There is no requirement that the project description be contained within a chapter specifically entitled "project description." The CEQA Guidelines identify the "standards for adequacy of an EIR", which require that an EIR be prepared with a "sufficient degree of analysis ... and a good faith effort at full disclosure." (CEQA Guidelines, § 15151.) Here, the project Overview included the requisite requirements for a Project Description and reflects a good faith effort at full disclosure. The Draft EIR complies with CEQA.

B25-13: Commenter asserts the project description's explanation of the SCS is inadequate and incomplete for failing to mention the land use policy measures the Plan would employ to achieve its focused growth. In the same paragraph, commenter states the policy measures are contained in a table called "policy measures comparison" in the alternatives chapter of the Draft EIR.

The Draft Plan was circulated for comment for 55 days, starting on March 22, 2013 and closing concurrent with the Draft EIR close of comment on May 16, 2013. The Draft Plan includes all of the land use and transportation policies. There is no specific requirement that the policies must appear in the Draft EIR project description. In fact, a project description is meant to be concise, consistent with CEQA's requirement that the description of the project "not supply extensive detail." (CEQA Guidelines, § 15124) See response B25-12 regarding the necessary elements of a project description.

Moreover, the major policy levers used to define the alternatives evaluated in the Draft EIR are described in the Draft EIR on pages 3.1-4 through 3.1-10. The policy levers are grouped into land use policies, transportation investments, and transportation policies. The Draft EIR documents the differences in these policies assumed for each alternative. Additional details on these policies for the proposed Plan are included in detail in the Draft Plan document. Chapter 3 of the Draft Plan, *Where We Live, Where We Work*, describes the land use policies that comprise the Draft Plan. Chapter 4, *Investments*, outlines the major transportation investments and transportation policies, including road pricing and parking policies that comprise the Draft Plan.

In response to the commenter's complaint that readers are directed to other technical documents and appendices, see responses B25-5 and B25-6 regarding CEQA's requirement to include technical detail in appendices and not in the body of the Draft EIR.

B25-14: Commenter questions whether the project is the outputs of the model, the inputs of the model, or the unmodeled outcome of the Jobs-Housing Connection Strategy (JHCS). The SCS is the integrated transportation and land use plan, Plan Bay Area. It incorporates a set of land use policy measures, transportation policy measures, and transportation investments (i.e. policy inputs) that result in certain land use outcomes and transportation outcomes (i.e.

policy outcomes). The SCS is both the housing and jobs distributions (the outcomes) and the transportation and land use policies that support those outcomes. Please see response B25-25 regarding consistency in the land use modeling approach for both the Proposed Plan and other EIR alternatives studied.

B25-15: Commenter re-states its question from comment B25-14 regarding whether the policy measure inputs are part of the project or whether the project is the housing and jobs outcomes. See responses B25-12 and B25-14.

B25-16: Commenter again re-states its question from comment B25-14 and opines that the answer to the question posed “remains an enigma.” As noted in response B25-14, commenter actually answers its own question in comment B25-15. The project definition is adequate under CEQA. See also response B24-14.

B25-17: Commenter states the project description is unclear regarding the number of Priority Development Areas (PDAs) and the number of housing units and jobs that would be directed into them. The PDAs are shown on maps throughout the Draft Plan and Draft EIR. In addition, Appendix A and Appendix B of the *Draft Forecast of Jobs, Population and Housing* report include detailed PDA-level tables of forecasted jobs and housing, respectively.

The commenter is correct that the number of PDAs in the PDA program has changed since the Jobs Housing Connection was adopted in May 2012. The PDA program is an ongoing program. The JHCS included 194 PDAs, including sub-areas, which were all approved PDAs at that time. A number of Rural Community Centers, Rural Corridors, and Employment Centers were also included in the Strategy. These were adopted in July 2012 as Employment Investment Areas and Rural Community Investment Areas, with the exception of Downtown Dixon and Downtown Napa/Soscol Corridor, which were adopted as PDAs. A number of small changes in the PDA program were made between the May 2012 approval of the JHCS and the July 2012 approval of the alternatives to be studied in the EIR based on specific requests from local jurisdictions to amend their PDAs. Those changes (resulting in a total of 198 PDAs, including sub-areas) are reflected in the Draft EIR and in the *Draft Forecast of Jobs, Population and Housing* supplemental report.

These insignificant changes do not alter the conclusions of the Draft EIR and do not constitute “substantial” new information as defined under Section 15088.5 of the CEQA Guidelines because these minor revisions do not deprive the public of a meaningful opportunity to comment upon a substantial adverse environmental effect or a feasible mitigation or avoidance measure.

A complete list of PDAs included in the Draft EIR and Draft Plan can be found in the new Appendix J to the Draft EIR, added via Section 2 of this Final EIR; as correctly stated in the Draft EIR and Draft Plan, there are “nearly 200” (198) PDAs, as studied in the environmental process. The PDA Readiness Assessment relied on the same set of PDAs, although it used a different methodology to calculate a total number of 169 PDAs; that total does not count multi-area or multi-jurisdiction PDAs (such as the numerous El Camino Real PDAs in San Mateo County) as separate PDAs.



See also responses B25-5 and B25-6 regarding CEQA's requirement to include technical detail in appendices and not in the body of the Draft EIR.

B25-18: Commenter notes an inconsistency between the Draft EIR, SCS and JHCS regarding the number of housing and jobs that will go into the PDAs under the Plan.

The Draft Plan as released on March 22, 2013, did include a small number of errors that were corrected in an errata sheet released on April 15, 2013. The errata sheet corrected small errors in the Draft Plan. These errors were the result of a few coding errors, which resulted in some areas being designated PDAs that were in fact not designated PDAs in the JHCS. These areas were Employment Investment Areas (EIAs) and Rural Investment Areas (RIAs).

Employment Centers, Rural Corridors, and Rural Town Centers—which were later adopted as EIAs and RIAs—were erroneously presented as PDAs in the May 2012 JHCS document and associated tables, as they were a policy under consideration by ABAG when the JHCS was developed (but had not been formally adopted as PDAs). When adopting the JHCS, the ABAG board decided not to include EIAs and RIAs under the PDA framework, instead recognizing them as distinct non-PDA places. While these areas were appropriately removed from the PDA calculations for the Draft EIR, the Draft Plan incorrectly cited the outdated JHCS results and was quickly corrected to align with the PDAs analyzed in the environmental process; this fix was reflected in the aforementioned errata sheet.

Despite the minor error corrected in the Draft Plan document, the Draft EIR accurately states the shares of growth in the PDAs: 77 percent of household growth (Draft EIR, pp. 1.2-35) and 63 percent of job growth (Draft EIR, pp. 1.2-36). The Draft Plan errata sheet states that 79 percent of new housing units are anticipated to be accommodated in PDAs; this is a slightly different metric – *housing units* as compared to *households* – than the metric used in the Draft EIR to report that 77 percent of household growth will be located in PDAs. Both are correct.

These insignificant revisions do not alter the conclusions of the Draft EIR and do not constitute “substantial” new information as defined under Section 15088.5 of the CEQA Guidelines because these minor revisions do not deprive the public of a meaningful opportunity to comment upon a substantial adverse environmental effect or a feasible mitigation or avoidance measure.

B25-19: Commenter notes the inconsistencies cited in comments B25-17 and B25-18 result in an inadequate project description. See responses B25-17 and B25-18

B25-20: Commenter cites CEQA case law regarding the legal requirements for alternatives analyses in EIRs generally, and asserts the Draft EIR did not analyze a reasonable range of alternatives for reasons identified in comments B25-21 through B25-26.

The primary intent of the alternatives analysis in an EIR, as stated in Section 15126.6(a) of the CEQA Guidelines, is to “describe a range of reasonable alternatives to the project, or to the location of the project, which would feasibly attain most of the basic objectives of the

project but would avoid or substantially lessen any of the significant effects of the project, and evaluate the comparative merits of the alternatives.” Further, the CEQA Guidelines provide that “the discussion of alternatives shall focus on alternatives to the project or its location which are capable of avoiding or substantially lessening any significant effects of the project, even if these alternatives would impede to some degree the attainment of the project objectives, or would be more costly.” (CEQA Guidelines, § 15126.6(b)).

MTC and ABAG conducted an extensive process to identify potential Plan alternatives and to ultimately identify a reasonable range of alternatives for full evaluation in this EIR.

Multiple rounds of transportation and land use scenario analyses were conducted between 2010 and 2012 by MTC and ABAG to inform Plan Bay Area. The Current Regional Plans, analyzed in February 2011 and the Initial Vision Scenario, released in March 2011, provided a starting point for conversations with local governments and Bay Area residents about where new development should occur, and how new long-term transportation investments can serve this new growth. Input from local jurisdictions was gathered to create a range of alternative land use development scenarios, primarily focused around various levels of projected growth in the urban, suburban, and rural areas. Two transportation networks were also developed by MTC in the initial round of scenario analyses: one that continued the investment strategy of the existing Regional Transportation Plan (Transportation 2035), with significant funding for operations and maintenance of the existing system and limited expansions of highway and transit networks; and one that significantly increased transit service frequencies along the core transit network, kept Transportation 2035 investment levels for maintenance and bike/pedestrian projects, and reduced Transportation 2035 roadway expansion investments. These scenarios and networks informed the development of the proposed Plan as well as the alternatives included for evaluation in this EIR.

The range of alternatives studied in the EIR reflects MTC and ABAG’s efforts to identify and evaluate various types of alternatives that would potentially be capable of reducing the environmental effects of the Plan Bay Area. The alternatives analysis is sufficient to inform the decision makers and the public regarding the tradeoffs between the degree to which alternatives could reduce environmental impacts and the corresponding degree to which the alternatives would hinder achievement of the project objectives and/or be infeasible. The examination of this broad range of alternatives was an iterative effort with significant community involvement. The five alternatives analyzed in the EIR (including the proposed Project) cover a comprehensive range of reasonable possibilities as required by CEQA.

See responses B25-21 through B25-26 for responder’s specific comments.

- B25-21: Commenter provides its opinion that the EEJ alternative and “policy levers” as proposed by Public Advocates and Urban Habitat was superior to the EEJ alternative studied in the Draft EIR. The planning tools used by MTC and ABAG in support of the Draft EIR – similar to the methods used for this type of work across the country – require that policies be simplified such that they fit within the confines of the models’ representations of behavior. When simplifications are not likely to capture the expected behavioral response of a policy, the models cannot provide helpful information to the policy debate. Policies that cannot be meaningfully simulated are thus effectively excluded from the model’s assessment of the

alternative. These simplifications and omissions occur for all of the Alternatives, including the EEJ Alternative, as noted in the comment. The statement that MTC and ABAG “simply did not include them” is misleading; they were excluded, as were many others, as a necessary simplification (i.e., the exclusion was neither selective nor arbitrary). Importantly, the simplifications and omissions noted in the comment are not exhaustive. Others, such as the assumption that the low income student free transit pass program included in the EEJ was applied to all students, regardless of income (see pp. 35 of the *Draft Summary of Predicted Traveler Responses*<sup>10</sup>), likely understate the environmental impact of the EEJ Alternative. An analysis that attempts to faithfully and precisely represent all of the EEJ Alternative’s policy levers – not just the select few noted in the comment – is necessary to reasonably conclude that the Alternative “would have resulted in even greater performance relative to the Proposed Plan Alternative”. Absent such analysis, commenter’s claim is speculative.

Moreover, the fact that commenter disagrees with some of an EIR’s methodologies and conclusions is not a basis for overturning an EIR that is supported by substantial evidence – such as the Plan’s Draft EIR. Pursuant to CEQA, “substantial evidence” includes “fact, a reasonable assumption predicated upon fact, or expert opinion supported by fact.” (Pub. Resources Code, § 21080, subd. (e)(1); CEQA Guidelines, § 15334, subd. (b).) Substantial evidence is *not* conjecture, nor is it speculation or unsubstantiated opinion or narrative. (CEQA Guidelines § 15334(a).)

“Challenges to the scope of the analysis, the methodology for studying an impact, and the reliability or accuracy of the data present factual issues, so such challenges must be rejected if substantial evidence supports the agency’s decision as to those matters and the EIR is not clearly inadequate or unsupported.” (*Federation of Hillside & Canyon Assns. v. City of Los Angeles* (2000) 83 Cal.App.4th 1252, 1252.) Here, substantial evidence supports the conclusions in the Draft EIR. Where substantial evidence supports the agency’s findings, the agency’s actions must be upheld. (*N. Coast Rivers Alliance v. Marin Municipal Water District Bd. of Dirs.* (2013) 216 Cal.App.4th 614; see also *El Morro Community Assn. v. Cal. Dept. of Parks and Recreation* (2004) 122 Cal.App.4th 1341, 1349 [court must uphold the EIR “*if there is any substantial evidence* in the record to support the agency’s decision that the EIR is adequate and complies with CEQA”] (italics added).)

Commenter’s speculation that different “policy levers” or a different EEJ scenario would be better than those selected by MTC and ABAG does not render the Draft EIR inadequate. As the Supreme Court explained in *Laurel Heights I*, “[a] project opponent or reviewing court can always imagine some additional study or analysis that might provide helpful information. It is not for them to design the EIR. That further study ... might be helpful does not make it necessary.” (*Laurel Heights I*, *supra*, 47 Cal.3d at p. 415, see also *Santa Clarita Organization for Planning the Environment v. County of Los Angeles* (2007) 157 Cal.App.4th 149, 163 (*SCOPE II*) [rejecting argument that EIR is deficient for failing to discuss funding for mitigation

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<sup>10</sup> [http://onebayarea.org/pdf/Draft\\_Plan\\_Bay\\_Area/Draft\\_PBA\\_Summary\\_of\\_Predicted\\_Traveler\\_Responses.pdf](http://onebayarea.org/pdf/Draft_Plan_Bay_Area/Draft_PBA_Summary_of_Predicted_Traveler_Responses.pdf)

measures, in part because petitioners could cite to no authority that an EIR is required to discuss funding for mitigation measures]; *Chaparral Greens v. City of Chula Vista* (1996) 50 Cal.App.4th 1134,1145 (*Chaparral Greens*) [refusing to read into CEQA a requirement that an EIR must speculate about the effects of draft regional plans in evaluating a project]; *Association of Irrigated Residents v. County of Madera* (2003) 107 Cal.App.4th 1383, 1397 [“CEQA does not require a lead agency to conduct every recommended test and perform all recommended research to evaluate the impacts of proposed project”]; CEQA Guidelines, § 15204.)

Finally, MTC and ABAG were not required to analyze the precise EEJ alternative suggested by commenter. Pursuant to CEQA, a lead agency is required to “describe a range of reasonable alternatives to the project...which would feasibly attain most of the basic objectives of the project but would avoid or substantially lessen any of the significant effects of the project.” (CEQA Guidelines, § 15126.6, subd. (a).) Here, MTC and ABAG did not include some of the commenter’s suggested policies due to modeling limitations. For example, commenter requested a free low-income youth bus pass. MTC and ABAG could not replicate this specific policy with precision in the model; therefore, MTC and ABAG instead modeled a Pass for all transit modes (rather than just a bus) available for all youths (it is not possible to limit this policy to low-income households in the model). MTC and ABAG’s determinations are supported by substantial evidence. Ultimately, it is MTC and ABAG as the lead agencies, not commenter or other interested groups, that is “responsible for selecting a range of project alternatives for examination.” (*Ibid.*) The range of alternatives analyzed in the Draft EIR is reasonable and complies with CEQA. See also response B25-20.

B25-22: Commenter re-asserts that its suggested revisions to the EEJ alternative would have been better than the EEJ alternative studied in the Draft EIR.

The stakeholders who designed the EEJ Alternative requested that the UrbanSim model be informed via calibration techniques to direct development into select communities. These “techniques” simulate some unspecified policy levers that could result in the desired land development allocation, such as, for example, a change in political climate or monetary subsidies (see also response B25-2). In an identical fashion, UrbanSim directs growth to PDAs in the Proposed Plan Alternative, such that the resulting development pattern approximately matched the JHCS results, which allowed UrbanSim to “... fill in land use details...”, as noted in a footnote to this comment. In either case, the calibration techniques (also called subsidies) direct UrbanSim to allocate growth into select locations; these locations are determined by the designers of the alternative. The commenter claims the EEJ Alternative would have performed better had housing been “forc[ed] into the desired infill zones”, as in the Proposed Plan Alternative. MTC and ABAG interpret “forcing housing into the desired infill zones” as likely increasing subsidy levels to direct growth to desired infill zones. It is unknown whether such a change to the EEJ Alternative may have resulted in better performance. Furthermore, the funding may not be available to support the commenter’s proposed additional investments. Overall, the implementation of the proposed Plan would require a subsidy of \$800 million per year, compared to a subsidy of \$2.4 billion per year needed to implement the EEJ Alternative. Pursuant to CEQA, an EIR is not required to consider every conceivable alternative to a project. (CEQA Guidelines, §

15126.6) Because Plan Bay Area is so large and is comprised of so many individual projects, there are an almost infinite number of potential alternatives that could be devised. In order to promote informed decision making, MTC and ABAG chose to focus the alternatives on the broader concepts of land use and pricing which help to demonstrate the advantages and disadvantages to specific alternative approaches to transportation planning.

The model application strategy is identical; what has changed is the model inputs – specifically, the spatial allocation of subsidies. MTC and ABAG analyzed the EEJ Alternative as it was designed by Public Advocates, *et al.* MTC and ABAG agree with the comment in that if Public Advocates, *et al.* designed the alternative differently it may have performed differently.

Please see response B25-23 for a discussion of the CEQA streamlining issue. See also response B25-21 explaining the Draft EIR is supported by substantial evidence and commenter's unsubstantiated opinions regarding the analysis in the Draft EIR does not render the Draft EIR inadequate, and further explaining the lead agency's role in selecting a reasonable range of feasible alternatives.

B25-23: Commenter asserts the Draft EIR improperly failed to model the impact of CEQA streamlining as applied to projects in Transit Priority Projects (TPPs) when analyzing the EEJ alternative. SB 375 allows for CEQA streamlining, but it does not require it. As such, it is reasonable to assume, as the designers of the EEJ Alternative assumed, that less CEQA streamlining would occur under the EEJ Alternative than under the Proposed Plan Alternative. This assumption was the result of specific requests by Public Advocates, *et al.* during July 2012 meetings to develop the EEJ Alternative; their stated goal at that time was to minimize the opportunities for CEQA streamlining in that alternative. See also response B25-21 explaining the Draft EIR is supported by substantial evidence and commenter's unsubstantiated opinions regarding the analysis in the Draft EIR does not render the Draft EIR inadequate, and further explaining the lead agency's role in selecting a reasonable range of feasible alternatives.

B25-24: Commenter asserts the Draft EIR's analysis of the EEJ alternative is flawed because it understates the benefits of the alternative and masks how much better the EEJ alternative performs compared to the preferred alternative. See responses B25-21 through B25-23 regarding the adequacy of the EEJ alternative.

B25-25: Commenter asserts the alternatives analysis is flawed because MTC and ABAG employed different modeling approaches for the proposed Plan and for the Alternatives, which is allegedly contrary to the California Transportation Commission (CTC) guidelines requiring the same land use models to be used for the project and for the alternatives.

CTC's guidelines do not prescribe mandatory methodologies. MTC and ABAG complied with CTC's guidelines to the extent practicable and made certain modifications where necessary to conduct accurate and thorough analyses. MTC's methodology complied with CTC's guidelines to a greater extent than any of the other MPOs' methodologies for analyzing their respective RTP/SCS.

Commenter's statement that MTC "... [employed] UrbanSim differently" across Alternatives is not accurate. The commenter describes a consistent modeling approach as follows: "A consistent land use modeling approach would have set zoning at the parcel level, applied land use policies (e.g., urban growth boundaries) to each alternative as appropriate, and executed UrbanSim for each. If subsidies were required to match regional goals, they should have been applied to the evaluation of each alternative, as required..." (SSR attachment, p. 5). This excerpt accurately describes the process MTC and ABAG used. The second sentence continues, however, as follows: "... rather than mixing the application of scaling and subsidization for one alternative but not the other." It is here where the misunderstanding occurs. Even if given unlimited time and resources, it was not feasible to size the subsidies in UrbanSim such that the UrbanSim Proposed Plan Alternative simulation results exactly matched the JHCS results. Given limited time and resources, MTC and ABAG approximately matched the UrbanSim Proposed Plan Alternative simulation with the JHCS at the PDA-by-county level of detail. Only then were the UrbanSim results scaled to match the JHCS results. The scaling, therefore, is a practical necessity to ensure perfect consistency between the JHCS results and the UrbanSim results.

In order to honor the travel analysis zone (TAZ) and PDA results of the Proposed Plan Alternative (the "regional goals" noted in the SSR quote above), MTC and ABAG had to either (a) match UrbanSim to the JHCS at some reasonable scale using the "subsidies" noted above and then scale the results to close the difference (thus honoring the JHC details, which define the alternative), or (b) execute UrbanSim iteratively, for perhaps several months, to get an exact match. MTC and ABAG chose the former approach. Similar scaling was not required for the EEJ Alternative, as the designers of that Alternative did not provide specific TAZ-scale targets.

Importantly, the only analyses impacted by the UrbanSim "scaling" are those that require sub-TAZ information. Other analyses, such as the estimation of vehicle miles traveled and greenhouse gas emissions, which do not require sub-TAZ information, are not impacted by the scaling of the UrbanSim results. The great majority of development in each of the Alternatives is estimated per UrbanSim's representation of the real estate market and includes both explicit policy levers and less explicit "calibration techniques" (another word for "subsidies"). The adjustments made to the UrbanSim results for the Proposed Plan and the Enhanced Network of Communities Alternative were needed to match small area (i.e. sub-TAZ) counts (of households and jobs) to match precisely. This "scaling" confers no advantages on the Proposed Plan Alternative, but did save many months of modeling time which would have been needed to exactly reproduce the spatial distribution called for in the JHCS.

B25-26: Commenter states the Draft EIR fails to evaluate the feasibility of the EEJ alternative and asserts MTC and ABAG were required to make a finding of infeasibility in either the Final EIR or the administrative record.

Commenter is incorrect in stating the Draft EIR must make a finding of feasibility or infeasibility in the EIR. The issue of feasibility arises at two different junctures: (1) in the assessment of alternatives in the EIR, and (2) during the agency's later consideration of whether to approve the project. (See *Mira Mar, supra*, 119 Cal.App.4th at p. 489.) But

“differing factors come into play at each stage.” (1 Kostka & Zischke, Practice Under the Cal. Environmental Quality Act (Cont.Ed.Bar 2d ed. 2009) § 15.9, p. 740.) For the first phase—inclusion in the EIR—the standard is whether the alternative is *potentially* feasible. (*Mira Mar*, *supra*, at p. 489; CEQA Guidelines, § 15126.6, subd. (a).) By contrast, at the second phase—the final decision on project approval—the decision-making body evaluates whether the alternatives are *actually* feasible. (See CEQA Guidelines, § 15091, subd. (a)(3).) At that juncture, the decision makers may reject as infeasible alternatives that were identified in the EIR as potentially feasible. (*Mira Mar*, *supra*, at p. 489.)

Here, the Draft EIR properly identified potentially feasible alternatives for analysis. (Draft EIR, page 3.1-148.) Commenter improperly suggests the Draft EIR should have reached definitive determinations regarding the *actual* feasibility of the alternatives prior to including them in the alternatives analysis. Pursuant to CEQA, MTC and ABAG will address the actual feasibility of the EEJ alternative when making the final decision on project approval.

Commenter is correct that MTC and ABAG will be required to make a feasibility finding prior to making a final determination on the project and the final EIR. As stated above, MTC and ABAG will make the requisite determinations in their “findings of fact and statement of overriding considerations” which will be prepared by MTC and ABAG and will be part of the administrative record for the project.

Commenter also asserts in a footnote that three feasible alternatives exist which allow \$3 billion to shift to transit operations without a VMT tax. Commenter is correct. As noted below, such a shift would require significant changes to existing policies and past practice at the regional and state level. Such tradeoffs were considered as part of the investments tradeoff discussion leading up to the final transportation investment strategy, approved in May 2012.

Overall, the approach taken in the EEJ alternative removes \$5.4 billion of funding from roadway projects (both operational improvements and expansions), and redirects that same amount of funds to transit operations and to local streets and roads maintenance. The impact of the funding loss to roadway projects is not discussed in the comment letter. There are about 215 roadway projects, covering all nine counties that are proposed for funding with discretionary revenues in the draft Plan. These projects would be partially or entirely unfunded if their discretionary funding were to be redirected.

Regarding the feasibility of applying the \$5.4 billion to transit operations, the funding used for the freeway projects in question comes primarily from the Regional Transportation Improvement Program (RTIP) and some future sales taxes. RTIP funds cannot be directly used for transit operations due to restrictions in both federal and state laws, and would therefore have to be applied to other eligible projects currently using operations-eligible funding, that could then be made available for transit operations. The proposed fund exchanges involve the OBAG, Freeway Performance Initiative, and Express Lanes projects. While most of the expenditures contained in the OBAG program are technically eligible to receive RTIP funds, projects must be approved by the California Transportation Commission (CTC). The CTC’s priority for the use of RTIP funds has been to reduce congestion and improve the state highway system. Since OBAG projects typically consist of



rehab and enhancement projects off the state highway system, there is a high likelihood that OBAG projects, if put forth for funding with RTIP funds, would be rejected by the CTC. Further, this strategy could put the region's assumed share of Interregional Transportation Improvement Program (ITIP) funds at risk, as the CTC prefers to invest these funds in regions that have made a significant investment of RTIP in the state highway system. The Draft Plan Bay Area already assumes that a significant amount of funding for the Freeway Performance Initiative will come from the ITIP, which may not materialize if the state withholds ITIP from the Region as a result of non-investment in the state highway system.

Funding currently assigned to the FPI and Express Lanes projects that is proposed to be made available for transit operations would be ITIP, Federal Surface Transportation Program (STP), Congestion Management/Air Quality (CMAQ) Program, and Anticipated funds. Transit operations are not an eligible use of ITIP funds. Transit operations are not an eligible use of STP funds, unless used for preventative maintenance. CMAQ funds can only be used for "new" transit operations for up to three years. Anticipated funds are unspecified funds anticipated to be available over the Plan period, based on historical analysis. These funds might or might not be eligible for use on transit operations, depending on the eventual source identified.

- B25-27: Commenter cites CEQA statutes and Guidelines regarding EIR preparation generally, and asserts the Draft EIR's project description and allegedly flawed modeling approaches, including an undisclosed "calibration technique," preclude meaningful analysis of impacts in the Draft EIR. As noted in response B25-25, the phrase "calibration techniques" is synonymous with "subsidies" (see also comment B25-2). See responses B25-2 and B25-25. See responses B25-11 through B25-19 regarding the adequacy of the project description. See also response B5-28 regarding the alleged inconsistencies in modeling approaches referenced by commenter and referred to in the SSR technical memorandum
- B25-28: Commenter cites to the SSR technical memorandum and alleges that if the Plan and the EEJ alternative had been analyzed in a comparable manner, the proposed Plan's housing distribution would have yielded additional physical impacts from sprawl. As noted in comment response B25-22, the "calibration techniques" used in the Proposed Plan Alternative were applied in a similar manner for the EEJ Alternative. The claim regarding the performance of the Proposed Plan Alternative relative to the No Project alternative is speculative and based on a misunderstanding of how the model is applied.
- B25-29: Commenter reiterates comments B25-8 through B25-10 regarding health effects on disproportionately impacted populations from increased emissions. See responses B25-8 through B25-10
- B25-30: Commenter asserts the Draft EIR was required, but failed, to analyze the physical, environmental and health consequences associated with economic displacement and asserts the Draft EIR was required to model displacement and identify likely trends in displacement.

Commenter cites to an ABAG report to support its argument that displacement has environmental and health impacts. The referenced report, *San Francisco Bay Area Housing Needs Plan: 2007-2014*, states simply that "negative impacts on health, equity, air quality, the

environment and overall quality of life in the Bay Area also result” from people having to in-commute due to a lack of affordable housing.” (Housing Needs Plan, p. 26.) The report certainly does not provide a “candid assessment of the indisputable physical impacts that will result from [displacement]” as commenter alleges. In fact, the text quoted by commenter refers to the effects of regional in-commuting, not displacement. Commenter thus provides no evidence to support its argument regarding displacement.

Commenter specifically states that UrbanSim could have been used to conduct a detailed analysis of socio-economic displacement. Master Response F explains how the EIR incorporated demographic shifts in the environmental analysis where appropriate. UrbanSim can provide useful information on Economic Displacement as in the Arizona Study cited by commenter, and a microsimulation model of this type can be set up to focus on many different types of behavior. MTC’s UrbanSim application, however, lacked the necessary databases and model calibration to successfully treat socio-economic displacement as it occurs today or might occur with different types of anti-displacement policies in place. Regardless, MTC’s UrbanSim application was adequate for the purpose of evaluating the Plan’s potential impacts. Socio-economic displacement is properly addressed as part of the Plan Bay Area Equity Analysis using alternative off-model techniques. Refer to the Plan Bay Area Equity Analysis Report for additional detail on the analytical approach utilized and Master Response F for additional detail regarding the EIR’s qualitative analysis of displacement impacts.

Commenter further states the Equity Analysis Report concluded implementation of the proposed Plan would lead to significant displacement of lower income households, and the Draft EIR improperly ignored this finding and omitted analysis of economic displacement. The commenter misinterprets the findings of the Equity Analysis Report. See Master Response F addressing displacement and the Equity Analysis Report.

B25-31: Commenter re-states comment B25-30 to allege the Draft EIR does not analyze the social and economic impacts of displacement, including increased rent burden, decreased access to health care, decreased access to healthy food, decreased financial stability, potential job loss and difficulties at school, potential mental health and stress-related physical illness, unhealthy housing, fractured neighborhoods and social isolation.

The alleged impacts asserted by commenter are speculative, and CEQA does not require analysis of these types of non-physical effects on the environment. (*San Franciscans for Reasonable Growth v. City and County of San Francisco* (1984) 209 Cal.App.3d 1502, 1516.) Moreover, economic and social impacts of proposed projects... are outside CEQA’s purview.” (*Anderson First Coalition v. City of Anderson* (2005) 130 Cal.App.4th 1173, 1182; see also *Bakersfield Citizens for Local Control v. City of Bakersfield* (2004) 124 Cal.App.4th 1184, 1205 [“the economic and social effects of proposed projects are outside CEQA’s purview”].)

See Master response F addressing displacement and the Equity Analysis Report

B25-32: Commenter cites CEQA Guidelines and case law regarding an agency’s formulation of mitigation measures to reduce potentially significant impacts on the physical environment. In

comments B25-30 and B25-31, Commenter alleged the Draft EIR failed to analyze such impacts of displacement. Yet in comment B25-32 Commenter acknowledges the Draft EIR did, in fact, identify displacement impacts but then alleges the Draft EIR's mitigation measures are inadequate because they do not address the socio-economic impacts of displacement.

"Economic and social changes resulting from a project are not treated as significant environmental effects [citation] and, thus, need not be mitigated or avoided under CEQA." (*San Franciscans for Reasonable Growth v. City and County of San Francisco* (1984) 209 Cal.App.3d 1502, 1516; *Anderson First Coalition v. City of Anderson* (2005) 130 Cal.App.4th 1173, 1182; see also *Bakersfield Citizens for Local Control v. City of Bakersfield* (2004) 124 Cal.App.4th 1184, 1205 ["the economic and social effects of proposed projects are outside CEQA's purview"].) Physical changes in the environment caused by economic or social effects of a project may constitute significant environmental effects and economic and social effects of a project may be factors in determining the significance of physical changes in the environment. (CEQA Guidelines §§ 15131, 15064(e).) Social and economic effects in and of themselves, however, are not significant environmental effects on the environment under CEQA. (*Melom v. City of Madera* (2010) 183 Cal.App.4th 41, 55.)

See Master response F addressing displacement and the Equity Analysis Report.

B25-33: Commenter asserts the Draft EIR fails to make the required finding that significant and unmitigated displacement impacts on the physical environment will result in identified localized areas. The Draft EIR identifies localized displacement impacts on the physical environment as significant and unavoidable. (Draft EIR, p. 2.3-36.) The Draft EIR states that "[s]ince the proposed Plan seeks to accommodate projected population and employment growth in the region, new development would provide additional space for housing and businesses with-in the Bay Area; locally, however, businesses may be disrupted and residents displaced as some areas transition to denser urban settings." (*Ibid.*) Mitigation Measure 2.3(b) addresses localized displacement impacts on the physical environment by requiring agencies, when approving projects under the Plan, to consider implementation of feasible project- and site-specific mitigation measures, including but not limited to those enumerated. (Draft EIR, p. 2.3-39.) Mitigation Measure 2.3(c) requires MTC and ABAG to "continue to support the adoption of local zoning and design guidelines that encourage pedestrian and transit access, infill development, and vibrant neighborhoods" through regional programs. (*Ibid.*) Implementation of Mitigation Measures 2.3(b) and 2.3(c) would reduce potentially significant localized displacement impacts on the physical environment to less than significant; however, in recognition of the limits of MTC's and ABAG's land use authority, the impact is considered significant and unavoidable because it is ultimately the responsibility of local agencies to adopt and implement project-specific mitigation. (Draft EIR, p. 2.3-35 to 2.3-40.)

B25-34: Commenter alleges that a number of mitigation measures in the Draft EIR are already required by state or local regulations and thus should have been assumed as part of the baseline conditions, and not as mitigation. Commenter is incorrect. "A condition requiring compliance with environmental regulations is a common and reasonable mitigating measure." (*Clover Valley Foundation v. City of Rocklin* (2011) 197 Cal.App.4th 200, 236-37

[upholding mitigation measures that required compliance with regulatory permitting], quoting *Sundstrom v. County of Mendocino* (1988) 202 Cal.App.3d 296, 308; see also *Oakland Heritage Alliance v. City of Oakland* (2011) 195 Cal.App.4th 884 [upholding a seismic mitigation measure requiring compliance with all state and local building regulations].)

- B25-35: Commenter urges ABAG and MTC to maximize their leverage under the One Bay Area Grant program to identify and require as additional mitigation measures certain “key components” of the EEJ alternative. This comment will be considered by MTC and ABAG.
- B25-36: Commenter expresses its opinion that the EEJ alternative, as compared to the Preferred Alternative, does a better job of meeting the objectives of SB 375 and state and federal transportation and housing laws. Commenter refers to comments B25-37 through B25-39, wherein it makes specific recommendations for measures it believes should be added to the Plan. See responses B25-20 and B25-21 explaining the Draft EIR is supported by substantial evidence and commenter’s unsubstantiated opinions regarding the EEJ Alternative as compared to the Preferred Alternative does not render the Draft EIR inadequate. See also responses B25-37 through B25-39.
- B25-37: Commenter requests \$3 billion in additional operating revenue for local transit service and a commitment to a long range, high priority “Regional Transit Operating Program” to boost transit operating subsidies by another \$9 billion. This comment will be considered by ABAG and MTC. In addition, see response B25-26.
- B25-38: Commenter requests that 25,000 RHNA units be shifted from PDAs to “PDA-like places.” The distribution of housing in the Draft Plan was adopted in May 2012 by the ABAG Executive Board and the Commission as the Preferred Alternative in July 2012. This followed extensive consultation with local jurisdictions, stakeholders, and the general public. The Draft Plan’s housing distribution identifies the locations that can accommodate future growth, including the scale and type of growth most appropriate for different types of locations. It provides a more focused growth pattern for the region than historic trends and identifies locations for future housing growth while recognizing the unique characteristics of the Bay Area’s communities. Relative to the assertion that the Draft Plan’s land-use pattern is not feasible, the consultant team responsible for the Priority Development Area Readiness Assessment<sup>11</sup> that was developed to evaluate the distribution of future growth in PDAs believes that the Draft Plan’s growth allocations represent an achievable, if not easy, outcome consistent with the scope and purpose of a comprehensive regional plan. The team also has stated that in its opinion, it is not certain that non-PDA areas are more “ready” for significantly more growth than has been allocated to them under Plan Bay Area. See Master Response B.2 regarding the feasibility of the PDAs.

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<sup>11</sup> [http://onebayarea.org/pdf/Draft\\_Plan\\_Bay\\_Area/Draft\\_PBA\\_PDA\\_Development\\_Feasibility\\_and\\_Readiness.pdf](http://onebayarea.org/pdf/Draft_Plan_Bay_Area/Draft_PBA_PDA_Development_Feasibility_and_Readiness.pdf)

Shifting low and moderate income housing to job and transit rich suburbs, would likely require a dramatic increase in housing subsidies for which no funding source has been identified. Redistributing housing to greenfield suburban locations would likely increase pressure on open space and agriculture, and create a host of other environmental impacts. Redistributing housing to suburban locations also conflicts with SB 375's requirement to "utilize the most recent planning assumptions considering local general plans and other factors." (Government Code Section 65080(b)(2)(B).)

B25-39: Commenter requests modifying the conditions of OBAG grants to ensure recipients adopt and implement strong anti-displacement protections and provide substantial regional funding for community stabilization measures, such as land banking and preservation of affordable housing in at-risk neighborhoods. This comment will be considered by MTC and ABAG. Such modeling may be useful for understanding socio-economic effects of displacement, but is not necessary for analyzing environmental impacts. See Master Response F.

**Letter B25a Public Advocates, Urban Habitat, California Affordable Housing Law Project, and California Rural Legal Assistance (5/16/2013)**

B25a-1: Commenter states the EEJ alternative outperforms the draft Plan and provides a number of examples of how it believes the EEJ is superior. This comment will be considered by MTC and ABAG when reviewing the Plan and the Plan EIR.

The commenter asserts that the Plan and the Regional Housing Needs Allocation (RHNA) "allocate the overwhelming share of... housing to a subset of [Transit Priority Projects] areas based solely on whether a local PDA designation was made in the past." According to the commenter, Transit Priority Projects areas outside of PDAs "are equivalent to PDAs in all respects but one: the city within which they are located has not planned to make it available for housing development in its General Plan and zoning code. Many of these TPPs are in neighborhoods that also have many low-income workers." In addition, the commenter asserts that "there are some job rich and high-opportunity jurisdictions that need more low-income housing to accommodate their local workforces, but which may not have sufficient transit service to qualify as a TPP or PDA."

Regarding the concentration of growth in PDAs and specific cities, the commenter correctly asserts that nearly 80% of housing is distributed to PDAs in the Plan, which is approximately the same as the Draft Plan allocated, but incorrectly asserts that 95% of housing growth is distributed to the region's 15 largest cities; the correct figure is 64%.

The commenter makes numerous assertions related to RHNA, including the statement that "allocating RHNA based on zoning is illegal." Comment B25a-4 addresses the RHNA allocation, and the relationship between RHNA and the Plan.

With respect to the housing distribution in the SCS, the commenter's description of this process is inaccurate. Priority Development Areas were one among a variety of factors taken into consideration in the distribution of housing in the Plan. In addition to the presence of a Priority Development Area, the factors determining the distribution of housing into

jurisdictions included employment proximity, median jurisdiction home value, and net low income in-commuting—many of the factors noted by the commenter. Together, these factors resulted in an adjustment factor that shifted housing toward many of the region’s wealthiest communities. For example, Palo Alto was given an adjustment factor of 9.67%, while San Pablo was given an adjustment factor of -7.34%.

The commenter’s statement that PDAs differ from TPPs only in that they that have been made available “for housing development in [a] General Plan and zoning code,” is also incorrect. Many Priority Development Areas are designated “Potential” by the nominating jurisdiction. This indicates that a plan has not been adopted for this area to facilitate new housing and commercial development. Indeed, the readiness of certain PDA’s is dependent upon local jurisdictions making zoning and planning decisions to implement the Plan. The PDA planning grant program administered by MTC and the region’s county congestion management agencies (CMAs) provides funding to many “potential” PDAs to complete specific and other plans that facilitate future housing growth.

The process for adjusting the housing distribution based upon the factors noted above is described in greater detail in Attachments 2-6 of the ABAG Executive Board memo available at the weblink below:

<http://www.abag.ca.gov/abag/events/agendas/e051613a-Item%2008,%20HUD%20HCD%20Coordination.pdf>

The methodology for the housing and jobs distribution process for the Draft Plan is available in the Forecast for Jobs, Population and Housing Supplemental Report.

- B25a-1.5: Commenter provides three recommendations that it alleges would strengthen the final Plan while retaining the strongest elements of the draft. Similar recommendations are set forth in comment letter B25, comments B25-36 to B25-39. See responses B25-36 to B25-39.
- B25a-1.7: Commenter alleges the PDA-centered housing distribution is irrational, and asserts that additional transit-oriented neighborhoods in the Bay Area were not identified as PDAs but are equally in need of housing development. Commenter objects to allocation of housing needs based upon a local PDA designation. Commenter does not allege deficiencies with the Draft EIR or raise any CEQA issues. No response is required. See Master Response I regarding the PDA process.
- B25a-2: Commenter challenges that the PDA-Centered housing distribution is infeasible, and believes the Bay Area will fall short of meeting its projected housing need by over 100,000 units over 28 years and opines that if the units are built at all, they are likely to take the form of greenfield sprawl. Commenter does not allege deficiencies with the Draft EIR or raise any CEQA issues. No response is required. See Master Response B.2 regarding the feasibility of the housing distribution.
- B25a-3: Commenter asserts the PDA-centered housing distribution and the draft RHNA violate federal and state civil rights laws. Commenter does not allege deficiencies with the Draft EIR

or raise any CEQA issues. No response is required. See Master Response F for additional information on displacement risk.

The commenter asserts that ABAG has not conducted an analysis requested by the US Department of Housing and Urban Development (HUD) to assess “the extent to which local jurisdictions with neighborhoods eligible for PDA designation were participating in or foregoing participation in the PDA program in order to determine how the PDA program would impact housing in the Bay Area. In performing such analysis, ABAG should compare the areas designated as PDAs to areas that are not PDAs, particularly considering differences in the racial and ethnic demographics.”

ABAG conducted the requested analysis and submitted this to Anne Quesada, Director of the HUD Office of Fair Housing and Equal Opportunity on May 10, 2013. This analysis found that PDAs are found in all types of communities throughout the Bay Area and represent the full spectrum of the region’s diversity. As a whole, the PDAs do not represent racially or ethnically concentrated areas of poverty compared to non-PDA areas, as asserted by the commenter. Only 41 percent of PDAs have 50 percent or more of their area within Census tracts with a median income (based on 2010 Census data) that corresponds to the very low- or low-income categories, as defined for RHNA. In a similar analysis of race/ethnicity, 56 percent of PDAs have 50 percent or more of their area with a majority concentration of people of color.

This analysis can be found on page 14 (Item 8) of the weblink below:

<http://www.abag.ca.gov/abag/events/agendas/e051613a-Item%2008,%20HUD%20HCD%20Coordination.pdf>

The commenter’s assertion that 95 percent of the housing growth in the Draft Plan is allocated to 15 cities with higher levels of poverty and lower rates of white (non-Latino) residents than the region as a whole is incorrect. As noted in comment B25a-1, the correct figure is 64 percent.

The concerns regarding displacement expressed by the commenter are addressed in Master Response F.

The commenter’s recommendation that 25,000 units be shifted from PDAs to TPPs outside of PDAs and to suburban job centers in the Draft Plan and RHNA, respectively, is addressed in comment B25-38.

B25a-4: Commenter alleges the PDA-centered draft RHNA violates the Housing Element Law. Commenter does not allege deficiencies with the Draft EIR or raise any CEQA issues. No response is required.

This is a comment on the Regional Housing Needs Allocation (RHNA) conducted by ABAG pursuant to the Housing Element Law. While SB 375 requires that the Final RHNA plan be consistent with the region’s adopted SCS, the RHNA process is different from the SCS process and the legal requirements of the Housing Element Law are different from SB



375. To ensure consistency between the two planning processes ABAG used the distribution of housing growth for the period from 2014-2022 in the Draft Plan as one of the factors in the RHNA methodology. The commenter raises policy and legal concerns about this use but none of them are directed at the policy or legal foundations of the Draft Plan. Therefore, the commenter is directed to ABAG's responses to a letter raising similar issues from the California Department of Housing and Community Development (HCD) at: <http://onebayarea.org/regional-initiatives/plan-bay-area/draft-plan-bay-area/supplementary-reports.html>

B25a-5: Commenter states the Plan must reduce and mitigate displacement and disruption of lower income communities. Commenter does not allege deficiencies with the Draft EIR or raise any CEQA issues. No response is required. See Master response F addressing the displacement analysis contained in the Draft EIR and the Equity Analysis Report.

**Letter B26 San Mateo County Chamber of Commerce (5/16/2013)**

B26-1: Please refer to Master Response C on requests for extensions of the public comment period.

**Letter B27 Abrams Associates (5/16/2013)**

B27-1: This comment does not raise environmental issues that require a response under CEQA. One of the key goals of Plan Bay Area is transportation system effectiveness, which includes making all modes of transportation more effective. MTC and ABAG established a robust set of performance targets that were used to evaluate various planning scenario alternatives throughout the multi-year planning process. These performance targets included reducing vehicle miles traveled per capita.

B27-2: A summary of the composition of the \$57 billion in discretionary revenue is as follows::

- New user taxes and/or fees (regional gas tax and new bridge tolls) account for \$8 billion or 14 percent of the \$57 billion in discretionary revenue.
- The \$57 billion includes an assumption that counties will reauthorize existing sales tax measures at their current rates, and that Alameda County will increase its sales tax rate from a 1/2-cent to a full cent in the near future. These sales tax reauthorization revenue assumptions account for \$13 billion or 23 percent of the \$57 billion.
- The combination of new user taxes and the reauthorization of existing sales tax measures sum to \$21 billion or 37 percent of the \$57 billion.
- The remaining \$36 billion in discretionary revenue comes from federal and state programs, such as STP, CMAQ, New Starts, STIP, and anticipated funds.
- Other pricing initiatives, including express lane tolling and congestion pricing, are outside of the \$57 billion discretionary revenue pool.

B27-3: Table 1.2-10 in the Draft EIR is incorrect and is updated in Section 2 of this Final EIR. The table incorrectly showed revenue forecasts for the current regional transportation plan, Transportation 2035 (T-2035), as \$227 billion when they were actually revised downward to \$218 billion due to the economic recession. In comparison, the Plan Bay Area revenue

forecast is \$292, as correctly shown in Section 2 of this Final EIR, exceeding revenue forecasts for Transportation 2035 by \$71 billion, due to a longer plan period and higher base values.

The correct Transportation 2035 investment in transit operations and maintenance, as shown in Section 2 of this Final EIR, is \$111 billion, or 51 percent of forecast revenues. In comparison, the proposed Plan increases transit operation and maintenance investments by \$48 billion from Transportation 2035, to \$159 billion, representing a 43 percent increase in funding. The \$48 billion increase comes mainly from the additional revenues forecast, but also in part from a \$9 billion decrease in transit expansion funding in the proposed Plan compared to Transportation 2035 levels. The additional transit and operations funding (\$48 billion) therefore makes up 60 percent of the newly available funds (\$80 billion - \$71 billion from addition revenues and \$9 billion from reductions in transit expansion funding).

- B27-4: See response B27-3 regarding corrections to Table 1.2-10 in the Draft EIR. The correct Transportation 2035 investment in roadway and bridge expansion is \$11 billion, or 5 percent of forecast revenues. In comparison, the proposed Plan increases this funding to \$15 billion, which is 5 percent of forecast revenues. The \$4 billion increase comes mainly from the additional revenues forecast, but also in part from a \$9 billion decrease in transit expansion funding in the proposed Plan compared to Transportation 2035 levels. The additional roadway and bridge expansion (\$4 billion) therefore makes up 5 percent of the newly available funds (\$80 billion - \$71 billion from addition revenues and \$9 billion from reductions in transit expansion funding).
- B27-5: It is correct that the proposed Plan does not allocate any of the \$57 billion in discretionary revenues specifically towards the maintenance of the state highway system.
- B27-6: This comment asks whether the financial viability of the proposed network of toll lanes requires changing the HOV-occupancy requirement on many existing HOV lanes, which require carpools to have at least two persons, to three or more persons. The comment also asks whether an increase in the HOV lane occupancy requirement is built into the financial calculations. MTC's financial calculations for the Regional Express Lane Network (Network) reflect an increase in HOV occupancy requirements to three persons for existing HOV lanes within the Network that presently have a two-person carpool requirement. MTC has not assessed the financial feasibility of the Network if existing carpool occupancy requirements were to be maintained indefinitely. This is because in many corridors in the Network, the numbers of two-person carpools are projected to exceed the threshold at which Caltrans can ensure compliance with Federal performance standards for HOV lanes regardless whether the lanes are converted to express lanes or not. See response B18-1 for more information on Federal performance standards. As the Network becomes connected it becomes more important to have consistent HOV occupancy requirements. The financial calculations in the proposed Plan are based on the financial analysis included in MTC's Bay Area Express Lanes application approved by the California Transportation Commission in October 2011, which includes two scenarios for the timing of increasing the occupancy requirement.
- B27-7: The proposed Plan includes a number of bus rapid transit (BRT) projects as part of the region's transportation investment strategy. A subset of these projects involve converting

existing general-purpose lanes to bus-only lanes in order to better serve high-frequency urban bus lines. By converting general-purpose lanes, these projects are expected to improve frequencies and reduce travel times for transit riders on already-congested urban arterial roadways.

The comment incorrectly states the primary funding sources for the region's BRT projects. Most Bay Area BRT lines are expected to be primarily funded with a combination of local sales tax revenues and federal transit funding (Small Starts). These funds will be supplemented with Regional Measure 2 toll bridge revenues for projects that provide congestion mitigation along a Bay Area Toll Authority (BATA) bridge corridor, in addition to other minor funding sources.

In general, BRT projects that are converting existing general-purpose lanes to bus-only lanes are designed to provide additional person-throughput on the identified corridors, thus improving the performance of the local transportation system. Any localized project-specific impacts from the region's BRT projects associated with traffic channelization and lane conversions are outside the scope of this program EIR for Plan Bay Area. For example, the comment's emphasis on the Van Ness BRT project would be more appropriately directed towards that specific project during its environmental review process. The proposed Plan's program EIR focuses on regional transportation impacts resulting from the implementation of the complete set of transportation improvements included in Plan Bay Area (refer to page 2.0-1 of the Draft EIR). Further information on the programmatic nature of this environmental document can be found on page 1.1-4 of the Draft EIR and Master Response A.3.

B27-8: This comment does not raise environmental issues that require a response under CEQA. This comment asks whether low-income consumers spend a greater share of their income on gasoline and tolls and whether this imposes a greater difficulty on low-income consumers than on higher-income groups. This comment also asks how this was considered in the development and evaluation of the toll lanes. Low income families spend a higher percentage of their incomes on most items, including transportation and housing due largely to their lack of income. The separate Equity Analysis Report assessed Housing and Transportation costs and found that increasing travel costs to drive from gas increases, fees, etc. over the life of the plan range from 3 to 5 percent (Equity Analysis Report p. 4-16).

The Express Lane Network expands the choices available to travelers of all incomes without eliminating current travel options. Carpoolers and bus riders will be able to use the lanes for free, excepting bus fares, and all drivers will be able to use the general purpose lanes without charge. Findings from surveys of existing express lanes throughout the country show travelers of all income levels choose to use express lanes, though higher-income travelers use the lanes more frequently as paying customers than do lower-income travelers. Surveys of low-income and minority travelers in the Bay Area reveal that lower-income travelers would value having the choice to pay to use the Network sometimes, when the time savings or reliability is most valuable to them. Finally, in developing projects that compose the Network, BAIFA will comply with all relevant state and federal laws and guidance for assessing impacts on low-income populations and responding accordingly if disproportionate adverse impacts are found.

- B27-9: SB 375 requires an alternative planning strategy (APS) if the RTP/SCS is not able to meet the greenhouse gas emissions reduction targets. This is explained in the Draft EIR in the Executive Summary, page ES-1 and 2. Since the proposed Plan attains the SB 375 targets, an APS is not required for Plan Bay Area.
- B27-10: This comment does not raise environmental issues that require a response under CEQA. The proposed Plan includes funding to assist local jurisdictions in planning to accommodate the suggested housing and job growth pattern, if they voluntarily opt to pursue it. See Master Response A.1 regarding local control over land use.
- B27-11: As noted on page 1.1-1 of the Draft EIR, Plan Bay Area is an update of the current regional transportation plan (RTP), Transportation 2035. RTPs must be updated every four years. CEQA requires that an environmental review compare the outcomes of a proposed Plan at the project horizon (CEQA Guidelines section 15125, subdivision (a)) in this case the year 2040, to existing conditions, in this case the year 2010, as explained on page 1.1-9.
- Chapter 3.1 of the Draft EIR does compare the outcomes of the alternatives, including the No Project alternative, to the proposed Plan. The No Project alternative does not assume all projects included in Transportation 2035 are implemented. As page 3.1-5 explains about the No Project alternative, “Projects and programs that are identified as ‘committed’ in MTC Resolution 4006 Committed Projects and Programs Policy are included in this alternative – this is similar but not identical to the list of projects in Transportation 2035. The transportation network in this alternative would therefore not be equivalent to existing conditions. The committed projects and programs include transportation projects/programs that were sufficiently through the environmental review process as of May 2011 and have full funding plans in place. In addition, regional programs with executed contracts or funding already secured are considered committed and included in the No Project alternative, through the existing contract period for each program.”
- B27-12: See response B27-3.
- B27-13: MTC’s Travel Model One has been used to inform the Proposed Plan Alternative throughout the planning process. UrbanSim was used to (a) efficiently create a reasonable range of EIR alternatives and (b) fill in sub-travel-analysis-zone details for the proposed Plan and “Enhanced” alternatives. The myriad data sources, including the “BATS 2000” survey, used to inform the MTC travel model are discussed in MTC’s Travel Model Development: Calibration and Validation Technical Report; the development of UrbanSim is discussed in the Draft Technical Documentation: San Francisco Bay Area UrbanSim Application, located here: [http://analytics.mtc.ca.gov/foswiki/Main/UsersGuide\\_UrbanSim](http://analytics.mtc.ca.gov/foswiki/Main/UsersGuide_UrbanSim).
- B27-14: MTC and ABAG are the lead agencies for the Draft EIR. Analysis for the Draft EIR was conducted both in house by MTC and ABAG as well as by consultants who are technical experts in their fields. The MTC travel model is not proprietary. The UrbanSim land use model is available under a GNU General Public License.
- B27-15: As explained in the Draft EIR, p.1.1-5, “The focus of this EIR is on environmental issues and concerns identified as possibly significant by MTC and ABAG in their [Notice of

Preparation], as well as issue areas identified as a result of scoping comments.” That is, MTC and ABAG developed draft significance criteria, which were released to the public with the NOP, and modified in responses from the public and resource agencies, including Caltrans. As explained on pages 1.1-1, 1.1-9, and 2.1-1, the impacts of the proposed Plan are evaluated against the existing conditions (baseline year 2010 except for GHG emissions as explained in Master Response D.1). This is the approach required by CEQA. According to CEQA Guidelines section 15125, subdivision (a), “[a]n EIR must include a description of the physical environmental conditions in the vicinity of the project, as they exist at the time the notice of preparation [NOP] is published...” This environmental setting will “normally constitute the baseline physical conditions by which a Lead Agency determines whether an impact is significant.” (See also *id.* at § 15126.2(a).) The impacts of the Plan are also compared against thresholds of significance. (CEQA Guidelines § 15064.7.)

The suggestion that the proposed Plan not be evaluated against existing conditions is contrary to CEQA. In *Sunnyvale West Neighborhood Assn. v. City of Sunnyvale* (2010) 190 Cal.App.4th 1351 (Sunnyvale West), the challenged traffic analysis did “not provide information about the [average daily trips] under existing conditions with the project and therefore, no direct comparison [could] be made to the existing conditions without the project.” (*Id.* at p. 1361.) Instead, that analysis *only* compared the project to future (2020) roadway conditions, which was improper. (*Ibid.*; see also *Madera Oversight Coalition, Inc. v. County of Madera* (2011) 199 Cal. App. 4th 48.)<sup>12</sup> Further, see response B27-13 regarding the comparison of the outcomes of the No Project alternative to the proposed Plan in Chapter 3.1 of the Draft EIR.

B27-16: The proposed Plan is subject to CEQA and, as a result, this program EIR is being prepared. MTC and ABAG are serving as joint lead agencies in preparing this program EIR for the proposed Plan. Pursuant to Sections 15050 and 15367 of the State CEQA Guidelines, the lead agency is the “public agency which has the principal responsibility for carrying out or disapproving a project.” The lead agency is “responsible for preparing the EIR.” (*Ibid.*) Therefore, no conflict of interest arises as a result of MTC developing the proposed Plan and serving as a lead agency for the EIR.

Moreover, while this EIR provides lead agencies with CEQA streamlining benefits for certain projects, neither the proposed Plan nor this EIR limits in any way the existing land use authority of any city or county. (Gov. Code, § 65080, subd. (b)(2)(J) [“Nothing in a sustainable communities strategy shall be interpreted as superseding the exercise of the land

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<sup>12</sup> In *Neighbors for Smart Rail v. Exposition Metro Line Construction Authority* (2012) 205 Cal. App. 4th 552, the Second District Court of Appeal disagreed with the holding of *Madera* and the *Sunnyvale West* case cited above to the extent those cases purport to eliminate a lead agency’s discretion to adopt a baseline that uses projected future conditions under any circumstances. The *Neighbors for Smart Rail* decision holds that a projected future baseline can be used to analyze traffic and air quality impacts of a long-term project, if supported by substantial evidence. The *Neighbors for Smart Rail* decision is currently pending review by the Supreme Court. Even if the holding in *Sunnyvale* is affected by the outcome of the *Neighbors for Smart Rail* case, it will not affect MTC’s and ABAG’s conclusion that existing conditions as of 2010 is the proper baseline for analysis of the proposed Plan’s impacts.

use authority of cities and counties within the region.”). In other words, cities and counties, not MTC or ABAG, are ultimately responsible for the manner in which their local communities continue to be built out in the future. For this reason, cities and counties are not required to revise their “land use policies and regulations, including [their] general plan, to be consistent with the regional transportation plan or an alternative planning strategy.” (Gov. Code, § 65080, subd. (b)(2)(J).) The proposed Plan merely provides a land use vision that “if implemented, [would] achieve the greenhouse gas emission reductions targets” for the region. (Pub. Resources Code, § 21155, subd. (a) (emphasis added).) The proposed Plan will only be implemented insofar as local jurisdictions adopt its policies and recommendations. MTC and ABAG will not gain any new authority that usurps local authority if the proposed Plan is approved. Also see Master Response A.1 and response B27-15.

- B27-17: MTC and ABAG followed CEQA requirements for public noticing of the EIR. See Chapter 1.2 of the Draft EIR for a description of the public participation process for development of the proposed Plan. Regarding public engagement for the EIR, please see Chapter 1.1 of the Draft EIR for a description of the Notice of Preparation and public scoping process and Section 1 of this Final EIR for a description of the public review process for the Draft EIR. Furthermore see responses B27-14 and B27-16.
- B27-18: See responses B27-13 and B27-14, which explain that these models are publicly available and can be examined anytime.
- B27-19: See responses B27-11 and B27-15.
- B27-20: Purely economic impacts not caused by or resulting from potentially significant environmental impacts are beyond the scope of CEQA, which examines physical, environmental impacts of a plan or project.

## **Letter B28 Bay Area Regional Health Inequities Initiative (5/16/2013)**

- B28-1: Your support of Alternative 5 is acknowledged and your request to include components of it in the proposed Plan will be considered by MTC and ABAG prior to taking action on the proposed Plan.
- B28-1.5: See Master Response F regarding displacement.
- B28-2: See Master Response F regarding displacement.
- B28-3: For local displacement, see Master Response F. Regarding regional displacement, SB 375 requires that an RTP/SCS fundamentally accommodate all of the projected population growth within the region. As discussed in Chapters 1.2 and 2.3 of the Draft EIR, the proposed Plan would do so and even incorporates an assumed regionwide vacancy rate of four percent (Draft EIR, p.1.2-6). As a result, as pages 2.3-35 to 36 of the Draft EIR explain, “Changing development types and higher prices resulting from increased demand could disrupt business patterns and displace existing residents to other parts of the region or outside the region altogether. However, the proposed Plan seeks to accommodate the

projected population and employment growth in the region, consistent with historic trends. As such, any displacement or disruption would most likely occur locally, and in general, more units and jobs would be created to replace any lost jobs and housing overall.”

- B28-4: See response B28-3, Master Response F regarding displacement, and Master Response D.2 on the feasibility of the proposed Plan’s Priority Development Areas. The proposed Plan accommodates the project housing need for each economic segment of the region’s population. The proposed Plan can only demonstrate that the ability to continue living in the region is valid through adequate housing supply.
- B28-5: See Master Response F regarding displacement. Furthermore the comment provides a high degree of speculation based on a chain of future possible events; for example, higher housing costs could also be accompanied by a stronger economy with higher paying jobs and more equitable distribution of income. An EIR cannot explore every conceptual future possibility and is merely responsible for assessing the reasonably foreseeable environmental impacts caused by the proposed Plan within its time horizon. This comment does not raise environmental issues that require a response under CEQA. See also Master Response F regarding displacement. Your request regarding OBAG funding requirements will be considered by MTC and ABAG prior to taking action on Plan Bay Area.
- B28-6: Comment’s request that regional funding should be leveraged to encourage local jurisdictions to adopt policies to prevent displacement will be forwarded to the MTC Commission and ABAG Executive Board for consideration. See Master Response F regarding existing programs in the proposed Plan related to alleviating the risk of displacement.
- B28-7: Your support for Alternative 5 is acknowledged. Increased funding for transit operations will be considered by the MTC Commission and ABAG Executive Board as they take final action on Plan Bay Area.

**Letter B29     TRANSDEF (5/15/2013)**

- B29-1: This comment incorrectly implies that Plan Bay Area will cause an 18 percent increase in transportation GHG emissions between 2010 and 2040. GHG emission increases are the result of various GHG sources, many of which are outside the scope of Plan Bay Area. Furthermore, the Plan does not cause the impact; rather, the Plan is a strategy to meet CARB’s per-capita GHG emissions reductions targets from light cars and trucks through integrated regional land use and transportation planning. This represents an important part of the State’s overall efforts to reduce GHG emissions. Commenter’s figures do not account for the GHG reductions that will be occurring over the same time period as a result of ongoing efforts included in the CARB Scoping Plan. While MPOs are not allowed to account for the reductions brought about by state regulations and legislation in terms of meeting the SB 375 GHG reduction targets, those reductions are expected to occur and are considered when evaluating the overall GHG emissions trends in the region, as outlined in the Draft EIR Criterion 2.5-1 (Draft EIR pages 2.5-42 through 2.5-57). See Master Response D.1 for more details regarding SB 375’s GHG reduction targets.



- B29-2: This comment incorrectly implies that Plan Bay Area will cause a 28 percent increase in land use GHG emissions between 2010 and 2040. See response B29-1 and Master Response D.1.
- B29-3: The comment includes the CARB Scoping Plan reductions and reports the GHG emission reduction figures, as shown in the Draft EIR on pages 2.5-53 through 2.5-56. No response is required.
- B29-4: The comment claims that Plan Bay Area violates the legislative intent of SB 375 by not reducing 2040 regional GHG emissions apart from reductions from Scoping Plan measures. The commenter is incorrect. SB 375 charged CARB with developing SCS GHG emissions reduction targets for the MPOs. The legislation deferred to CARB's expertise regarding the appropriate goals and metrics for each sector, and charged CARB with developing a comprehensive, statewide approach to GHG emission reductions. The Sustainable Communities Strategy (SCS) GHG emission reduction targets set for MPOs for passenger and light duty vehicles emissions, following a robust public process, were set on a per capita basis, as the commenter points out in the footnote to the comment. The Plan complies with these targets and is consistent with the intent of SB 375. See Master Response D.1 for more details regarding SB 375's GHG reduction targets.
- B29-5: The comment states that the SCS will interfere with the state's goal of an 80 percent reduction of GHG emissions below 1990 levels by 2050, which is a reference to the GHG reduction target in Executive Orders S-3-05 and B-16-12. (See Draft EIR, p. 2.5-57.) These are statewide targets that are only binding on State agencies; they are not targets that MTC and ABAG are tasked with meeting in Plan Bay Area. For informational purposes, however, the Draft EIR evaluates whether the Plan would hinder attainment of the State's targets. As demonstrated in the analysis for Criterion 2.5-3, the SCS does not impede attainment of the State's goal. (See Draft EIR, pp. 2.5-57 through 2.5-60.) The analysis demonstrates a downward trajectory of GHG emissions over the life of Plan Bay Area. The horizon year of the Plan is 2040, therefore, a trendline analysis was used to demonstrate the trajectory of GHG emissions out to 2050. New innovations in technology and science are expected, along with continued market shift towards green building and zero emissions vehicles over the 35-year timeframe of the 2050 goals. The analysis in the EIR demonstrates that the Plan results in a downward trajectory of emissions, demonstrating that the region is moving in the right direction and therefore does not impede achievement of these identified goals.
- As noted in CARB's Scoping Plan, "reducing our greenhouse gas emissions by 80 percent will require California to develop new technologies that dramatically reduce dependence on fossil fuels and shift into a landscape of new ideas, clean energy, and green technology" (Draft EIR page 2.5-60). Plan Bay Area includes an innovative Climate Initiatives Program, which seeks to support new technologies and behavior changes that can significantly reduce GHG emissions.
- B29-6: The comment states that the Draft EIR fails to clearly distinguish between statewide and regional requirements for reporting GHG emissions. The Draft EIR provides a detailed description of the regulatory setting on pages 2.5-22 through 2.5-41. The tables included in the Draft EIR, which clearly identify emissions from different sources and sectors, and include specific identification of Scoping Plan reductions, Pavley reductions, and LCFS

reductions, are a reasonable way to report the information. While MTC and ABAG appreciate the commenter suggesting additional tables to identify regulatory requirements and performance of the SCS, the suggested tables from Attachments A and B do not appear to add an appreciable amount of clarity and would not change the conclusions or analysis in the Draft EIR. See Master Response D.1 for additional details regarding SB 375's GHG reduction requirements.

B29-7: On one hand, the comment claims that the Draft EIR failed to demonstrate project consistency with the Scoping Plan's 2020 target. The comment then states that the "SCS is therefore consistent with the Scoping Plan's 2020 target." The comment is inconsistent.

The comment appears to suggest that the SCS should have demonstrated consistency with the Scoping Plan's 2020 target in terms of overall GHG emissions. In doing so, the comment ignores what the Scoping Plan actually says and seeks to replace the per capita GHG reduction targets in the Scoping Plan with the commenter's own overall GHG reduction target. The comment then argues that because the Plan doesn't meet the commenters overall GHG reduction target, it therefore also fails to meet the Scoping Plan's per-capita GHG reduction target. MTC and ABAG disagree with the commenter's flawed analysis.

Consistent with the Scoping Plan, the Draft EIR evaluates consistency with the Scoping Plan targets in terms of GHG emissions reductions on a per capita basis. The Draft EIR clearly demonstrates attainment of the SB 375 GHG emission reduction target for 2020 (see Draft EIR page 2.5-50). In fact, the region exceeds ARB's 2020 SB 375 target of a 7 percent per capita reduction by over 3 percent, projecting a 10.3 percent per capita reduction by 2020. The SB 375 target for 2020 is the only GHG emissions reduction target assigned to the MPOs and is therefore the only 2020 target included in the Draft EIR.

See also Master Response D.1 for additional information regarding SB 375's GHG reduction targets.

B29-8: The comment claims the Draft EIR analyses for 2040 and 2050 are problematic. The comment claims the threshold for GHG emissions reductions for 2040 is legally inadequate. The SB 375 required target, as established by ARB, is a per capita metric for passenger and light duty vehicles and was used for Criterion 1 thresholds. Those targets are clearly met, as demonstrated by the analysis in the Draft EIR (Draft EIR page 2.5-50).

The Plan is required to attain *per capita* emissions reductions from cars and light trucks, hitting a target assigned to the Bay Area region by CARB, per SB 375. This target can be attained through a combination of transportation investments and policy and a proposed land use development pattern that will reduce VMT. MTC and ABAG are restricted in the technologies and strategies they can consider in reaching this target; see Master Response D.1 for information on the analysis for the SB 375 target. As Table 2.5-7 of the Draft EIR shows, the proposed Plan reaches those targets.

As a result of the EIR scoping process, MTC and ABAG established a significance criterion regarding whether the proposed Plan could result in a net increase in direct and indirect

GHG emissions in 2040 when compared to existing conditions. Under CEQA, the lead agency has considerable discretion to decide which significance threshold to apply to an impact. If supported by substantial evidence, that threshold is adequate, regardless of whether a petitioner proposes an alternative threshold. (*Citizens for Responsible Equitable Environmental Development v. City of Chula Vista* (2011) 197 Cal.App.4th 327, 335-336 (CREED) [rejecting petitioner's argument that the City erred by failing to apply a different significance threshold]; (*California Oak Foundation v. Regents of University of Cal.* (2010) 188 Cal.App.4th 227, 282 [rejecting argument that a lead agency used the incorrect significance threshold]; *National Parks & Conservation Assn. v. County of Riverside* (1999) 71 Cal.App.4th 1341, 1356-1357 [upholding the County's biological significance threshold as supported by substantial evidence].) Here, MTC operated within its discretion when it adopted the GHG significance thresholds identified in the EIR. (See also *N. Coast Rivers Alliance v. Marin Municipal Water District Bd. of Dirs.* (2013) 216 Cal.App.4th 614 [upholding a GHG threshold based upon whether the project would interfere with the lead agency's goal of reducing GHG emissions to 15 percent below 1990 levels by 2020].)

Moreover, this analysis for Impact 2.5-2 is not required by SB 375 and was always intended to include Pavley, LCFS, and the effects of some State efforts from the Scoping Plan (Draft EIR, pgs. 2.5-43, 2.5-50, and 2.5-55) as shown in Table 2.5-9. Unlike the SB 375 mandated target, this criterion measures total emissions, rather than per capita emissions. The *total* vehicle GHG emissions increase shown in Table 2.5-9 is a result of regional growth that will occur with or without the proposed Plan; this is emphasized in the contrast with the *per capita* car and light truck GHG emissions decrease shown in Table 2.5-7. The analysis under Impact 2.5-2 properly concludes there is no adverse impact and no mitigation measures are required.

- B29-9: The comment requests that a trendline indicating GHG emissions reductions by 81 percent below 1990 levels be added to Figure 2.5-8. The requested trendline would simply be a different visual representation of what is already in the table and is therefore not necessary and would not change any of the analyses or conclusions in the Draft EIR.
- B29-10: See responses B29-8 and B29-9.
- B29-11: See response B29-8.
- B29-12: The comment criticizes Criterion 2.5-3, in particular Table 2.5-7, claiming that the per capita figures are inappropriate for this analysis. Criterion 2.5-3 documents both per capita and overall GHG emissions in an effort to be inclusive of the two analyses used from Criteria 2.5-1 and 2.5-2.

See Response to comment B10-15 regarding Impact 2.5-3. The Bay Area region is not a geographic scale of measurement for the Executive Orders, which are a) focused on statewide GHG emissions and b) do not place the onus for reaching the goals solely on regional transportation plans. The commenter incorrectly implies that the goals from the Executive Orders are thresholds of significance in the EIR. They are not. Reaching the goals of the Executive Orders will involve contributions from many plans, including those listed on p. 2.5-60, as well as CARB's own acknowledgement of a need for new technologies and

strategies to reach the goals, cited on the same page. The significance threshold in the Draft EIR requires the proposed Plan to not impede other efforts working toward the Executive Orders' goals; it does not require the proposed Plan to reach these goals on its own. Furthermore, the Executive Orders are only binding on State Agencies, not regional planning agencies such as MTC and ABAG.

By attaining the GHG emissions reductions targets for the Bay Area set by CARB, and avoiding a net increase in emissions from transportation and land use, the proposed Plan is in fact making a significant contribution toward meeting the goals. CARB assigned GHG targets at levels appropriate to attain the larger statewide effort to hit the 2050 goals. Commenter's quarrel appears to be with CARB as standard-setter, not with MTC and ABAG as standard-meeter.

B29-13: See response B29-4 regarding the comment that the proposed Plan is in direct conflict with the goals of SB 375.

As preliminarily confirmed by CARB, the Plan complies with SB 375 and the Scoping Plan targets for the Bay Area. As explained in the Draft EIR, the Plan will not interfere with any applicable plan, policy, or regulation adopted for the purpose of reducing GHG emissions; thus, the analysis and conclusions under Impact 2.5-4 are correct. Commenter's disagreement with the significance determinations is not a basis for overturning an EIR that is supported by substantial evidence – such as the Plan's Draft EIR. Pursuant to CEQA, “substantial evidence” includes “fact, a reasonable assumption predicated upon fact, or expert opinion supported by fact.” (Pub. Resources Code, § 21080, subd. (e)(1); CEQA Guidelines, § 15834, subd. (b).) Substantial evidence is *not* conjecture, nor is it speculation or unsubstantiated opinion or narrative. (CEQA Guidelines § 15384(a).)

“Challenges to the scope of the analysis, the methodology for studying an impact, and the reliability or accuracy of the data present factual issues, so such challenges must be rejected if substantial evidence supports the agency's decision as to those matters and the EIR is not clearly inadequate or unsupported.” (*Federation of Hillside & Canyon Assns. v. City of Los Angeles* (2000) 83 Cal.App.4th 1252, 1252.) Here, substantial evidence supports the conclusions in the Draft EIR. Where substantial evidence supports the agency's findings, the agency's actions must be upheld. (*N. Coast Rivers Alliance v. Marin Municipal Water District Bd. of Dirs.* (2013) 216 Cal.App.4th 614; see also *El Morro Community Assn. v. Cal. Dept. of Parks and Recreation* (2004) 122 Cal.App.4th 1341, 1349 [court must uphold the EIR “*if there is any substantial evidence in the record to support the agency's decision that the EIR is adequate and complies with CEQA*”] (italics added).).

B29-14: CARB set the SB 375 target metric – per capita greenhouse gas (GHG) emissions relative to 2005 – and the numerical value of the SB 375 target for the Bay Area. ARB consulted with MTC as part of the target setting process and MTC agreed to a greater GHG reduction than initially proposed by CARB.

B29-15: See responses B29-7 and B29-13.

- B29-16: The Bay Area Air Quality Management District's May 2011 Air Quality Guidelines recommend that the 6.6MT threshold referenced in this comment only "be applied to general plans." In those same Air Quality Guidelines, the Air District recommends that "Regional Plans" such as transportation and air quality plans should use a "No net increase in emissions of GHGs....." which is the threshold used in the SCS/RTP Draft EIR. This threshold is more stringent than the 6.6MT threshold. See also response B29-8 regarding a lead agency's discretion in adopting significance thresholds for the EIR.
- B29-17: The comment requests the definitions of MMTCO<sub>2e</sub> and MTCO<sub>2e</sub> be defined on Table 2.5-1. The footnote requested is added to Table 2.5-1, as detailed in Section 2 of this Final EIR.
- B29-18: The subject of the charts referenced by commenter is the relationship between emissions in 1990 and 2050. The best available data MTC and ABAG have for making these estimates are the simulation results for 2005 and 2040. The charts clearly depict the observed data (the markers) and the trends (the dashed lines). Importantly, greenhouse gas emissions from any specific sector cannot be measured directly, meaning it is impossible to "verify" the emissions from 1990 or 2010 any other year.
- B29-19: The forecasted changes in mode share as a result of the Plan can be found in Table 2.1-13 on page 2.1-29, demonstrating that transit and walk mode share are expected to grow while drive alone mode share is expected to decline over the life of the Plan.
- B29-20: This comment addresses MTC's Regional Express Lane Network project and its description in the various Plan Bay Area documents. Because of the complexity and regional scope of this project, both the overall network and the individual components of that network are included in the various Plan Bay Area project listings. The overall Regional Express Lane Network is reflected in the Plan Bay Area analysis under RTPID #240741, with a total cost of \$6.7 billion. Individual line items reflect the various components included in the \$6.7 billion cost, which include specific express lane project segments (e.g. individual construction projects) and network-oriented funding allocations. Regional grant funding (RTPID #240732) is one of these network-oriented funding allocations; it represents the subset of express lane funding coming from regional discretionary sources, rather than from network-generated toll revenues.

With regard to the specific comments on each of the documents:

- The full cost of the network is included in the Draft Plan Bay Area document on page 13; text cited on page 82 refers only to the grant funding discussed above.
- Construction funding is included under the individual express lane segments in Appendix C.
- Grant funding (RTPID #240732) is not shown as operational by 2040 as it is a funding line item, rather than an operational segment of the network. Note that the online project database included an administrative error; as shown in the other documents (e.g. Appendix C), the \$600 million in grant funding comes entirely from regional discretionary sources.
- The online database also included an administrative error for the overall network (RTPID #240741); the regionally significant box should have been checked, as the

network was included in the Draft EIR and air quality conformity analyses. Project completion dates are not shown in the overall network project information page. This data is more appropriately reflected under each of the individual express lane segments (as the network will be phased in over a number of years).

Pages 3.1-5 through 3.1-9 identify which EIR alternatives include MTC's Regional Express Lane Network; Appendix C identifies the specific RTPIDs included in each alternative.

B29-21: The Plan Bay Area performance targets are not significance criteria for the EIR impacts. Instead, they were designed to establish goals for the planning effort and to compare scenarios against a set of regional objectives. The performance targets would not have served the primary purpose of EIR significance criteria – to identify whether the proposed project results in significant impacts compared to existing conditions – as the performance targets are designed to reflect visionary goals. For example, the Draft Plan reduces VMT per capita; this led to a “no adverse impact” finding under Impact Criterion 2.1-4 because it is improving conditions for this measure. However, at the same time, it falls short of the 10 percent reduction targeted for the Plan. Failure to achieve a subset of the regional performance targets does not represent an impact required for analysis in the Draft EIR.

As noted by the Commenter, the lead agencies have considerable discretion to decide which significance threshold to apply to an impact. If supported by substantial evidence, that threshold is adequate, regardless of whether a petitioner proposes an alternative threshold. (*Citizens for Responsible Equitable Environmental Development v. City of Chula Vista* (2011) 197 Cal.App.4th 327, 335-336 (*CREED*) [rejecting petitioner's argument that the City erred by failing to apply a different significance threshold]; (*California Oak Foundation v. Regents of University of Cal.* (2010) 188 Cal.App.4th 227, 282 [rejecting argument that a lead agency used the incorrect significance threshold]; *National Parks & Conservation Assn. v. County of Riverside* (1999) 71 Cal.App.4th 1341, 1356-1357 [upholding the County's biological significance threshold as supported by substantial evidence].) Here, MTC/ ABAG operated within its discretion when it adopted the GHG significance thresholds identified in the EIR and its selected thresholds are supported by substantial evidence. (See also *N. Coast Rivers Alliance v. Marin Municipal Water District Bd. of Dirs.* (2013) 216 Cal.App.4th 614 [upholding a GHG threshold based upon whether the project would interfere with the lead agency's goal of reducing GHG emissions to 15 percent below 1990 levels by 2020.] Commenter's opinion that a different threshold would have been preferred does not render the Draft EIR inadequate. (*CREED, supra*, 197 Cal.App.4th 327, 335-336 (*CREED*) [rejecting petitioner's argument that the City erred by failing to apply a different significance threshold].)

See also Comment 29-8 regarding a lead agency's discretion in adopting thresholds of significance.

B29-22: The forecasted changes in mode share as a result of the Plan can be found in Table 2.1-13 on page 2.1-29. Refer to response B29-21 regarding why impact criteria often must be different to planning targets.

To clarify the per-capita VMT reduction results, the Draft Plan achieves a 9 percent reduction in VMT per capita between 2005 and 2040 (as cited in the Draft Plan performance

target results) and a 6 percent reduction in VMT per capita between 2010 and 2040 (as cited in the Draft EIR). This is due to the differing baselines between the performance targets (year 2005 as mandated by MTC Resolution 3987) and the EIR (year 2010 as described on Draft EIR page 1.1-9).

- B29-23: Detailed documentation of the MTC travel model is available in the *Travel Model Development: Calibration and Validation Technical Report*<sup>13</sup>. The model's estimates of VMT rely on behavioral models applied to individual travelers, not historical trends. Table 13 in the *Summary of Predicted Traveler Responses* document demonstrates the model's ability to represent the decline in GHG emissions from 2005 to 2010. The VMT which is assigned to the roadway network (see also comment B29-24) declines from 151,701,000 (not shown in the EIR) to 149,046,000 (see pp. 2.1-10) between 2005 and 2010.
- B29-24: As noted on page 57 of the *Summary of Predicted Traveler Responses* report, MTC maintains several estimates of vehicle-miles traveled (VMT). The comment's claim that the "transportation analysis excludes intrazonal travel" is inaccurate. Only the analyses of roadway characteristics, such as vehicle hours of delay, ignore intrazonal travel (this is explicitly footnoted in each relevant table). Intrazonal travel, which occurs entirely within (as opposed to between) the spatial units of the MTC travel model, occurs on abstract representations of roadways that do not allow for explicit calculations of delay. Presenting the information in this way allows the reader to understand the amount of travel associated with the delay estimates. MTC and ABAG do not believe this approach "distorts the overall results" or "fails to provide the fine-grained detail needed to evaluate the multimodal performance of PDA policy sets." Estimates of automobile ownership, trip length, mode share, and transit boardings consider intrazonal travel.
- B29-25: See responses B29-5 and B29-8. A 15 percent reduction in per-capita GHG reductions projected for 2040 does not interfere with attaining the state's adopted goal of an 80 percent reduction by 2050. While the reduction estimated for 2040 is not equal to the goal for 2050, it demonstrates progress towards the goal, which is more than 35 years from time of the Plan's adoption and 10 years past the Plan's horizon year.
- Commenter's disagreement with the significance determinations is not a basis for overturning an EIR that is supported by substantial evidence – such as the Plan's Draft EIR. Pursuant to CEQA, "substantial evidence" includes "fact, a reasonable assumption predicated upon fact, or expert opinion supported by fact." (Pub. Resources Code, § 21080, subd. (e)(1); CEQA Guidelines, § 15384, subd. (b).) Substantial evidence is *not* conjecture, nor is it speculation or unsubstantiated opinion or narrative. (CEQA Guidelines § 15384(a).) See also Comment 29-8 regarding a lead agency's discretion in adopting thresholds of significance
- B29-26: See responses B29-5, B29-8, B29-11, B29-12 and B29-25.

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<sup>13</sup> [http://mtcgis.mtc.ca.gov/foswiki/pub/Main/Documents/2012\\_05\\_18\\_RELEASE\\_DRAFT\\_Calibration\\_and\\_Validation.pdf](http://mtcgis.mtc.ca.gov/foswiki/pub/Main/Documents/2012_05_18_RELEASE_DRAFT_Calibration_and_Validation.pdf)



- B29-27: Refer to response B29-21 for an explanation of why the transportation performance targets were not used as transportation impact criteria. See also responses B29-5, B29-8, B29-11, B29-12 and B29-25
- B29-28: Pursuant to Public Resources Code section 21002, the reason for adopting feasible mitigation measures is to “avoid or substantially lessen” significant adverse environmental impacts. Thus, once an agency has adopted sufficient measures to at least “substantially lessen” such significant impacts, “the agency need not, under CEQA, adopt every nickel and dime mitigation scheme brought to its attention or proposed in the project EIR, let alone proposed in some other EIR.” (*San Franciscans for Reasonable Growth v. City and County of San Francisco* (1989) 209 Cal.App.3d 1502, 1519; *A Local & Regional Monitor v. City of Los Angeles* (1993) 12 Cal. App. 4th 1773, 1809.) None of the components of Alternative 5 recommended by the commenter would reduce a significant impact to a less than significant level or otherwise substantially lessen the significant environmental effects of the proposed Plan. In fact, Alternative 5 would not lessen any of the proposed Plan’s significant and unavoidable impacts to a less than significant level. Therefore, MTC and ABAG need not adopt the suggested measures.

The case cited by commenter, *City of Marina v. Board of Trustees of California State University* (2006) 39 Cal.4th 341, does not compel MTC and ABAG to adopt the listed components of Alternative 5. In *City of Marina*, the issue was whether or not the respondent university had the authority to implement mitigation measures to reduce impacts occurring outside of its jurisdiction. There, the university refused to provide funding for off-site infrastructure that its expansion plans would need, based on the determination that the university lacked the legal authority to contribute these funds. The Court held the university’s determination was incorrect, that the university did, in fact, have such authority, and that the university had to reconsider its refusal because it was based on an incorrect legal premise. (*Id.* at pp. 356-363.) However, the Court also acknowledged that CEQA’s general duty to mitigate does not translate into the authority to do so. Citing Public Resources Code section 21004, the Court expressly stated that CEQA did not expand on the university’s authority to impose mitigation on those beyond its statutory control. (*Id.* at p. 367.)

Moreover, Commenter simply presumes its suggested mitigation measures are legally feasible. Commenter is incorrect. Public Resources Code section 21061.1 defines “feasible” to mean “capable of being accomplished in a successful manner within a reasonable period of time, taking into account economic, environmental, social, legal, and technological factors.” CEQA Guidelines section 15364 adds another factor to that definition: “legal” considerations. (See also *Citizens of Goleta Valley v. Bd. of Supervisors* (“*Goleta II*”) (1990) 52 Cal.3d 553, 565.)

The concept of “feasibility” also encompasses the question of whether a particular alternative or mitigation measure promotes the underlying goals and objectives of a project. (*City of Del Mar v. City of San Diego* (1982) 133 Cal.App.3d 410, 417.) Moreover, “‘feasibility’ under CEQA encompasses ‘desirability’ to the extent that desirability is based on a reasonable balancing of the relevant economic, environmental, social, legal, and technological factors.” (*Ibid.*; see also *Sequoyah Hills Homeowners Assn. v. City of Oakland* (1993) 23 Cal.App.4th 704, 715.) The commenter fails to point to a significant impact that would be

significantly lessened by the proposed mitigations and does not support the assertion that the proposed mitigations are feasible.

Amongst many other factors that MTC and ABAG must consider in determining feasibility, the economic feasibility of the commenter's proposed mitigations raises serious doubts. The funding may not be available to support the commenter's proposed additional investments. Overall, the implementation of the proposed Plan would require a subsidy of \$800 million per year, compared to a subsidy of \$2.4 billion per year needed to implement Alternative 5. MTC and ABAG will consider all relevant factors in determining feasibility of the proposed Plan or one of the proposed alternatives.

B29-29: See response B29-24 explaining that Impact 2.1-4 is already less than significant because the Plan would reduce per-capita VMT. Thus, even if increasing the supply of bus transit would reduce VMT slightly more, it would not reduce a significant impact to less than significant. MTC recognizes that Alternative 5 (Environment, Equity, and Jobs - EEJ) was forecasted to have the lowest total levels of daily VMT of the EIR alternatives analyzed (refer to Table 3.1-8); however, this is primarily due to the simulated population rather than the land use and transportation strategies included in that alternative.

As indicated on pages 3.1-25 and 3.1-29 of the Draft EIR, it is essential to use simulated population to calculate VMT per capita, as the travel forecasts for a given alternative are based on the simulated population. When different scenarios are run through UrbanSim and the travel model, the simulated populations in 2040 end up being slightly different. In this case, the simulated population for Alternative 5 ended up slightly lower than the proposed Project. Had Alternative 5's simulated population been equivalent with the Proposed Plan's simulated population, that alternative would have had a slightly higher total VMT than the Proposed Plan, as its VMT per capita is slightly higher than the Proposed Plan. Therefore, while Alternative 5 does succeed in outperforming the Proposed Plan on other key metrics, such as transit ridership growth (as shown on Draft EIR page 3.1-24), the Draft EIR analysis does not support this comment's claim that the strategies in the EEJ alternative would lead to significantly lower levels of VMT. See also response B29-28.

B29-30: See response B29-28. The commenter implies that CEQA requires MTC and ABAG to select the "least impactful alternative." The commenter is incorrect. Pursuant to CEQA a lead agency may reject a project alternative that is incapable of avoiding or substantially lessening the proposed project's potentially significant and unavoidable impacts. (See *Laurel Hills Homeowners Association v. City Council* (1978) 83 Cal.App.3d 515, 521.) The Draft EIR identified Alternative as the environmentally superior alternative because it performed marginally better in terms of GHG emissions reductions. Alternative 5 does not, however, reduce any of the proposed Plan's significant impacts to less than significant. MTC and ABAG are under no obligation to adopt Alternative 5 or to incorporate aspects of Alternative 5 into the proposed Plan.

In determining whether to adopt or reject an environmentally superior alternative, CEQA permits a lead agency to consider the ability of an alternative to fulfill the project objectives. (*Sequoyah Hills Homeowners Assn. v. City of Oakland* (1993) 23 Cal.App.4th 704, 715 [decision makers may reject an alternative that does not fully satisfy the objectives associated with a

proposed project]; *Sierra Club v. County of Napa* (2004) 121 Cal.App.4th 1490, 1507-1508 [upholding findings rejecting reduced density alternative because it met some but not all of the applicant’s project objectives]; *California Native Plant Society v. City of Santa Cruz* (2009) 177 Cal.App.4th 957, 1000–1001 [court found that the lead agency was legally justified in rejecting environmentally superior alternatives because they were undesirable from a policy standpoint because they failed to achieve what the agency regarded as primary objectives of the project].)

Decision-makers enjoy considerable discretion in determining whether a particular alternative set forth in an EIR, including the environmentally superior alternative, is “infeasible” and thus may be rejected without violating CEQA. As the California Supreme Court has emphasized, “[t]he wisdom of approving . . . any development project, a delicate task which requires a balancing of interests, is necessarily left to the sound discretion of the local officials and their constituents who are responsible for such decisions. The law as we interpret and apply it simply requires that those decisions be informed, and therefore balanced.” (*Citizens of Goleta Valley v. Board of Supervisors* (1990) 52 Cal.3d 553, 576 (*Goleta II*).) As stated in the concurring opinion in *California Native Plant Society v. City of Santa Cruz* (2007) 177 Cal.App.4th 957, CEQA does not require an agency to choose the environmentally superior alternative. It simply requires the agency to consider environmentally superior alternatives, explain the considerations that led it to conclude that those alternatives were infeasible, weigh those considerations against the environmental harm that the proposed project would cause, and make findings that the benefits of those considerations outweighed the harm. (177 Cal.App.4th at pp. 1000-1001 (conc. opn. of Mihara, J.).)

B29-31: The MTC travel model predicts household automobile ownership levels; this estimate is referred to as “Average Vehicles per Household”. Within the MTC travel model, it is possible for a household to own a vehicle, but not use it on the typical weekday simulated in the model. The MTC travel model provides estimates of vehicle miles traveled to the ARB EMFAC software. In order to compute emissions, EMFAC translates this VMT estimate into a number of vehicles on the roadway, which is referred to as “Vehicles in Use”. This is an estimate of the number of vehicles traveling on the typical weekday simulated in the model. MTC and ABAG do not believe that the very small difference in the Average Vehicles per Household or Vehicles in Use metrics between the Proposed Plan Alternative and EEJ Alternative are meaningful. See also response B29-28.

B29-32: The comment requests that the Final SCS include policies that support car sharing, including as a requirement for One Bay Area Grant funding. The Draft Plan includes as part of the Climate Initiatives Program a project focused on expanding car sharing. This program would invest \$13 million to expand car-sharing services to ensure vehicles are available at high-demand locations, and to expand services in suburban communities. Additional requirements for future rounds of OBAG grants will be considered by the MTC Commission when the policies and procedures for those rounds of grants are developed. Additional policy requirements above those already included in the OBAG are not being contemplated as part of the Plan Bay Area adoption. See also response B29-28.

B29-33: The comment states that the Final EIR must study an alternative that eliminates all highway capacity-increasing projects not yet under contract. The Draft EIR includes an alternative

(Alternative 5, the Environment, Equity and Jobs Alternative) that eliminates all highway capacity-increasing projects that were determined to be “uncommitted” by MTC’s Committed Policy, *Resolution 4006*. The Committed Policy significantly expanded the number of projects determined to be uncommitted as compared to past long range plans. MTC believes the Committed Policy, as defined in *Resolution 4006*, is the most reasonable way to define those projects that are sufficiently through project development so as to be committed, as well as those projects that are entirely locally funded and thus not under regional discretion. See response 25-20 regarding the adequacy of the range of alternatives analyzed in the EIR.

B29-34: Detailed project performance analytical results can be found in the Plan Bay Area Draft Performance Assessment Report; the quantified benefits of both projects support the benefit-cost ratio findings deemed “unbelievable” by this particular comment. Refer to the response C153-9 regarding how the proposed transit investments and land use pattern would be expected to grow transit mode share in light of historical trends.

The Draft EIR already includes an alternative that does not include funding for the BART extension from North San Jose/Berryessa to Santa Clara: the No Project alternative. Furthermore, MTC allowed stakeholder organizations to develop two of the EIR alternatives during the scoping process (Alternatives 4 & 5) and reallocate any uncommitted funding. However, these stakeholders decided not to remove any public transit projects from the Plan, instead focusing their efforts on reallocating highway project funding towards other priorities.

B29-35: The comment states that MTC must develop an oversight plan to ensure that the capital and operating funds for BART and Muni achieve maximum reduction of impacts and maximum benefits for the region. Following the adoption of the last RTP, *Transportation 2035*, MTC embarked on the Transit Sustainability Project, aimed at providing Bay Area residents with an efficient, convenient and reliable transit system. The TSP final recommendations include a specific set of performance targets for the large transit agencies, including BART and Muni. In addition, the Transit Performance Initiative includes a program that rewards transit agencies for improvements in overall passenger volumes and service effectiveness.

B29-36: The comment suggests strategies to secure additional funding for transit operations to support Alternative 5, the Environment, Equity and Jobs alternative. Additional funding for transit operations will be considered as MTC and ABAG deliberate the Final Plan Bay Area.

B29-37: The comment suggests considering policies included in the 2005 Smart Growth Alternative evaluated as part of *Transportation 2035* as potential mitigation measures to add to Plan Bay Area. The 2005 Smart Growth Alternative included a broad network of rapid buses and commuter rail in the North Bay. The proposed Plan would, like the two preceding Regional Transportation Plans, invest over 60 percent of all transportation revenue in transit, which includes commitments to the continued operation of the considerable express bus service that operates in the express lane corridors. In addition, the proposed Plan includes a number of new bus rapid transit projects. Regarding commuter rail in the North Bay, the proposed Plan includes implementation of the first two phases of SMART, and funds to conduct

environmental studies and design for the third phase. (See RTP project #s 22001, 240736, and 240737.)

There is no evidence to suggest that a proposed EIR alternative from 2005 that was evaluated under a previous EIR for a Regional Transportation Plan – one that did not include a Sustainable Communities Strategy as this one does – would reduce any of the proposed Plan’s significant impacts. Pursuant to Public Resources Code section 21002, the reason for adopting feasible mitigation measures is to “avoid or substantially lessen” significant adverse environmental impacts. Thus, once an agency has adopted sufficient measures to at least “substantially lessen” such significant impacts, “the agency need not, under CEQA, adopt every nickel and dime mitigation scheme brought to its attention or proposed in the project EIR, let alone proposed in some other EIR.” (*San Franciscans for Reasonable Growth v. City and County of San Francisco* (1989) 209 Cal.App.3d 1502, 1519; *A Local & Regional Monitor v. City of Los Angeles* (1993) 12 Cal. App. 4th 1773, 1809.)

See response B25-20 regarding the adequacy of the range of alternatives analyzed in the EIR.

- B29-38: Commenter suggests that MTC and ABAG should adopt the mitigation measures adopted by SCAG for its SCS. The commenter attaches an appendix that lists a multitude of mitigation measures that are specific to SCAG’s SCS. MTC and ABAG’s duty to condition project approval on incorporation of feasible mitigation measures only exists when such measures would “substantially lessen” a significant environmental effect. (§ 21002; Guidelines, § 15021, subd. (a)(2).) The commenter does not suggest any specific mitigation measures nor is there any evidence that the SCAG measures would reduce impacts caused by the Plan, which is a totally different project in a different region. MTC need not, under CEQA, adopt every “nickel and dime mitigation scheme” brought to its attention, let alone measures proposed in some other EIR for a different project. (*San Franciscans for Reasonable Growth v. City and County of San Francisco* (1989) 209 Cal.App.3d 1502, 1519; *A Local & Regional Monitor v. City of Los Angeles* (1993) 12 Cal.App.4th 1773, 1809.)
- B29-39: The comment suggests including as a mitigation a requirement to adopt a comprehensive parking policy that discourages private vehicle use and encourages the use of alternative transportation. There is no evidence indicating that the suggested policy would reduce any of the project’s significant impacts. Furthermore, parking policies and mitigation measures are controlled by local jurisdictions. See Master Response A.1 and A.3 regarding local control over land use and the level of specificity in the EIR.
- B29-40: The comment suggests including as a mitigation a requirement to build or fund a major transit stop within or near development. The comment lacks specificity. See Master Response A.1 and A.3 regarding local control over land use and the level of specificity in the EIR. See also response B29-39. Moreover, the proposed Plan is built around Priority Development Areas (PDAs). In order to qualify to be a PDA, an area must be within ½ mile of a transit stop with peak headways of 20 minutes or less.
- B29-41: The comment lacks specificity and fails to indicate how the proposed measure would reduce environmental impacts. See Master Response A.1 and A.3 regarding local control over land use and the level of specificity in the EIR. See also response B29-39. Moreover, the Plan

includes, as one of the Climate Initiatives Programs, implementation of the Commuter Benefit Ordinance. Senate Bill 1339 authorizes the Bay Area Air Quality Management District and MTC to jointly adopt a regional commuter benefit ordinance as a means to reduce GHG emissions and to improve air quality. Commuter benefits would include pre-tax benefit programs, employer-provided subsidies, free shuttles or vanpools, or an employer-chosen alternative that would provide an equal or greater benefit in terms of reducing GHG emissions. Implementation of the Commuter Benefit Ordinance is included as Mitigation 2.1(b) in the Draft EIR.

- B29-42: The comment suggests including a mitigation to incorporate bicycle lanes, routes and facilities into street systems, new subdivisions and large developments. The One Bay Area Grant program requires jurisdictions adopt a Complete Streets policy in order to be eligible for OBAG funding. This requirement provides an incentive for jurisdiction to incorporate the mitigation measure suggested.
- B29-43: The comment suggests including a mitigation to require amenities for non-motorized transportation. As noted in the response B29-42, the One Bay Area Grant program requires jurisdictions adopt a Complete Streets policy in order to be eligible for OBAG funding. This comment requests an additional level of requirement that is more appropriately determined and implemented at the local level. See Master Response A.1 and A.3 regarding local control over land use and the level of specificity in the EIR.
- B29-44: The comment suggests including a mitigation to require Best Available Control Technology during construction as a GHG mitigation. Mitigation measure 2.2(a) does require implementing agencies and/or project sponsors where feasible based on project- and site-specific considerations include, but are not limited to best management practices. See pages 2.2-34 and 2.2-35 in the Draft EIR for a full list of best management practices. See Master Response D.1 regarding GHG emissions reductions under SB 375.
- B29-45: The comment suggests including a mitigation requiring sponsors of commercial uses to submit a Transportation Demand Management plan containing strategies to reduce on-site parking demand and single occupancy vehicle travel. Many local jurisdictions already require TDMs for various types of commercial development. MTC and ABAG believe such a requirement is more appropriately determined and implemented at the local level. See Master Response A.1 and A.3 regarding local control over land use and the level of specificity in the EIR. See also response B29-39.
- B29-46: The comment suggests including a mitigation that local jurisdictions may prioritize transportation funding to support a shift from private passenger vehicles to transit and other modes of transportation. Local jurisdictions have considerable autonomy regarding how they program transportation funds. It is not clear what additional benefits this mitigation would provide. See Master Response A.1 and A.3 regarding local control over land use and the level of specificity in the EIR. See also response B29-39.
- B29-47: See response B29-39.

**Letter B30 Sierra Club Marin (5/16/2013)**

- B30-1: MTC and ABAG appreciate Sierra Club Marin Group’s clarification concerning the focus of its comments.
- B30-1.2: MTC and ABAG are charged under SB 375 and related planning requirements with preparing a Sustainable Communities Strategy for the nine-county Bay Area. This EIR evaluates Plan Bay Area as a single, regional project and assesses its impacts at a regional level across all nine counties, which is consistent with CEQA provisions regarding program EIRs. The individual projects that may result from the Plan - transportation improvements and land use development – must comply with CEQA on a project-specific basis. A county-level evaluation of the proposed Plan and its impacts would be at a greater level of detail than required. Impacts have been assessed at a regional level and a conceptual localized level. County level information has been provided in the EIR when feasible, but does not represent an obligation to evaluate all impacts at that level. This Draft EIR does evaluate resources in Marin and the environmental consequences associated with implementation of the proposed Plan and includes, in tables reporting findings, effects that may occur in Marin County. Moreover, to the extent Marin County, or a local jurisdiction therein, adopts or revises local land use plans to implement the proposed Plan, those second-tier plans would also need to comply with CEQA. See Master Response A.3 regarding the level of specificity in the EIR.
- B30-1.5: This Draft EIR includes a systematic evaluation of alternatives at a level of detail adequate to provide a meaningful comparison. The transportation modeling, for example, provided information that allowed for numerical comparisons among alternatives not only for specific transportation impacts, but also for air quality, energy consumption and greenhouse gas emissions. Consistency with local General Plans, Conservation Plans and other planning documents also was assessed, and community character was considered in the evaluation of visual resources. It is true that the established goals of Marin’s environmental organizations were not examined in detail as they are not part of the “regulatory setting” as defined in CEQA Guidelines. See Master Response A.3 regarding the level of specificity in the EIR.
- B30-2: MTC and ABAG respectfully disagree with the comment that this Draft EIR should “isolate and evaluate each proposed project area” in detail. This is a program-level assessment, not a project level environmental document. Guidance for this approach to the EIR comes from CEQA Guidelines which state: “Where individual projects are, or a phased project is, to be undertaken and where the total undertaking comprises a project with significant environmental effect, the lead agency shall prepare a single program EIR for the ultimate project as described in [CEQA Guidelines] section 15168.” (CEQA Guidelines, § 15165; see also Pub. Resources Code, § 21093, subd. (b) [EIRs “shall be tiered whenever feasible”].)

The CEQA Guidelines use the term “program” to mean “a series of actions that can be characterized as one large project” and can be “related either: (1) geographically; (2) as logical parts in the chain of contemplated actions; (3) in connection with the issuance of rules, regulations, plans, or other general criteria to govern the conduct of a continuing program; or (4) as individual activities carried out under the same authorizing statutory or regulatory authority and having generally similar environmental effects that can be mitigated



in similar ways.” (CEQA Guidelines, § 15168, subd. (a).) As the leading California Supreme Court decision addressing program EIRs explains:

A program EIR ... is “an EIR which may be prepared on a series of actions that can be characterized as one large project” and are related in specified ways. (Cal. Code Regs., tit. 14, § 15168, subd. (a).) An advantage of using a program EIR is that it can “[a]llow the lead agency to consider broad policy alternatives and program wide mitigation measures at an early time when the agency has greater flexibility to deal with basic problems or cumulative impacts.” (Id., § 15168, subd. (b)(4).) Accordingly, a program EIR is distinct from a project EIR, which is prepared for a specific project and must examine in detail site-specific considerations. (Id., § 15161.) Program EIR’s are commonly used in conjunction with the process of tiering. (See *Laurel Heights Improvement Assn. v. Regents of the University of California*, supra, 47 Cal.3d at p. 399, fn. 8.) Tiering is “the coverage of general matters in broader EIRs (such as on general plans or policy statements) with subsequent narrower EIRs ...” (Cal. Code Regs., tit. 14, § 15385.) Tiering is proper “when it helps a public agency to focus upon the issues ripe for decision at each level of environmental review and in order to exclude duplicative analysis of environmental effects examined in previous environmental impact reports.” (Pub. Resources Code, § 21093, subd. (a); see also Cal. Code Regs., tit. 14, § 15385, subd. (b).) In addressing the appropriate amount of detail required at different stages in the tiering process, the CEQA Guidelines state that “[w]here a lead agency is using the tiering process in connection with an EIR for a large-scale planning approval, such as a general plan or component thereof ... , the development of detailed, site-specific information may not be feasible but can be deferred, in many instances, until such time as the lead agency prepares a future environmental document in connection with a project of a more limited geographic scale, as long as deferral does not prevent adequate identification of significant effects of the planning approval at hand.” (Cal. Code Regs., tit. 14, § 15152, subd. (c).) This court has explained that “[t]iering is properly used to defer analysis of environmental impacts and mitigation measures to later phases when the impacts or mitigation measures are not determined by the first-tier approval decision but are specific to the later phases.” [Citation.] (*In re Bay-Delta Programmatic Environmental Impact Report* (2008) 43 Cal.4th 1143, 1169-1170.)

As an RTP/SCS, the proposed Plan is well-suited for a program EIR. Indeed, there is an argument that an agency preparing an RTP/SCS must prepare a program EIR. (CEQA Guidelines, § 15165.) At a minimum, programmatic review of an RTP/SCS is, as a matter of State policy, recognized and encouraged. (CEQA Guidelines, § 15183.5.)

Here, the proposed Plan is a long-term, regional-scale plan covering 101 cities and nine counties, over 150 major transportation projects, and many other transportation and land use projects over the next approximately 28 years. Accordingly, the EIR properly analyzes the Plan at a programmatic level. As such, the Plan does not include city, county, or site-

specific environmental analysis. Subsequent second-tier land use plans (such as city and county specific general plans) as well as project-specific CEQA analysis will be undertaken by implementing agencies. See Master Response A.3 for more information regarding the level of specificity in the EIR.

The proposed Plan also will not “override local jurisdiction decision-making”. See Master Response A.2, local control over land use. Finally, the EIR does include an extensive analysis of alternatives. The process of screening alternatives that were included in this analysis is described on pg. 3.1-2. Preliminary alternatives were vetted with local jurisdictions and available for public comment. Two of the alternatives were, in fact, developed by stakeholder groups, including environmental and equity stakeholders such as Public Advocates, Urban Habitat and Transform. Public comment on preliminary alternatives helped inform development of the final alternatives. The analysis of these alternatives, presented in Chapter 3.1, complies with CEQA and CEQA Guidelines.

B30-3: See Master Response D.2 regarding the connection between high-density housing near transit and reduced greenhouse gas emissions. The proposed Plan is a regional plan. See also Master Response A.1 regarding the program-level nature of the Draft EIR. Finally, MTC and ABAG will revisit the projections used to prepare the proposed Plan prior to adopting the next Bay Area RTP/SCS in 2017, and local consultation certainly will be part of the process as it has been in the past. Decision-making on the proposed Plan will take into account the environmental consequences described in this Draft EIR and the comparisons of alternatives. How GHG reductions will be achieved is addressed in detail in the methodology sections and the GHG reduction methodology has been preliminarily approved by the California Air Resources Board.. The accounting is comprehensive and as complete as needed for analysis of the thresholds of significance and the evaluation criteria presented. Both stationary (e.g., land use) and mobile sources (e.g., transportation) are included and forecasted emissions reductions under the proposed Plan separately consider GHG emissions from single-family residences, multi-family residences, and non-residential land uses as well as vehicle GHG emissions from passenger vehicles, trucks, buses and other vehicles. Moreover, the analysis is consistent with the requirement of measuring benefits related to SB 375 separately from technology and efficiency measures under the Scoping Plan of the California Air Resources Board. All of the supporting information on how the proposed Plan would achieve reductions is in Chapter 2.5. See Master Response D.1.

B30-4: The comment requests that an analysis of GHG emission reductions from “incentive funding” or “earmarks” within Marin County be included in this EIR. Because the proposed Plan does not include any County-specific “earmarks” or “incentive funding”, such County-level effects are not evaluated on an individual basis, nor are they compared under alternatives, including the No Project alternative. The Draft EIR considers the region as a whole, which is proper under CEQA Guidelines, so it does not evaluate the GHG emissions and emissions reductions specifically for Marin County, nor does it evaluate the GHG results related to the OneBayArea Grant (OBAG) program. OBAG, which represents 4.9 percent of funds in the Plan, is the incentive program included in the proposed Plan that provides incentives to encourage more development near high-quality transit and reward jurisdictions that produce housing and jobs (see proposed Plan, pages 73 through 75). Individual projects that will receive OBAG funding have not yet been identified. These

projects will be identified at the county-level through a separate process. The GHG analysis conducted for the Draft EIR evaluates regional impacts of the full program of transportation investments and land use development that will occur over the 28-year life of the Plan. The conclusions of that analysis are presented in Chapter 2.5.

B30-4.5: The Draft EIR evaluates how transportation investments affect GHG emissions, then separately considers impacts related to land use and development under the proposed Plan, and then considers combined impacts of transportation investments and land use development. Therefore, the EIR does not only consider GHG emissions resulting from transportation investments combined with land use changes. The results of the analysis for Criterion 2.5-2 report the GHG emissions reductions specific to land use (Table 2.5-8, Draft EIR page 2.5-53) separately from those specific to transportation (Table 2.5-9, Draft EIR page 2.5-55).

B30-5: See Master Response G regarding water supplies. Regarding desalination, no desalination is assumed for Marin County water supplies. Table 2.12-2 shows current supply and future supply for the Marin Municipal Water District (MMWD) remains the same (29,000 acre-feet per year). In fact, the MMWD Urban Water Management Plan, a source document for this EIR, states: *"In August of 2010, the District adopted Ordinance 420, which states that the District shall not approve construction, or financing for construction, of a desalination facility unless such construction is approved by a majority of District voters, voting in an election held within the District's service area for that purpose... The District's existing water supply sources, in combination with the conservation program, are projected to be sufficient to meet the needs of the MMWD service area for the planning horizon of this UWMP. As a result, the District does not intend to pursue desalination to augment water supplies at this time."* Moreover, as stated in *North Coast Rivers Alliance v. Marin Municipal Water District Board of Directors* (2013) 216 Cal.App.4th 614, the MMWD Board decided, as a matter of policy, even if a desalination plant is authorized by the voters in the future, MMWD will not develop a desalination plant unless all its electricity could be supplied from renewable sources. (*Id.* at p. 654.)

This EIR relies on the District's determination that long-term sources, in combination with the conservation program, are sufficient to meet long-term needs. The proposed Plan would accommodate roughly the same 2040 population as the No Project alternative. The proposed Plan results in 500 more households in Marin County than under the No Project scenario. Given the water supplies indicated by MMWD, it is extremely unlikely that additional water supplies will need to be acquired for projected growth under the proposed Plan.

The EIR does evaluate the consequences of Plan implementation on water supply and demand and concludes that the impacts would be significant and unavoidable at the regional scale. The analysis and conclusions are in Chapter 2.12, Public Utilities and Facilities. As the proposed Plan is a regional level plan, all analysis in the EIR is done on the regional scale. See response B30-1.2 and Master Response A.3 regarding the regional scale of the EIR analysis. An evaluation of water resources specific to Marin County is therefore outside the scope of the EIR. Please refer to Master Response G on water supply. Water supply and information specific to Marin County can be found in the Marin Municipal Water District's Urban Water Management Plan, which specifies water demands through 2035.

- B30-6: The EIR already includes an analysis at a programmatic level of the long-term impact of land use changes on natural habitat and ecosystems functions in the No Project alternative discussion on pgs. 3.1-97 and 3.1-98. See also responses B17-2, B17-3, and B17-9 regarding the scope of the biological resources impact analysis.
- B30-7: The proposed Plan does not include any County-specific guidelines for protecting and preserving the natural environment and rural lands within Marin, and this EIR does not include any analysis or conclusions about them.
- B30-8: MTC and ABAG agree that the preferred means of protection of sensitive wetlands and other natural resources is avoidance, and the mitigation measures for biological resources reflect that preference. The proposed Plan does not address this issue on a “site-by-site” basis. Mitigation Measure 2.9(a) sets forth proposed mitigation for these resources. This Draft EIR recognizes that site-by-site details of mitigation can only be worked out in the context of site-specific biological assessments. This is completely proper under CEQA. In fact, in *Clover Valley Foundation v. City of Rocklin* (2011) 197 Cal.App.4th 200, the Court stated that “deferring the formulation of the details of a mitigation measure [is authorized] where another regulatory agency will issue a permit for the project and is expected to impose mitigation requirements independent of the CEQA process so long as the EIR included performance criteria and the lead agency committed itself to mitigation.” (p. 237) Both judicial standards are met in this Draft EIR.
- B30-9: The EIR evaluates the effects of foreseeable sea level on households and employment centers within inundation zones (see Tables 2.5-18 through 2.5-21, which include quantification of those affected by sea level rise on a county-by-county basis). The 2050 time horizon is judged appropriate for the proposed Plan, which itself only has a 2040 time horizon. There is no statutory obligation to evaluate a 2100 time horizon. See Master Response E for more detail on the sea level rise analysis.
- B30-10: The proposed Plan does not include as an objective meeting targets in a specific County by focusing solely on bringing additional transportation services to where people currently live, so this idea is not evaluated as part of the Plan itself. The proposed Plan integrates transportation and land use planning, as per SB 375. The proposal is also not part of the final alternatives selected through the alternatives screening process described in Chapter 3.1. An EIR need only include reasonable alternatives that would avoid or substantially lessen any of the significant effects of the project; every conceivable alternative to a project need not be considered per CEQA Guidelines. Accordingly, the suggested additional analysis will not be included in this EIR.
- B30-11: The idea of allowing the population in Marin to decrease naturally is not one of the alternatives selected for evaluation in this EIR and MTC and ABAG do not believe that it must be added to this EIR. An EIR need only include reasonable alternatives that would avoid or substantially lessen significant effects of the project; every conceivable alternative to a project need not be considered per CEQA Guidelines. Furthermore, per SB 375 the Plan must be able to accommodate the region’s projected population in 2040 (see Master Response B.1 on population projections); a decrease in population in Marin County would have to be offset by greater population increases in the rest of the region.

- B30-12: The EIR analysis identifies areas that may be regularly inundated. The frequency and extent of inundation, as well as how each area may adapt to sea level rise is necessarily done at the local level and based on local considerations. However, the EIR does include an extensive analysis of adaptation strategies on pgs. 2.5-76 through 2.5-84, which represent guidelines for local actions. The Draft EIR states the sea level rise is a significant and unavoidable impact under Impact 2.5-5. Planning and implementation responsibilities for much of the mitigation proposed – the adaptation strategies - would rest with local governments and the land use authority they retain under the proposed Plan would not change, so responsibility for relocation would devolve to these jurisdictions under the mitigation measures proposed for this criterion. The proposed Plan would ask implementing agencies to require project sponsors to incorporate appropriate adaptation strategies into local transportation and land use projects. MTC and ABAG also will be formulating regional guidance to facilitate implementation of a regional sea level rise adaptation strategy. See Master Response E for more detail on the sea level rise analysis.
- B30-13: The request for additional economic analysis will be considered by MTC and ABAG as they review and consider action on the proposed Plan. This EIR does include an assessment of the environmental impacts of PDAs located in areas subject to increased risk of liquefaction under Impact 2.7-3. Liquefaction hazards are considered potentially significant, but with the incorporation of Mitigation Measure 2.7(b) the impact is found to be less than significant with mitigation.
- B30-14: Under Impact 2.12-2, localized effects of projected wastewater flows vs. wastewater treatment capacity, on a county-by-county basis, are assessed. In Marin, existing treatment capacity is shown to be more than sufficient (see Table 2.12-8). The EIR also states that the ability of individual treatment facilities to meet projected needs associated with population growth is beyond the range of this program EIR. The proposed Plan does not propose to resolve the increased stress from development on Marin's aging sewer system, so this potential action is not assessed in the EIR. At a regional scale, the EIR does state that wastewater treatment system impacts would be significant and unavoidable because MTC and ABAG cannot compel local agencies to adopt Mitigation Measure 2.12(d), which would require individual projects to, "ensure that the proposed development can be served by its existing or planned treatment capacity, and that the applicable NPDES permit does not include a Cease and Desist Order or any limitations on existing or future treatment capacity. If adequate capacity does not exist, the implementing agency must either adopt mitigation measures or consider not proceeding with the project as proposed." The EIR thus includes the information requested.
- B30-15: The proposed Plan does not include the guidelines for protecting and preserving existing community character in Marin, so the potential effectiveness of such guidelines is not analyzed in this EIR. The request to develop such guidelines will be considered by MTC and ABAG as part of the Plan review and adoption process. However, actions necessary to protect and preserve existing community character will ultimately rest with implementing agencies with local land use authority. See Master Response A.1 regarding local control over land use.

- B30-16: As noted in Response B30-1.5, this EIR includes a reasonable range of alternatives that would lessen environmental effects, as required by CEQA. The EIR does not need to address every conceivable alternative. The requested additional analysis is not being included in this EIR. MTC and ABAG appreciate receiving the selected recommendations from the *Community Marin 2013* document. The process of screening alternatives that were included in this analysis is described on pg. 3.1-2. Preliminary alternatives were vetted with local jurisdictions and available for public comment. Two of the alternatives were, in fact, developed by stakeholder groups, including environmental and equity stakeholders such as Public Advocates, Urban Habitat and Transform. Public comment on preliminary alternatives helped inform development of the final alternatives.
- B30-17: SB375 does not require Sustainable Communities Strategies to identify the price or subsidy associated with housing distributed to different locations in the region. Consistent with this, the Draft proposed Plan does not address the specific location of affordable housing. However, as noted above, the Draft proposed Plan distributes nearly all new housing and jobs within existing urbanized areas of the region. As a result, nearly all new housing for all income levels is distributed in the Draft Plan into existing neighborhoods.
- B30-18: This requested analysis will not be added to this EIR because it is not part of the proposed Plan and it is a socio-economic program, with socio-economic implications. This EIR focuses on environmental consequences as required by CEQA and CEQA Guidelines. The proposed Plan does not include a proposal to allow conversion of market rate housing to affordable housing because the housing distribution in the proposed Plan and other Sustainable Communities Strategies is not required by SB375 to specify the price or subsidy associated with housing distributed to different locations in the region. Purely socio-economic effects need not be considered in an EIR
- B30-19: See response B30-18.
- B30-19.5: ABAG and MTC acknowledge the importance of the concern raised in this comment—increasing affordable housing production to reduce VMT and allow workers to live close to their jobs. The proposed Plan identifies potential policy changes to increase affordable housing production through public action. Also see Master Response F on displacement and Master Response B.2 discussing the feasibility of the proposed Plan’s PDAs.
- B30-20: This comment requests the development of “guidelines so that planning actions and projects could reduce vehicle miles traveled /vehicle hours operated are allowed to count toward PBA jobs/housing goals, and include these in the PBA EIR.” This request argues that higher-paying jobs in Marin County could reduce work-related vehicle miles traveled. The Plan meets the region’s future housing needs at all income levels and focuses such growth in areas with existing jobs and projected future increased employment opportunities.
- B30-21: As noted in response B30-17, the housing distribution in the proposed Plan is not required by SB 375 to specify the price or subsidy associated with housing distributed to different locations in the region.
- B30-22: See Master Response C, Requests for Extension of Public Comment Period.

- B30-23: As responses B30-1 through B30-21 confirm, this EIR is a complete assessment of all potential environmental issues and includes substantial detail on reducing GHG emissions and reducing commute times. It does not address housing affordability for the reasons stated in response B30-17.
- B30-24: See Master Response E on sea level rise and Master Response A.1 on local land use control.
- B30-25: Many of the funds available for the proposed Plan have already been committed, but the proposed Plan clearly spends a majority of its discretionary revenues on transit and other strategies that will decrease GHG emissions—see the list starting on page 1.2-50 of the Draft EIR, which includes \$15 billion on transit capital, \$5 billion building new transit systems, and \$14 billion on OBAG which will promote transit-oriented development; these programs alone make up more than half of the available discretionary revenues.
- B30-26: Comment noted. See responses B30-2 and B30-16 for further discussion of the alternative selection process.

**Letter B31 League of Women Voters of Oakland (5/14/2013)**

- B31-1: Your support for the proposed Plan is acknowledged. The Draft EIR is a document designed to evaluate all possible environmental impacts and does not cover economic analysis, consistent with CEQA requirements.

**Letter B32 Council of Community Housing Organizations (5/16/2013)**

- B32-1: See Master Response F regarding displacement.
- B32-2: The commenter argues that the Draft Plan has not “fully satisfied the performance target to ‘house 100 percent of the region’s projected population growth by income level without displacing current low income residents.’” This comment does not raise an environmental issue to which a response is required under CEQA.

With respect to affordable housing, ABAG and MTC acknowledge the importance of increasing production and preservation in meeting the region’s long term demand. Pursuant to SB 375, the SCS identifies “areas within the region sufficient to house all the population of the region, including all economic segments of the population ... .” (Gov. Code § 65080(b)(2)(B)(ii).) The SCS does so by producing a land use pattern sufficient to accommodate RHNA and through ABAG’s and MTC’s efforts to support additional affordable housing production. This includes Chapter 6 of the Plan, which identifies strategies for facilitating greater affordable housing preservation and production in the region. Many of these efforts require policy changes at the state or federal level that are beyond the control of the regional agencies, who will act as advocates for these changes. The regional agencies are providing more direct support for affordable housing through the Transit Oriented Affordable Housing (TOAH) fund, which supports affordable projects in Priority Development Areas and the identification of Affordable Housing as an allowable use for future Cap and Trade funds.



See Master Response F, which addresses the issue of displacement in greater detail and identifies actions included in the Draft Plan to help address this challenge.

- B32-3: The Draft EIR found a potentially significant impact on localized displacement. The language cited in the comment regards regional effects of displacement; see response B32-2 regarding that issue. Regarding localized effects of displacement, the Draft EIR states, on page 2.3-36, that, “Locally, however, businesses may be disrupted and residents displaced as some areas transition to denser urban settings. Impacts of displacement or disruption would be most likely felt as a result of new development where the overall density changes most significantly, since in these areas the building type may be likely to change (e.g., from low or midrise to high rise buildings or from single family to multifamily housing). Changes in building type may impact the types of uses accommodated, the desirability or target market, as well as rents...Overall, implementation of the proposed Plan could result in potentially significant (PS) permanent localized displacement and disruption.”
- B32-4: The proposed Plan contains several policies to address localized displacement; see Master Response F, which addresses the issue of displacement in greater detail and identifies actions included in the Draft Plan to help address this challenge. Commenter’s concerns relate to the socio-economic effects of displacement, which are beyond the scope of the environmental analysis in the EIR, as discussed in detail in Master Response F.
- B32-5: The requested mitigation in this comment was reviewed by MTC and ABAG. The commenter requests actionable local measures to mitigate unspecified long-term displacement impacts. The suggested mitigation measure appears to target socio-economic impacts of displacement, which are beyond the scope of this EIR; it does not address a specific environmental impact and therefore is not integrated into the Final EIR. See Master Response F, which addresses the issue of displacement in greater detail and identifies actions included in the Draft Plan to help address this challenge.
- B32-6: The requested mitigation in this comment was reviewed by MTC and ABAG. It does not address a specific environmental impact and is not integrated into the Final EIR. MTC and ABAG have no authority to enact State-level reforms. See Master Response F, which addresses the issue of displacement in greater detail and identifies actions included in the Draft Plan to help address this challenge.
- B32-7: The requested mitigation measure in this comment was reviewed by MTC and ABAG. It does not address a specific environmental impact and is not integrated into the Final EIR. See Master Response F, which addresses the issue of displacement in greater detail and identifies actions included in the Draft Plan to help address this challenge.
- B32-8: See response B32-3 above regarding the Plan’s ability to house the population. The requested mitigation measures in this comment were reviewed by MTC and ABAG. They do not address a specific environmental impact identified in the Draft EIR and are not integrated into the Final EIR. See Master Response F, which addresses the issue of displacement in greater detail and identifies actions included in the Draft Plan to help address this challenge.

- B32-9: CEQA streamlining is a State mandate under SB 375 and beyond the scope of this project and of MTC and ABAG's authority. See Master response A.2 regarding CEQA streamlining under SB 375. As explained therein, due to the extensive list of criteria that must be met to achieve this exemption, the exemption will likely only be available in very limited circumstances. The entire City of San Francisco would not be exempt from CEQA under SB 375. Moreover, among other criteria, in order to achieve the exemption a project would need to meet both of the following: (A) At least 20 percent of the housing will be sold to families of moderate income, or not less than 10 percent of the housing will be rented to families of low income, or not less than 5 percent of the housing is rented to families of very low income; and (B) The transit priority project developer provides sufficient legal commitments to the appropriate local agency to ensure the continued availability and use of the housing units for very low, low-, and moderate-income households at monthly housing costs with an affordable housing cost or affordable rent, as defined in Section 50052.5 or 50053 of the Health and Safety Code, respectively, for the period required by the applicable financing. Rental units shall be affordable for at least 55 years. Ownership units shall be subject to resale restrictions or equity sharing requirements for at least 30 years. See Master Response A.3 regarding SB 375 streamlining and Master Response A.1 clarifying that the Plan will not preempt any local land use authority.
- B32-10: The comment's request is essentially granted in the language cited from the Draft EIR. Whenever the mitigation measure(s) for a potentially significant impact is accompanied with the statement that, "MTC and ABAG cannot require local implementing agencies to adopt mitigation measures," which occurs when a mitigation involves local land use control, the Draft EIR also says, "projects taking advantage of CEQA Streamlining provisions of SB375 (Public Resources Code sections 21155.1, 21155.2, and 21159.28) must apply the mitigation measures, as feasible, to address site-specific conditions." In other words, for a land development project to pursue SB 375 CEQA streamlining using this EIR, it must apply all of the applicable and feasible mitigation measures included in the EIR. See Master Response A.2 on CEQA streamlining for more information.
- B32-11: The commenter again suggests mitigation for unspecified impacts that appear to be socio-economic impacts. TPP eligibility and CEQA streamlining are functions of State law and not within the authority of MTC and ABAG. Furthermore, MTC and ABAG will not be adding this as a mitigation measure to Impact 2.3-1, as the comment appears to indirectly request, because the RHNA and Plan Bay Area are separate processes. See response B19-1 and Master Response F for more details. Furthermore, the proposed mitigation measure could actually allow a jurisdiction to underperform relative to RHNA affordability goals with the purpose of blocking CEQA streamlining of multi-family, mixed-use projects near transit, which are the types of projects that are more likely to provide an affordable cost of living to lower income households.
- B32-12: Your support for Alternative 5 is acknowledged and will be forwarded to MTC and ABAG. See responses B32-5, 6, 7, 8, 9, and 11.

**Letter B33      TRANSDEF (5/15/2013)**

- B33-1: This letter is a duplicate of letter B29; please see the responses to that letter.

**Letter B34      Citizens Committee to Complete the Refuge (5/16/2013)**

- B34-1:      PCAs are not intended to cover important open space and biological resources within the region and the designations do not supersede or in any way alter the existing federal, state, regional or local protection of lands within the region limit nor does it limit the manner in which additional lands may be protected in the future. Moreover, PCA locations are approximate and specific boundaries will be determined in consultation with appropriate agencies and jurisdictions during plan implementation. See response B17-38 for more information on PCAs.
- B34-2:      The proposed Plan is designed to direct all future growth within the existing urban footprint, including existing urban boundary lines, which may include open space which has already been designated for development at a local level. Furthermore, the location and boundaries of PDAs were designated by local jurisdictions and are beyond the decision-making ability of MTC and ABAG. Open space impacts are analyzed and mitigated in Chapter 2.3 of the Draft EIR. See Master Response I regarding the PDA process.
- B34-3:      The locations and extent of PCAs has not yet been fully determined. The commenter's request for specific PCA locations will be taken into consideration by MTC and ABAG during Plan implementation. Please see also response B34-1 and Master Response E for more information regarding sea level rise.
- B34-4:      MTC and ABAG believe that this EIR adequately evaluates and mitigates environmental impacts consistent with the requirements for a programmatic plan of this nature. See also Master Response A.3 regarding the level of specificity in the EIR.

**Letter B35      Safe Routes to School National Partnership**

- B35-1:      Commenter states that the only way to move closer to achieving the targets to reduce injuries and fatalities from collisions and to increase walking and bicycling is to make significant new investments in active transportation, coupled with investments in transit, and housing policies that encourage transit oriented development with affordable housing. The comment is noted. Decision-makers will consider the comment in evaluating the merits of the proposed Plan as well as the alternatives analyzed in the EIR.
- B35-2:      The commenter raises concerns regarding the ability of the proposed Plan and the other alternatives evaluated in the EIR to achieve a performance target established by MTC. The decision-makers will consider this comment in weighing the advantages and disadvantages of adopting the proposed Plan or one of the other alternatives included in the EIR.
- Commenter states that the only way to move closer to achieving the targets to reduce injuries and fatalities from collisions and to increase walking and bicycling is to make significant new investments in active transportation, coupled with investments in transit, and housing policies that encourage transit oriented development with affordable housing.
- The proposed Plan includes \$4.6 billion for bicycle and pedestrian improvements during the Plan period. The One Bay Area Grant program, \$14.6 billion over the life of the Plan, is

another fund source that can be used to pay for 'Complete Streets' projects. These projects can include stand-alone bicycle and pedestrian paths, bicycle lanes, pedestrian bulb-outs, lighting, new sidewalks, Safe Routes to Transit, and Safe Routes to Schools projects that will improve bicycle and pedestrian safety and travel.

In addition to this funding, cities and counties that wish to use OBAG grant funds must adopt a 'Complete Streets' resolution and in the future an updated general plan element to improve the delivery of Complete Streets projects serving all road users, including pedestrians and bicyclists. During MTC's last survey of project sponsors in 2006, over 55 percent of transportation projects surveyed already included complete streets elements. The resolution requirement is expected to increase the rate of complete street implementation.

- B35-3: The commenter requests greater investments to encourage walking and bicycling and notes that the proposed Plan and alternatives analyzed in the EIR fail to meet the target of increasing daily walking and bicycling by 70 percent. MTC and ABAG recognize that continuing to increase the average daily time walking or bicycling per person is an important project objective. While the proposed Plan does not achieve the target, it moves the region towards the objective by increasing daily walking and bicycling over baseline levels. Before taking any action on the Proposed Plan, the decision-makers will weigh the advantages and disadvantages of each alternative including their ability to achieve the project objectives.
- B35-4: Commenter's request for increased funding for dedicated pedestrian and bicycling programs including the Regional Safe Routes to School Program is noted. The decision-makers will consider this comment in evaluating the merits of the proposed Project and the alternatives analyzed in the EIR.
- B35-5: Commenter's request for the Regional Bicycle Program to be funded is noted. The decision-makers will consider this comment in evaluating the merits of the proposed Project and the alternatives analyzed in the EIR. See response B35-1 regarding the current investment in bicycle and pedestrian projects in the proposed Plan.
- B35-6: Commenter's support of Complete Streets policies and its ideas on how to improve enforcement are noted. The decision-makers will consider this comment in evaluating the merits of the proposed Project and the alternatives analyzed in the EIR. See response B35-1 regarding the Complete Streets requirement of OBAG.
- B35-7: Commenter requests MTC expedite improvements to its active transportation data collection and modeling efforts. Commenter's request is noted.
- B35-8: See Master Response F regarding displacement. See also response B25-8 regarding equity and health and safety concerns.

**Letter B36 Sustainable San Rafael (5/16/2013)**

- B36-1: Please see Master Response E for regarding sea level rise as analyzed in the Draft EIR. Commenter's belief in the importance of meaningfully addressing climate change is noted. Consistent with the requirements of SB 375, the proposed Plan was developed with the

fundamental goal to address climate change by better linking transportation and land use planning, and reducing per capita CO<sub>2</sub> emissions from cars and light trucks.

B36-1.5: Commenter requests the proposed Plan incorporate year-by-year flexibility to ratchet up funding for climate policies included in the proposed Plan. The comment is noted. The decision-makers will consider this comment in evaluating the merits of the proposed Project and the alternatives analyzed in the EIR.

B36-2: Mitigation Measure 2.5(d) notes that, “Executive Order S-13-08 requires all state agencies, including Caltrans, to incorporate sea level rise into planning for all new construction and routine maintenance projects; however, no such requirement exists for local transportation assets and development projects. Implementing agencies shall require project sponsors to incorporate the appropriate adaptation strategy or strategies to reduce the impacts of sea level rise on specific transportation and land use development projects where feasible based on project- and site-specific considerations. Potential adaptation strategies are included in the *Adaptation Strategy* sub-section found at the end of this section.” See Master Response A.3 regarding the level of specificity of the EIR. Commenter’s request that additional transportation-sourced funding be reallocated to the proposed Plan’s climate policies is noted. The decision-makers will consider this comment in evaluating the merits of the proposed Project and the alternatives analyzed in the EIR.

Commenter desires further investment in resources for local planning and improvements within PDAs. One of the goals of the OBAG program is to incentivize development within the PDAs. CEQA streamlining provisions are also designed to further incentivize development consistent with SB 375. See Master Response A.2. If adopted, MTC and ABAG will also work with local jurisdictions and community stakeholders during implementation of the proposed Plan in an effort to promote development consistent with the proposed Plan.

B36-3: The proposed Plan complements existing climate change mitigation policies and plans. Consistent with federal, state and local policies, MTC and ABAG agree that implementing agencies should consider available climate change policies and programs to reduce project-specific impacts including the policies and programs identified by the commenter.

**Letter B37 The California Endowment (5/17/2013)**

B37-1: The commenter’s support for Alternative 5 is acknowledged. Decision-makers will weigh the advantages and disadvantages of each alternative in determining which option to adopt.

B37-2: Please see Master Response F regarding displacement.

B37-3: See response B24-3.

**Letter B38 The League of Women Voters of Berkeley, Albany and Emeryville (5/10/2013)**

B38-1: The commenter requests the proposed Plan shift funding from high cost, low cost-effective projects to transit operations and transit system maintenance that better meet the needs of

all residents. The comment is noted. The decision-makers will consider this comment in evaluating the merits of the proposed Project and the alternatives analyzed in the EIR.

B38-2: Please refer to Mitigation Measures 2.5(a) through (d) presented in the Draft EIR Chapter 2.5, Climate Change, which will work to provide greater identification of locations at risk of sea level rise as well as provides adaptation strategies. Also see response B36-2 and Master Response E on sea level rise.

B38-3: Your comments regarding alternatives 3 and 5 are acknowledged. Decision-makers will weigh the advantages and disadvantages of each alternative in determining which option to adopt.

**Letter B39     The League of Women Voters of the Los Altos-Mountain View Area  
(5/14/2013)**

B39-1: PDAs were identified and adopted by local jurisdictions. See Master Response I regarding the PDA selection process. It is the responsibility of the City of Mountain View in exercising its local land use authority to determine where to allow residential development within its jurisdiction; see Master Response A.1 on local land use control. Please refer to Mitigation Measures 2.5(a) through (d) presented in the Draft EIR Chapter 2.5, Climate Change, which will work to provide greater identification of locations at risk of sea level rise as well as provides adaptation strategies. See also Master Response E regarding sea level rise.

B39-2: See Master Response F on displacement.

B39-3: Commenter's support for elements of Alternative 5 is acknowledged. Decision-makers will weigh the advantages and disadvantages of each alternative in determining which option to adopt.

B39-4: Commenter recommends additional emphasis on providing for complete streets. Commenter's policy recommendation is noted. The decision-makers will consider this comment in evaluating the merits of the proposed Project and the alternatives analyzed in the EIR.

In addition cities and counties that wish to use OBAG grant funds must adopt a 'Complete Streets' resolution and in the future an updated general plan element to improve the delivery of Complete Streets projects serving all road users, including pedestrians and bicyclists. During MTC's last survey of project sponsors in 2006, over 55 percent of transportation projects surveyed already included complete streets elements. The resolution requirement is expected to increase the rate of complete street implementation.

B39-5: The Draft EIR analyzed impacts on public services at a regional level in Chapter 2.14 and proposed Mitigation Measure 2.14(a) for this potentially significant impact. The provision of adequate school facilities for the student population is ultimately the responsibility of local school districts, which receive impact fees and public moneys for that purpose. Future second tier plans and projects must comply with CEQA. When necessary, these issues will be considered at the local level in future project-specific analysis.

B39-6: Commenter's support for Alternative 5 is acknowledged. Decision-makers will weigh the advantages and disadvantages of each alternative in determining which option to adopt.

**Letter B40 Bay Area Business Coalition (4/17/2013)**

B40-1: See Responses to Comment B7-4 and B7-9 through B7-12.

B40-2: Please see Master Response B.2 regarding the feasibility of the proposed Plan's Priority Development Areas.

B40-3: MTC and ABAG acknowledge the suggestion regarding combining aspects from various alternatives as presented in the Draft EIR. Decision-makers will weigh the advantages and disadvantages of each alternative in determining which option to adopt.

**Letter B41 Los Ranchitos Improvement Association (5/16/2013)**

B41-1: Please see Master Response C regarding requests for extensions of the public comment period.

B41-2: Commenter's support for the No Project alternative is acknowledged. Decision-makers will weigh the advantages and disadvantages of each alternative in determining which option to adopt.

B41-3: The region is anticipated to experience a high amount of growth regardless of whether the proposed Plan is adopted. Please see Master Response B.1 regarding population projections. Also note that the proposed Plan would only add an additional 500 households to Marin County compared to the growth anticipated under the No Project alternative, as shown in Table 3.1-3 of the Draft EIR.

B41-4: Please see Master Response D.2 regarding the connection between high-density housing near transit and reduced greenhouse gas emissions.

B41-5: This issue is analyzed in Chapter 2.2 of the Draft EIR. MTC and ABAG acknowledge that some air quality impacts will remain significant and unavoidable. These impacts must be weighed by MTC and ABAG along with other significant environmental impacts against the benefits of the proposed Plan during the adoption process.

B41-6: See Master Response F regarding displacement. The comment states that the proposed Plan increases the cost of housing and transportation on low-income people by putting housing in areas where there are not services or sufficient transportation. Plan Bay Area is an integrated land use and transportation plan, and growth is specifically centered around Priority Development Areas, which include transit service requirements. While the performance targets analysis of the proposed Plan (see Draft Plan page 116) identifies that the share of low-income and lower-middle income residents' household income consumed by transportation and housing will go up 3 percent by 2040 under the proposed Plan, the increased would be significantly worse under the No Project alternative, which would have an 8 percent increase by 2040.



- B41-7: Please see Master Responses E and G regarding sea level rise and water supply, respectively.
- B41-8: Many of the proposed Plan's significant and unavoidable impacts occur because MTC and ABAG cannot require local implementing agencies to adopt the mitigation measures, and it is ultimately the responsibility of a lead agency to determine and adopt mitigation. Please see Master Response A.1 on local control over land use for additional information. The commenter's belief that the decision-makers should not override the proposed Plan's significant and unavoidable impacts in adopting the proposed Plan is noted. Decision-makers consider this comment before acting on the proposed Plan.
- B41-9: Commenter's opposition to the proposed Plan is acknowledged. Chapter 2.5 of the Draft EIR, under Impact 2.5-1, finds that the proposed Plan would attain the GHG emissions reduction targets of SB 375; Chapter 3.1 finds that Alternatives 3 and 5 would also attain these targets. Decision-makers will weigh the advantages and disadvantages of each alternative in determining which option to adopt.

**Letter B42     League of Women Voters of the Bay Area (5/14/2013)**

- B42-1: MTC and ABAG acknowledge the commenter's suggestions regarding the incorporation of elements of Alternatives 3 and 5; they will be considered by decision-makers as part of the EIR certification process and action on the proposed Plan.
- B42-2: Please see Master Response F regarding displacement.
- B42-3: Commenter requests funding in the proposed Plan is shifted to transit operation and transit system maintenance. The comment is noted. The proposed Plan invests 55 percent of all revenues in operations and maintenance of the transit system. The decision-makers will consider this comment as part of the EIR certification process and action on the proposed Plan.
- B42-4: Please refer to Mitigation Measures 2.5(a) through (d) presented in the Draft EIR Chapter 2.5, Climate Change, which will work to provide greater identification of locations at risk of sea level rise as well as provides adaptation strategies. Potential impacts of mitigation measures proposed during project-specific environmental review must also be evaluated as part of the project-specific analysis. Also see response B36-2 and Master Response E on sea level rise.
- B42-5: Please see Master Response B.2 regarding the feasibility of the proposed Plan's Priority Development Areas.
- B42-6: Commenter's concerns regarding implementation of the OBAG program are noted. The decision-makers will consider this comment as part of the EIR certification process and action on the proposed Plan.

**Letter B43      League of Women Voters of Fremont, Newark and Union City (5/7/2013)**

- B43-1:      Commenter requests funding in the proposed Plan be shifted from high-cost, low cost effective projects to transit operations and system maintenance to serve the needs of the region's diverse population is noted. The decision-makers will consider this comment as part of the EIR certification process and action on the proposed Plan.
- B43-2:      Please refer to Mitigation Measures 2.5(a) through (d) presented in the Draft EIR Chapter 2.5, Climate Change, which will work to provide greater identification of locations at risk of sea level rise as well as provides adaptation strategies. Also see response B36-2 and Master Response E on sea level rise.
- B43-3:      Commenter's support for Alternative 5 is acknowledged. Decision-makers will weigh the advantages and disadvantages of each alternative in determining which option to adopt.
- B43-4:      Please see Master Response C regarding requests for extensions of the public comment period.

**Letter B44      League of Women Voters of Marin County (4/29/2013)**

- B44-1:      Commenter concludes that the proposed Plan is good for Marin County. The decision-makers will consider this comment as part of the EIR certification process and action on the proposed Plan.
- B44-2:      The decision-makers will consider this comment regarding climate change as part of the EIR certification process and action on the proposed Plan.
- B44-3:      Comments regarding the importance of open space and agricultural preservation are acknowledged. The decision-makers will consider this comment as part of the EIR certification process and action on the proposed Plan.
- B44-4:      Commenter's comments regarding Alternative 5 are acknowledged. Decision-makers will weigh the advantages and disadvantages of each alternative in determining which option to adopt.
- B44-5:      Commenter's conclusions regarding the need for affordable housing in Marin County are acknowledged. The decision-makers will consider this comment as part of the EIR certification process and action on the proposed Plan.
- B44-6:      Please refer to Mitigation Measures 2.5(a) through (d) presented in the Draft EIR Chapter 2.5, Climate Change, which will work to provide greater identification of locations at risk of sea level rise as well as provides adaptation strategies. Also see response B36-2 and Master Response E on sea level rise.
- B44-7:      CEQA streamlining is permitted under SB 375. See Master Response A.2 for information on CEQA streamlining. Commenter's additional comments concerning how to improve the proposed Plan are noted. The decision-makers will consider these comments as part of the EIR certification process and action on the proposed Plan.

B44-8: MTC and ABAG acknowledge the commenter's suggestions regarding Alternatives 3 and 5. Decision-makers will weigh the advantages and disadvantages of each alternative in determining which option to adopt.

**Letter B45 League of Women Voters of Palo Alto (5/14/2013)**

B45-1: Commenter requests funding in the proposed Plan be shifted to cost effective transit options and transit system maintenance is noted. The decision-makers will consider this comment as part of the EIR certification process and action on the proposed Plan.

B45-2: Please refer to Mitigation Measures 2.5(a) through (d) presented in the Draft EIR Chapter 2.5, Climate Change, which will work to provide greater identification of locations at risk of sea level rise as well as provides adaptation strategies. Also see response B36-2 and Master Response E on sea level rise.

B45-3: Commenter's recommendation that elements of the alternatives be combined to achieve objectives identified by the commenter is noted. Decision-makers will weigh the advantages and disadvantages of each alternative in determining which option to adopt.

**Letter B46 Chinatown Community Development Center (5/16/2013)**

B46-1: MTC and ABAG followed CEQA requirements for public noticing of the EIR. See Chapter 1.2 of the Draft EIR for a description of the public participation process for development of the proposed Plan. Regarding public engagement for the EIR, please see Chapter 1.1 of the Draft EIR for a description of the Notice of Preparation and public scoping process and Section 1 of this Final EIR for a description of the public review process for the Draft EIR. Please see Master Response C regarding requests for extensions of the public comment period.

B46-2: Future development in San Francisco under the proposed Plan will still be subject to all local laws and regulations regarding affordable housing, rent control, and other anti-displacement measures. Also see Master Response F for more information regarding displacement. Furthermore this is a regional-scale, program EIR that does not assess impacts of particular locations; see Master Response A.3 for additional information on the specificity of a program EIR.

B46-3: See Master Response F for more information regarding displacement.

B46-4: See Master Response F regarding displacement, which explains that the traffic modeling and GHG emissions for the EIR took such population shifts into account.

B46-5: See Master Response F regarding displacement.

**Letter B47 BIA (6/15/2013)**

This late submission by the commenter does not raise any new environmental issues that are not already addressed in the responses to Letter B7. The request for assurances and statements of intent will be considered by MTC and ABAG prior to project approval.

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## **3.6 Individual Comments**



**From:** Charles Steiner [REDACTED]  
**To:** <eircomments@mtc.ca.gov>  
**Date:** 4/2/2013 6:06 PM  
**Subject:** DRAFT APRIL 2013 REPORT

C1-1

Why isn't there a meeting for San Francisco to discuss this draft and its contents?

C1-2

Why are you rushing everyone to read over 1,000 pages within less than a month?

Your answers would be appreciated.

Charles Steiner  
San Francisco, CA

**From:** "Linda Graber" <[REDACTED]>  
**To:** <eircomments@mtc.ca.gov>  
**Date:** 4/3/2013 8:30 AM  
**Subject:** EIR comments

Hello,

C2-1

The draft Plan Bay Area EIR is very long and complex, over 1,000 pages. It's also very technical. Yet, members of the public are expected to understand and comment on this in only two weeks. There are only three meetings, and two of these are during the day when people with jobs cannot attend.

The request for public comment is meaningless, just going through the motions and giving the false impression of being interactive with the voting public. The meetings I've attended have been the same way, more an exercise in marketing than genuine dialogue.

The members of the ABAG and MTC planning staffs have confined themselves inside an echo chamber, where only privileged voices of powerful insiders are heard, such as affordable housing developers, "housing advocates" in cahoots with the developers, and the Marin Community Foundation. Ordinary homeowners and taxpayers are ignored. Reasonable questions go unanswered, starting with "How much is all this going to cost?" and "What new taxes will be required?"

I read the "Investments" chapter of Plan Bay Area. It's nonsensical to assume that State and Federal money will be forthcoming in the required amounts, given the ongoing budget shortfalls. Plan Bay Area intends to forbid additional construction of single family homes; instead, all new "housing units" would be high density and multi family. All these new units are exempt from property taxes, all 500,000 of them. That means that current property owners have to provide the tax money to support all these free riders, plus the transportation infrastructure, plus the bureaucracy needed to administer it all. This is impossible without huge tax increases that will crush what's left of the Bay Area middle class.

It's a mistake to believe your own propaganda. Eventually, reality catches up with us.

Regards,  
L. Graber



## Plan Bay Area 2040 Final Environmental Impact Report

**From:** "Ken Bone" <[REDACTED]>  
**To:** <eircorments@mtc.ca.gov>  
**CC:** "Ken Bone" <[REDACTED]>  
**Date:** 4/11/2013 2:28 PM  
**Subject:** Animal migration corridors and riparian native Oakland forests must be reestablished and maintained

C3-1

The current and future designated protected open space must be funded and protected in this far reaching land use and transportation plan.

C3-2

Animal migration corridors and riparian native Oakland forests corridors must be reestablished and maintained along all water ways with designated funding in all nine counties.

Ken Bone

[REDACTED]  
Gilroy, CA 95020

**From:** Val Stuckey <[REDACTED]>  
**To:** "eircomments@mtc.ca.gov" <eircomments@mtc.ca.gov>  
**Date:** 4/15/2013 1:12 PM  
**Subject:** BART to Livermore

C4-1

How disappointing to read the paper these days and see plans for BART to Antioch and Bart to San Jose.  
How much longer must we wait to see the work started for BART to Livermore?  
Please make Livermore a priority and finish it before starting plans to other cities.  
Sincerely  
Val Stuckey  
Livermore resident

## Plan Bay Area 2040 Final Environmental Impact Report

**From:** Leyla Hill <[REDACTED]>  
**To:** EnvPlanning <EnvPlanning@marincounty.org>, <eircomments@mtc.ca.gov>, <info@OneBayArea.org>, "Laumann, Stacey" <SLaumann@marincounty.org>  
**Date:** 5/17/2013 4:26 PM  
**Subject:** Re: Plan Bay Area DEIR Comment Period

The time for comment came to our attention only very late in whatever the short period was. Some of our residents were confused and sent their responses to addresses other than [infer@oneBayArea.org](mailto:infer@oneBayArea.org) or [eircomments@mtc.ca.gov](mailto:eircomments@mtc.ca.gov). Therefore, I am forwarding these messages to these addresses now, hoping that you will accept the original timestamps of their having been sent. The messages are in reverse chronological order — latest first, going to earlier in the day.

Please acknowledge receipt of these comments.

Leyla Hill  
2013 President, Los Ranchitos Improvement Association  
San Rafael, CA 94903

Begin forwarded message:

> From: Judy Schriebman <[REDACTED]>  
> Subject: Comments on DEIR for Plan Bay Area  
> Date: May 16, 2013 3:57:08 PM PDT  
> To: [info@OneBayArea.org](mailto:info@OneBayArea.org)  
> Cc: Steve Kinsey <[skinsey@marincounty.org](mailto:skinsey@marincounty.org)>, [krice@co.marin.ca.us](mailto:krice@co.marin.ca.us), [peklund@novato.org](mailto:peklund@novato.org), Susan Adams <[SAdams@marincounty.org](mailto:SAdams@marincounty.org)>, Leyla Hill <[REDACTED]>

C5-1 > I respectfully request more time and an official extension of 6 months. There are numerous inadequacies, oversights, incorrect assumptions and lack of true public engagement in the plan. It doesn't even meet its goal of reducing greenhouse gases. While I applaud its goals of increasing affordable housing and transportation alternatives and reducing sprawl, I believe you have it backwards.

C5-2 > Reliable, good public transportation that easily gets people to their destination is needed first. Right now, and still in the plan, there is NO good way to get to the East Bay from Marin and vice versa. The one bus per hour that leaves Richmond BART occasionally leave ahead of schedule, stranding passengers who expect it to be there. The lack of integrated bus passes, getting better w/the Clipper card but still woefully inadequate, HAS to be addressed. The buses HAVE to go to more places where people want to go. I cannot get to Steinhart Aquarium or Golden Gate Park in any convenient fashion from Marin. This integration needs to be developed first, before loading up housing near the SMART train station which will serve only a very small proportion of just commuters.

C5-3 > The lack of transparency and inability for public comment and legitimate questions to actually be incorporated in this plan makes it a farce. This is a done deal, and that is what people are reacting to. There has been no real outreach, with the goal of addresses concerns. This plan is a first draft. Treat it as such, bring it back with good changes, and the scenery could shift.

C5-4 > Marin is also rural/suburban, and any housing numbers should be based on that designation.  
> Sincerely,  
>  
> Judy Schriebman  
> San Rafael, CA 94903

Begin forwarded message:

> From: Beverly Wood <[REDACTED]>  
> Subject: Marin County Housing Element  
> Date: May 16, 2013 3:47:23 PM PDT  
> To: "envplanning@marincounty.org" <[envplanning@marincounty.org](mailto:envplanning@marincounty.org)>  
> Reply-To: Beverly Wood <[REDACTED]>

C5-5 > I am writing in connection with the proposed spot zoning being proposed for Ranchitos Road.  
> I am a resident of Los Ranchitos and moved here many years ago because of the rural feeling of the area and the privacy afforded by the mandatory large lots. Over the years the neighborhood has maintained the "small ranches" feeling of this old section of Marin. Our neighborhood has horses, chickens, goats, even a donkey. It is home to large numbers of deer, quail, wild turkeys and migrating birds who stop by every season. It is one of the neighborhoods that makes Marin so marvelous. I know everyone thinks their that their neighborhood is unique, but I note that county planning approval for any improvements in the area have scrupulously and carefully guarded that very same character.

> I was therefore very surprised to learn that spot zoning was proposed for lots (currently occupied by single family residences) within the Los Ranchitos area. This would surely change the entire character of Los Ranchitos. I am not opposed to high density housing, and housing in the

vicinity of the Civic Center area makes a lot of sense. Indeed, there was a high density housing complex built about ten years ago right in Los Ranchitos (between Merrydale and Los Ranchitos). There is another high density complex across the street as well. That is different from spot zoning, which by its very nature changes the complexion of the immediate area.

>  
> Finally, I want to point out that as homeowners we were not given any notice of such a proposal or plan.  
>  
> I realize there are a lot of competing interests here and no easy resolution. Los Ranchitos may not have the most expensive homes, or the most influential residents. It is however, quintessential Marin. Our home is older than the county records, it started as a barn for the Freitas Ranch, and is a link to the past that should not be disregarded. Spot zoning will forever change that flavor.  
>  
> Thank you for your consideration,  
>  
> Beverly Kleinbrodt  
>

Begin forwarded message:

> From: Archie Womble <[REDACTED]>  
> Subject: planning  
> Date: May 16, 2013 3:33:51 PM PDT  
> To: leyla.hill@gmail.com  
>  
> Dear Planning :  
>  
> Re: Los Ranchitos re-zone proposal and other issues  
>  
> Having just received notice that planning staff has been looking at Los Ranchitos and considering re-zoning, I am very disappointed in your back door approach.  
>  
> Anne and I have been living in Los Ranchitos thirty years and we chose this community because of the open space and rural feel, yet close into down town. We've had horses, chickens, ducks, sheep, etc. It is a great place to raise a young family.  
>  
> I recall when Marin County was literally under assault back in the early 1970's from outside developers and each community had to create its own open space district float its own bond measure in order to save the ambience and character of the open space. Some of you may have been in Marin then. Some communities may still be paying on those bonds.  
>  
> Then we had a proposed new city in Tennessee Valley adjacent to Tamalpais Valley which most Marinites opposed and we maintained.  
>  
> I recall the patience that George Lucas had over a 20 year period but the unsatiable appetite to take control of land is relentless.  
>  
> For all the effort over the years, Marinites have been good stewards and maintained a beautiful chunk of real estate north of the Golden Gate and we hope to keep Los Ranchitos in a similar fashion.  
>  
> Now here we are again some 40 years later and we are dealing with another land grab. I know that it is presently just re-zoning today but tomorrow it will be another land grab.  
>  
> In summary, Planning is a local issue and we violently reject the planning of our community by outsiders, especially for those who have no skin in the game.  
>  
> Respectfully:  
>  
>  
> Archie & Anne Womble  
> [REDACTED]  
> San Rafael, CA  
>  
> cc

Begin forwarded message:

> From: Ronette King <[REDACTED]>  
> Subject: Fwd: DEIR and SEIR  
> Date: May 16, 2013 3:30:26 PM PDT  
> To: envplanning@marincounty.org  
> Cc: sadams@marincounty.org, leyla.hill@gmail.com, skinsey@marincounty.org, krice@co.marin.ca.us, pekland@novato.org  
>  
>  
>  
> From: "Ronette King" [REDACTED]

## Plan Bay Area 2040 Final Environmental Impact Report

> To: info@onebayarea.org  
> Cc: sadams@marincounty.org, "leyla hill" [REDACTED], skinsey@marincounty.org, krice@co.marin.ca.us, peklund@novato.org  
> Sent: Thursday, May 16, 2013 3:24:25 PM  
> Subject: DEIR and SEIR

>

>

> Dear Sirs,

> I am a resident of Los Ranchitos.

> Please see my comments below for both the DEIR and the SEIR.

>

C5-6 > Both of these reports are dense and enormous reading requiring far more time than the county has given us to understand them. In both cases I believe we need an adequate extension on there deadline.

>

> It is very upsetting that no residents of Los Ranchitos were given any notice that their neighborhood was being considered for rezoning.

Anydensification of part of it affects all of it.

> This is a peaceful, natural setting that was designed to offer a unique country setting free of the problems of dense housing. It's country way of life is one of a kind in Marin and is exactly what attracted us to buying here twenty years ago. Densifying los Ranchitos would destroy the last vestiges of what Marin County was meant to be.

> As a former Design Review Board member for Larkspur, I am well aware of what the 30 units of housing per acre can look like...the opposite of our open, and natural setting! It will be a physical closure along Los Ranchitos facing the railroad tracks. The environmental impacts are a huge concern and will be for this entire neighborhood. This is to say nothing of the unpleasant bicycling, walking, and driving experience that los Ranchitos will provide..

>

C5-7 > Re the Plan Bay Area : The job and housing numbers imposes by California are unrealistic for our area. There is no huge jump in job growth here and hypothetical job growth is contingent on a wide variety of factors. There also is no adequate evidence that high density housing near public transit reduces green house gasses.

C5-8 > This plan may increase costs for housing and transportation among low- income housing and and there is insufficient information on environmental issues such as water supply and general support for infrastructure.

C5-9 > In all, there are significant environmental changes and unavoidable impacts of the plan identified in the EIR , that should be addressed regardless of findings of overriding considerations. With these proposals for such heavy density there is alot to be damaged and irreversibly spoiled for us all.

> Sincerely,

>

> Ronette King

[REDACTED]  
> San Rafael, Ca.

>

>

>

>

>

>

>

>

Begin forwarded message:

> From: Beverly Wood [REDACTED]  
> Subject: Plan Bay Area DEIR  
> Date: May 16, 2013 3:21:01 PM PDT  
> To: "info@OneBayArea.org" <info@OneBayArea.org>  
> Reply-To: Beverly Wood <[REDACTED]>

>

C5-10 > I am a resident of the Los Ranchitos area in San Rafael and am very concerned about the speed with which the DEIR is being handled. I am writing to request an extension on the deadline for comments so that cogent, thoughtful responses can be made and the assumptions upon which the plan rests can be evaluated. There are serious, significant environmental changes and impacts of this plan on what is really a rural neighborhood.

>

> Thank you for your consideration,

>

> Beverly Kleinbrodt

Begin forwarded message:

> From: Sally Held <[REDACTED]>  
> Subject: Plan Bay Area  
> Date: May 16, 2013 3:12:24 PM PDT

## Plan Bay Area 2040 Final Environmental Impact Report

> To: "info@OneBayArea.org" <info@OneBayArea.org>  
> Cc: "shinsey@marincounty.org" <shinsey@marincounty.org>, "krice@co.marin.ca.us" <krice@co.marin.ca.us>, "peklund@novato.org" <peklund@novato.org>, "SAdams@marincounty.org" <SAdams@marincounty.org>, [REDACTED]  
> Reply-To: Sally Held [REDACTED]  
>

C5-11

> Bill and I would like to protest the actions of the Plan Bay Area. We have attended two informational hearings and strongly oppose this plan. We have talked with neighbors and we are united in rejecting this legislation. Many had never heard about the direction that is proposed for Marin and therefore we believe that it is only fair that our representatives delay any decisions for at least six months. We feel that there has been a lack of transparency by our elected officials. Please take our request in serious consideration. Severe mistakes are made, when the populous has not been given time to fully understand the ramifications and consequences of actions of this magnitude, when made in haste.

Begin forwarded message:

> From: [REDACTED]  
> Subject: Stop  
> Date: May 16, 2013 2:48:59 PM PDT  
> To: [REDACTED] info@ONEBAYAREA.org, krice@co.marin.ca.us, peklund@novato.org  
>

C5-12

> I would like to add my voice to the growing chorus of NO's on the plan to create high density housing here in Los Ranchitos and the rest of the defined transportation corridor. When I voted for The Smart Train I never expected to have such a radical proposal such as the one being forced on the people of Marin.  
> At the least please allow for an extension of the deadline so the public can become more informed. There are so many flaws in the plan, could it be time to rethink the entire matter.  
> Sincerely,  
> Ed Troy  
> [REDACTED]  
> San Rafael, CA 94903  
> (415) 472-1520

Begin forwarded message:

> From: Adrian Jordan [REDACTED]  
> Subject: Comments on DEIR & SEIR  
> Date: May 16, 2013 1:03:04 PM PDT  
> To: envplanning@marincounty.org, info@OneBayArea.org  
> Cc: SAdams@marincounty.org, shinsey@marincounty.org, krice@co.marin.ca.us, peklund@novato.org, [REDACTED] Judy Schrieblman [REDACTED]  
>  
> Re: Plan Bay Area DEIR (Draft Environmental Impact Report) and the Marin County Housing Element SEIR (Supplemental Environmental Impact Report)

C5-13

> As residents of Los Ranchitos, we are protesting the inadequate comment period for both the Plan Bay Area DEIR (Draft Environmental Impact Report) and the Marin County Housing Element SEIR (Supplemental Environmental Impact Report).  
>  
> In addition, spot zoning has been determined illegal in court challenges which may well explain why there has been no notification given to affected property owners or their neighbors. A recent meeting between Supervisor Adams and the LRIA was limited to only 12 invitees, hardly an equitable way to hear from those citizens who will be deeply impacted by this proposal.  
>  
> Therefore, we demand the comment period be extended for at least 6 months.  
>  
> Many of our concerns for Los Ranchitos have been detailed in the comment letter sent to you by Richard Grassetti Esq, of Grassetti Environmental Consulting. We expect the county to prepare for public review, a revised SEIR addressing the issues in his letter.

C5-14

> In addition, we have concerns that your plan will turn portions of Marin County into Environmental Justice communities as reflected in the comments and research done by Sharon Rushton and Geoffrey H. Hornek.  
>  
> Sincerely,  
>  
> Adrian & Julie Jordan  
> [REDACTED]  
> San Rafael

Begin forwarded message:

> From: [REDACTED]  
> Subject: comment of rezoning Los Ranchitos

## Plan Bay Area 2040 Final Environmental Impact Report

> Date: May 16, 2013 11:53:37 AM PDT

> To [REDACTED]

>

>

>

>

>

> From: Bob and Janet Phinney

>

> We have lived at 165 Los Ranchitos for 48 years and with the intent of enjoying our old age and our investment in this property.

>

> Why ? Because we are apart of the Los Ranchitos area and its existing zoning. Can it be legal to take some of the property from our area and rezone it after the original development process we went through of its intended zoning and intended use.

> At the time protecting Marin's open space was well received by Marin county.

>

> With the short notice from the powers that be to increase the home density in this area is somewhat like the current IRS scandal that our country is dealing with today.

>

> Some times it takes 5 to 10 minutes to get out of our drive way and the proposal to rezone our property for 30 units just does not make any since !

>

> Robert and Janet Phinney

On May 16, 2013, at 4:40 PM, EnvPlanning wrote:

> Hello,

>

> The County of Marin has received your comment letter on the Draft Plan Bay Area. Plan Bay Area is a regional program that is managed by the Association of Bay Area Governments and the Metropolitan Transportation Commission. For future reference, your Plan Bay Area comments should be submitted via e-mail to [info@OneBayArea.org](mailto:info@OneBayArea.org), or to comment on the Draft EIR, [eircomments@mtc.ca.gov](mailto:eircomments@mtc.ca.gov). The comment period on the Plan Bay Area Draft EIR closed today, May 16, 2013 at 4 pm, therefore as a courtesy if your email was sent only to [EnvPlanning@marincounty.org](mailto:EnvPlanning@marincounty.org), it was forwarded by our staff to [eircomments@mtc.ca.gov](mailto:eircomments@mtc.ca.gov) and [info@OneBayArea.org](mailto:info@OneBayArea.org) prior to the 4 pm deadline.

>

> Marin County Draft Housing Element is not related to Plan Bay Area, though they are both planning documents that are being reviewed within the same time period. Information on the Marin County Draft Housing Element can be found at [www.marincounty.org/housingelement](http://www.marincounty.org/housingelement). The comment period on the adequacy of the related Supplemental Environmental Impact Report closes tomorrow, May 17, 2013 at 5pm. The next Planning Commission hearing on the Housing Element will be June 24, 2013.

>

> Thank you.

>

> Marin County Environmental Planning Staff

> Email Disclaimer: <http://marincounty.org/nav/misc/EmailDisclaimer.cfm>

>

>

C5-15

**From:** jbs Shirley [REDACTED]  
**To:** <eircorments@mtc.ca.gov>  
**Date:** 4/20/2013 8:17 PM  
**Subject:** BART to Livermore

MTC-ABAG officials,

C6-1

Please do all you can to bring BART to Livermore as soon as possible. We have waited a long time for this extension. I know MTC is financing an environmental report and purchasing some needed land for the extension.

I am sure you appreciate the need for this extension. We have tens of thousands of cars causing terrible congestion problems on 580, and are detrimental to our air quality. The new I-Hub is active in bringing new industries to our community. We have zoned land for housing near the proposed terminal of the BART Extension Phase 2 that will help as many employees of the industries in this area living throughout the bay area will use BART when it is in place in the eastern end of our Tri-Valley.

We will do our best to help with this financing by supporting Measure B4 when it is on the ballot in two years. Hopefully we can have the \$500,000,000 re-committed to the BART Extension, Phase I. Measure B3 only lost by a few hundred votes. Unfortunately, some of our citizens thought BART was going through downtown Livermore, and voted against B3.

Thank you for all you can do to bring BART to Isabel Ave on the Phase I extension.

Very sincerely,  
John Shirley, former mayor of Livermore



**From:** Linda Jeffery Sailors [REDACTED]  
**To:** <eircomments@mtc.ca.gov>  
**Date:** 4/21/2013 11:15 AM  
**Subject:** letter about BART

MTC-ABAG officials,

C7-1

Please do all you can to bring BART to Livermore as soon as possible. We have waited a long time for this extension. I know MTC is financing a environmental report and purchasing some needed land for the extension.

I am sure you appreciate the need for this extension. We have tens of thousands of cars causing terrible congestion problems on 580, and are detrimental to our air quality. The new I-Hub is active in bringing new industries to our community. We have zoned land for housing near the proposed terminal of the BART Extension Phase 2 that will help as many employees of the industries in this area living throughout the bay area will use BART when it is in place in the eastern end of our Tri-Valley.

We will do our best to help with this financing by supporting Measure B4 when it is on the ballot in two years. Hopefully we can have the \$500,000,000 recommitted to the BART Extension, Phase I. Measure B3 only lost by a few hundred votes. Unfortunately, some of our citizens thought BART was going through downtown Livermore, and voted against B3.

Thank you for all you can do to bring BART to Isabel Ave on the Phase I extension.

Very sincerely,  
John Shirley, former mayor of Livermore

## Plan Bay Area 2040 Final Environmental Impact Report

**From:** "Dearborn, Deana" <[REDACTED]>  
**To:** "info@OneBayArea.org" <info@OneBayArea.org>, "eircomments@mtc.ca.gov" <eircomments@mtc.ca.gov>  
**Date:** 4/25/2013 9:52 PM  
**Subject:** One Bay Area plan

To Whom it May Concern,

**C8-1** I respectfully ask for an extension of time to review the One Bay Area Plan and associated EIR document. This is an incredibly long and technical document to read through and I believe the amount of time allocated is insufficient. I hope you will seriously consider this request.

Regards,  
Deana Dearborn  
Marinwood Resident

**From:** Sarah Azerad <[REDACTED]>  
**To:** <info@OneBayArea.org>, <eircomments@mtc.ca.gov>  
**Date:** 4/26/2013 9:26 AM  
**Subject:** Request to Extend Time for Public Comment

To Whom it May Concern,

C9-1

I am writing to request that there be an extension on the time for public comment on the Draft Plan and EIR that is currently set for May 16th. Many citizens in our county are still not aware of this plan, or are just learning of it. For those who are aware, the plan documents are very extensive, and the community would like more time to be able to respond in an informed way. The plan has a lasting impact on our communities, and therefore we request more time for the public to get up to speed and be able to provide input.

Sincerely,  
Sarah Azerad

## Plan Bay Area 2040 Final Environmental Impact Report

**From:** Denise Castellucci [REDACTED] >  
**To:** <info@OneBayArea.org>, <eircomments@mtc.ca.gov>  
**Date:** 4/26/2013 5:45 AM  
**Subject:** Request for extension for Public Comment

Greetings,

C-10-1

I am writing you to request that you \*extend the time\* for public comment on the Draft Plan and EIR that is currently set for May 16th. Many impacted citizens are still not aware of this and those who are have to wade through an enormous amount of material to be able to respond in an informed way. A plan with the lasting impact on our communities should allow more time for the public to get up to speed and be able to provide input.

Thank you,  
John & Denise Castellucci

[REDACTED]  
San Rafael, CA 94903  
[REDACTED]

## Plan Bay Area 2040 Final Environmental Impact Report

**From:** Justin Kai <[REDACTED]>  
**To:** "eircomments@mtc.ca.gov" <eircomments@mtc.ca.gov>  
**Date:** 4/26/2013 11:03 PM  
**Subject:** Please extend the public comment period on the Draft Plan and EIR

Greetings,

C11-1

I am writing to request that MTC substantially extend the time for public comment on the Draft Plan and EIR that is currently set for May 16th. Many impacted citizens are still not aware of this and those who are have to wade through an enormous amount of material to be able to respond in an informed way. A plan with such lasting impact on our communities should allow more time for the public to get up to speed and be able to provide input.

Thank you,  
Justin Kai

---

## Plan Bay Area 2040 Final Environmental Impact Report

**From:** <becky\_andersen@mtc.ca.gov>  
**To:** <eircomments@mtc.ca.gov>  
**CC:** [REDACTED]  
**Date:** 5/6/2013 3:24 PM  
**Subject:** Public Comment on the draft environmental impact report for Plan Bay Area-Marin County

To Whom it May Concern:

As a Marin County resident, who has lived here all my life and through the drought in the '70's I oppose implementation of the current Plan Bay Area draft for the following reasons:

- C12-1** 1. Lack of transparency: The officials who are responsible for disseminating information in this plan to their constituents have failed in this task. The vast majority of effected residents are currently unaware of this plan. This is not the fault of the residents and they should not be penalized. Extend the comment period of the DEIR by six (6) months.
- C12-2** 2. An outdated and unsubstantiated plan: Plan Bay Area is based on static data, not currently relevant, and a lack of sufficient planning. Before implementing a plan that radically impacts this community for the next 50 years, any projections and resulting analysis must rely on current statistics at a minimum. The fact that no plan co-exists to support the necessary resources diminished by this planned growth further supports this point.
- 3. Failure to address vital infrastructure issues: As one example, this plan fails to address water and sewer requirements for the region; of significance, schools are completely overlooked. As such, no official can rightfully make an informed decision as to its viability.
- C12-3** 4. Prioritizing housing development over, and prior to, building jobs: There are many negative consequences in promoting so much housing without commensurate employment opportunities. We need to learn from mistakes made by Bay neighbors. Vallejo, Stockton, Modesto and San Bernardino all went bankrupt as a result of incorrect job and growth projections, in over-building their cities.
- C12-4** 5. Prioritizing housing over transportation: Planning for mass housing prior to implementing sufficient public transportation places the cart before the horse. A legitimate transportation infrastructure needs to be effectuated before any housing developments are discussed.
- C12-5** 6. Permanent and Irreversible Damage to Marin County's Natural Character: Marin County is geographically unique and merits preservation for countless beneficial reasons despite, and because of, its proximity to a major city. Formulaically rezoning parts of Marin to urban density based on (1) flawed projections and (2) from the distance of an outside perspective makes no sense locally. Historically, imposition of drastic changes from the outside rarely brings the intended results - too often to the contrary, colossal failure. Our community needs local review and input toward a plan that makes sense locally in truly evolving for the better. A viable plan comes from the arduous but wise collaboration of competent minds working together with the community that must live with the long-term consequences of that plan.
- C12-6** 7. Social inequity: Building high density housing near highways and segregating the poor into those areas is socially unfair. Real integration allows the less fortunate to be mixed in with those of varying income; successful integration provides affordable housing at a sustainable proportion to market-rate homes, to ensure a healthy community continues to thrive - it does not risk ghettoization of a well-resourced community. There are other ways to integrate people currently in place. A second unit ordinance, as one example, effectively doubles the housing stock. Integration happens organically through creating equal opportunities and improving resources in existing communities, not by government mandates. What people need is fair paying jobs, not segregated housing. Finally, there is inequity in amassing the housing in our neighborhood in that it really does nothing toward diversifying the entire county. If anything, it creates yet one more under-resourced community.

Cordially,

Rebecca Andersen

## Plan Bay Area 2040 Final Environmental Impact Report

**From:** Kim [REDACTED]  
**To:** <info@OneBayArea.org>, <eircomments@mtc.ca.gov>  
**CC:** Skip 1Natuk [REDACTED]  
**Date:** 4/26/2013 10:22 PM  
**Subject:** Time Extension for Public Comment

C13-1

I am writing you to request that you extend the time for public comment on the Draft Plan and EIR that is currently set for May 16th. Many impacted citizens are still not aware of this and those who are have to wade through an enormous amount of material to be able to respond in an informed way. A plan with the lasting impact on our communities should allow more time for the public to get up to speed and be able to provide input.

Thank you, Kim Natuk

**From:** "Eileen S. Vergino" <[REDACTED]>  
**To:** <eircomments@mtc.ca.gov>  
**Date:** 4/16/2013 7:47 AM  
**Subject:** DRAFT EIR

C14-1

While affordable housing is a laudable goal, forcing the city of Livermore to absorb this cost without ensuring there are funds to bring BART to Livermore is criminal. Livermore residents have been paying for BART for more than 40 years yet we still do not have a station and we suffer some of the worst traffic in the Bay Area on the 580 corridor due to the absence of this critical commute link. Before insisting on affordable housing the MTC should guarantee funds for BART to Livermore!

Eileen Vergino  
Livermore, CA



## Plan Bay Area 2040 Final Environmental Impact Report

**From:** SKIP NATUK <[REDACTED]>  
**To:** <info@OneBayArea.org>, <eircomments@mtc.ca.gov>  
**CC:** Kim [REDACTED]  
**Date:** 4/27/2013 12:23 PM  
**Subject:** Time Extension for Public Comment

C15-1

I am writing you to request that you extend the time for public comment on the Draft Plan and EIR that is currently set for May 16th. Many impacted citizens are still not aware of this and those who are have to wade through an enormous amount of material to be able to respond in an informed way. A plan with the lasting impact on our communities should allow more time for the public to get up to speed and be able to provide input.

Thank you,

Walter Natuk  
Marin County Homeowner

## Plan Bay Area 2040 Final Environmental Impact Report

**From:** Jon Spangler [REDACTED]  
**To:** <eircomments@mtc.ca.gov>  
**CC:** <info@OneBayArea.org>, Jon Spangler [REDACTED]  
**Date:** 4/27/2013 3:27 PM  
**Subject:** Will public comment period be extended on Draft Plan Bay Area?

Dear Plan Bay Area EIR,

C16-1

A letter was submitted to you on April 10, 2013, asking that the public comment period be extended.

What have you decided on this? I hope you will extend the period considerably so we can actually study it and make informed comments.

Appreciatively yours,

Jon Spangler  
member, League of Women Voters of Alameda, Sierra Club, TransformCA, etc.,  
writing as a private citizen

Jon Spangler  
2060 Encinal Avenue, Apt B  
Alameda, CA 94501-4250

Writer/editor  
Linda Hudson Writing

[REDACTED]  
[REDACTED]  
[www.LindaHudsonWriting.net](http://www.LindaHudsonWriting.net)

[REDACTED]  
<http://alamedastreetsmarts.wordpress.com/>

"She who succeeds in gaining the mastery of the bicycle will gain the mastery of life."  
—Frances E. Willard, in *A Wheel Within a Wheel: How I Learned to Ride the Bicycle* (1895)

APR 30 2:00 PM

Rebecca Lapedus

Orinda, CA 94563

April 29, 2013

**Randy Rentschler, Director, Legislation and Public Affairs**  
**Metropolitan Transportation Commission**  
**Joseph P. Bort Metro Center**  
**101 Eighth Street**  
**Oakland, CA 94607**

Draft Environmental Impact Report  
(State Clearinghouse No. 2012062029)

**RE: Comment on the DEIR**

C17-1

I am writing to request an extension of time to respond to the DEIR. The 1300+ pages that include references to other sources and a plethora of figures and tables does not allow the citizenry of the Bay Area to adequately review and comment upon the document within the forty-five day period. Despite being a former securities investment analyst, experienced in assessing the value of publicly-traded companies, I am stymied by the DEIR's technical content, source references, and governmental provisions with which I must familiarize myself in order to respond intelligently. Such a response will require some consultation with professionals whose expertise lies in environmental law and CEQA statutes & guidelines, as well as a swath of specialists in the construction industry. This will only be possible within a time frame that allows for such review to occur.

As only three examples of how strenuous reviewing of the DEIR can be, I cite:

- (1) The various acronyms referenced in the Summary of Impacts and Mitigation, e.g. diesel PM, MERV-13, (Table ES-2 on ES-18), etc.  
While a Glossary of Terms is provided for *some* acronyms, the Glossary is incomplete and does not serve to inform the reader as to the actual terms' import or relevance to the DEIR.
- (2) References to other agency standards, e.g. ARB's Tier 4 (Table ES-2 on ES-19).  
Such references are meaningless to the general public without time-consuming sourcing on search engines.
- (3) Cites to Acts, e.g. the Williamson Act (Table ES-2 on ES-23 and again on ES-24), Alquist-Priolo Act (ES-2 on ES-34), and to Executive Orders S-3-05 & B-16-2012 (Table ES-2 on ES-26) and S-13-08 (Table ES-2 on ES-28).  
Without previous knowledge of the provisions within these Acts & Orders, the DEIR's stated mitigating effects to the particular environmental impact addressed can only be *assumed correct* rather than evaluated. Hence, review of these Acts and Orders becomes essential.

With the extension of time for the public to review & comment upon the DEIR, I also request that The DEIR to be revised & reissued to provide:

- C17-2 (1) A *complete* Glossary that addresses not merely the translation of the acronym letters but the context within which each pertains to the DEIR; and
- C17-3 (2) A directory of the DEIR's cited documents, statutes, and California codes in one place, e.g. the MTC/ABAG library and One Bay Area web site.

The Bay Area citizenry is entitled to informed participation in commenting on the DEIR. If that possibility is thwarted either by inadequacies within the DEIR, deliberately arcane language or by a timeline that limits the public to sufficiently review and thereby meaningfully respond to its contents, then the process is flawed and public interests are circumvented. May I also point out that the timetables for *release* of One Plan Bay Area and the DEIR were extended (as were other MTC & BAG documents heretofore) at the discretion of MTC and ABAG.

Respectfully submitted,



Rebecca LaPedus



Rebecca Lanedus

Orinda, CA 94563

April 29, 2013

Ezra Rapport, Executive Director & Secretary/Treasurer  
Association of Bay Area Governments  
Joseph P. Bort Metro Center  
101 Eighth Street  
Oakland, CA 94607

Draft Environmental Impact Report  
(State Clearinghouse No. 2012062029)

**RE: Comment on the DEIR**

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Without previous knowledge of the provisions within these Acts & Orders, the DEIR's stated mitigating effects to the particular environmental impact addressed can only be *assumed correct* rather than evaluated. Hence, review of these Acts and Orders becomes essential.

**R E C E I V E D**  
**APR 30 2013**  
**ABAG** 5-23

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- (2) A directory of the DEIR's cited documents, statutes, and California codes in one place, e.g. the MTC/ABAG library and One Bay Area web site.

The Bay Area citizenry is entitled to informed participation in commenting on the DEIR. If that possibility is thwarted either by inadequacies within the DEIR, deliberately arcane language or by a timeline that limits the public to sufficiently review and thereby meaningfully respond to its contents, then the process is flawed and public interests are circumvented. May I also point out that the timetables for *release* of One Plan Bay Area and the DEIR were extended (as were other MTC & BAG documents heretofore) at the discretion of MTC and ABAG.

Respectfully submitted,

A handwritten signature in black ink that reads "Rebecca LaPedus". The script is cursive and fluid, with the first letters of the first and last names being capitalized and prominent.

Rebecca LaPedus

## Plan Bay Area 2040 Final Environmental Impact Report

**From:** Athena McEwan <[REDACTED]>  
**To:** "eircomments@mtc.ca.gov" <eircomments@mtc.ca.gov>  
**Date:** 4/29/2013 5:41 PM  
**Subject:** Comments on EIR

Dear ABAG and MTC Members,

C18-1

I am a resident of Tam Valley and I have reviewed extensively the available One Bay Area documentation on the proposal to include the Tam Valley and Almonte parcels in the PDA. I STRONGLY OPPOSE INCLUDING THESE PARCELS, FOR THE FOLLOWING REASONS:

1. There is already extreme traffic congestion in these parcels. The stretch between the 101 northbound Stinson Beach exit and Miller Avenue is very heavily trafficked during commuter hours, and reaches impossible levels on weekends, holidays and summer. Any independent traffic survey would confirm that these parcels are already subject to consistent gridlock.
2. The Tam Valley and Almonte parcels flood regularly, causing unsafe driving conditions, vehicle damage, damage to existing structures, road closures, etc. Flooding occurs during high tides and full moons, as well as during heavy rains. High density construction in this area would make the situation even more dangerous and costly.
3. Projected sea level rise will affect these parcels directly, as they abut existing wetlands fed by the bay and creeks. Management of these areas in future will be challenging enough without unnecessary additional construction and consequent costs.
4. Air pollution from existing heavy traffic flows and other sources is already an issue in these parcels, and the proposed development would worsen the situation. Each of the new households would have at least one car, if not more. There is no present or foreseeable concentration of employment opportunities in the area, shopping and services are not available nearby and public transportation is inadequate. So people will drive and all those cars (which likely will be older) will contribute to worsening air pollution and consequent health costs.
5. The parcels are in an area of known high seismic activity. Why put high density housing in such a potentially dangerous area? How would you justify such a choice in the event of injury and death?
6. There is insufficient public infrastructure and services to serve such growth. Water supply and sanitation, power, public schools, police, fire services and social services -- these are already strained. Budgets have been cut at every level and local residents have been shouldering unending tax increases. Tam Valley and Almonte are not super wealthy communities like some others in Marin, and many people here are struggling.
7. The parcels border on areas of vulnerable natural habitat and endangered species. It would run counter to responsible environmental stewardship to increase the population pressure on them.
8. Overall quality of life. Supposedly this is an unmentionable subject because people are supposed to be afraid of being dubbed racists, Nimbys or elite. Nonsense. Let's get real. Tam Valley and Almonte are neighborhoods of single family homes within the iconic greater Mill Valley area, which has a highly desirable national reputation. It has taken many of us lots of years of education and work to be able to afford to live here. Speaking for myself, I've made the effort because I've always dreamed of living in a place like this. And that is a good thing. In contrast, the current proposal reminds me of the block-busting of an earlier era, and would result in a similar nose dive in housing values. If the proposal to insert high density, low income housing into Tam Valley and Almonte goes forward, the Mill Valley of today would be gone, destroyed by government fiat. And that would not be a good thing.

For all these reasons, I strongly urge that Tam Valley and Almonte be removed from the PDA category.

Sincerely yours,

Athena McEwan  
[REDACTED]  
Mill Valley, CA 94941

## Plan Bay Area 2040 Final Environmental Impact Report

**From:** Muriel Benedetti <[REDACTED]>  
**To:** "eircomments@mtc.ca.gov" <eircomments@mtc.ca.gov>, "info@onebayarea.org" <info@onebayarea.org>  
**Date:** 5/4/2013 10:10 AM  
**Subject:** Comments on DEIR for the Play Bay Area

Comment on the DEIR for the Plan Bay Area.

As a Marin County resident, I oppose implementation of the current Plan Bay Area draft for the following reasons:

C19-1

1. Lack of transparency:

The officials who are responsible for disseminating information in this plan to their constituents have failed in this task. The vast majority of affected residents are unaware of this plan. This is not the fault of the residents and they should not be penalized. Extend the comment period of the DEIR by six (6) months.

2. An outdated and

unsubstantiated plan: Plan Bay Area is based on static data, not currently relevant, and a lack of sufficient planning. Before implementing a plan that radically impacts this community for the next 50 years, any projections and resulting analysis must rely on current statistics at a minimum. The fact that no plan co-exists to support the necessary resources diminished by this planned growth further supports this point.

3. Failure to address vital

infrastructure issues: As one example, this plan fails to address water and sewer requirements for the region; of significance, schools are completely overlooked. As such, no official can rightfully make an informed decision as to its viability.

4. Prioritizing housing

development over, and prior to, building jobs: There are many negative consequences in promoting so much housing without commensurate employment opportunities. We need to learn from mistakes made by Bay neighbors. Vallejo, Stockton, Modesto and San Bernardino all went bankrupt as a result of incorrect job and growth projections, by over-building their cities.

5. Prioritizing housing over



transportation: Planning for mass housing prior to implementing sufficient public transportation makes no sense. A legitimate transportation infrastructure needs to be effectuated before any housing developments are discussed.

6. Permanent and Irreversible

Damage to Marin County's Natural Character: Marin County is geographically unique and merits preservation for countless beneficial reasons despite, and because of, its proximity to a major city. Formulaically rezoning parts of Marin to urban density based on (1) flawed projections and (2) from the distance of an outside perspective makes no sense locally. Historically, imposition of drastic changes from the outside rarely brings the intended results - too often to the contrary, colossal failure. Our community needs local review and input toward a plan that makes sense locally in truly evolving for the better. A viable plan comes from the arduous but wise collaboration of competent minds working together with the community that must live with the long-term consequences of that plan.

7. Social inequity: Building high density housing near highways and segregating the poor into those areas is socially unfair, not to mention ultimately very expensive because of the increased health threats posed by clumping people right next to a major freeway. Real integration allows the less fortunate to be mixed in with those of varying income; successful integration provides affordable housing at a sustainable proportion to market-rate homes, to ensure a healthy community continues to thrive - it does not risk ghettoization of a well-

resourced community. There are other ways to integrate people currently in place. A second unit ordinance, as one example, effectively doubles the housing stock. Integration happens organically through creating equal opportunities and improving resources in existing communities, not by government mandates. What people need is fair paying jobs, not segregated housing. Finally, there is inequity in amassing the housing in our neighborhood in that it really does nothing toward diversifying the entire county. If anything, it creates yet one more under-resourced community.

Yours truly,  
Muriel Benedetti

You tend to get told that the world is the way it is, but life can be much broader once you discover one simple fact; and that is that everything around you that you call life was made up by people no smarter than you. Once you learn that, you'll never be the same again. -Steve Jobs

## Plan Bay Area 2040 Final Environmental Impact Report

**From:** "John Castellucci" [REDACTED] >  
**To:** <eircomments@mtc.ca.gov>, <info@OneBayArea.org>  
**CC:** <jarnold@co.marin.ca.us>, <krice@co.marin.ca.us>, <skinsey@co.marin.ca.us>, <ksears@co.marin.ca.us>, <sadams@co.marin.ca.us>  
**Date:** 5/3/2013 4:32 PM  
**Subject:** Comment on the DEIR for the Plan Bay Area

As a Marin County resident, I oppose implementation of the current Plan Bay Area draft for the following reasons:

C20-1

1. Lack of transparency: The officials who are responsible for disseminating information in this plan to their constituents have failed in this task. The vast majority of effected residents are currently unaware of this plan. This is not the fault of the residents and they should not be penalized. Extend the comment period of the DEIR by six (6) months.

2. An outdated and unsubstantiated plan: Plan Bay Area is based on static data, not currently relevant, and a lack of sufficient planning. Before implementing a plan that radically impacts this community for the next 50 years, any projections and resulting analysis must rely on current statistics at a minimum. The fact that no plan co-exists to support the necessary resources diminished by this planned growth further supports this point.

3. Failure to address vital infrastructure issues: As one example, this plan fails to address water and sewer requirements for the region; of significance, schools are completely overlooked. As such, no official can rightfully make an informed decision as to its viability.

4. Prioritizing housing development over, and prior to, building jobs: There are many negative consequences in promoting so much housing without commensurate employment opportunities. We need to learn from mistakes made by Bay neighbors. Vallejo, Stockton, Modesto and San Bernardino all went bankrupt as a result of incorrect job and growth projections, in over-building their cities.

5. Prioritizing housing over transportation: Planning for mass housing prior to implementing sufficient public transportation places the cart before the horse. A legitimate transportation infrastructure needs to be effectuated before any housing developments are discussed.

6. Permanent and Irreversible Damage to Marin County's Natural Character: Marin County is geographically unique and merits preservation for countless beneficial reasons despite, and because of, its proximity to a major city. Formulaically rezoning parts of Marin to urban density based on (1) flawed projections and (2) from the distance of an outside perspective makes no sense locally. Historically, imposition of drastic changes from the outside rarely brings the intended results - too often to the contrary, colossal failure. Our community needs local review and input toward a plan that makes sense locally in truly evolving for the better. A viable plan comes from the arduous but wise collaboration of competent minds working together with the community that must live with the long-term consequences of that plan.

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## Plan Bay Area 2040 Final Environmental Impact Report

**From:** <JLucas1099[REDACTED]>  
**To:** <eircomments@mtc.ca.gov>, <info@OneBayArea.org>  
**Date:** 4/30/2013 4:16 PM  
**Subject:** One Bay Area/Draft Plan Bay Area EIR/2013 Transportation Improvement Program

To Public Communications Concerns at ABAG and MTC,

Dear Sirs and Madams,

C21-1

Public Review of One Bay Area, Draft Plan Bay Area EIR, Strategy for A Sustainable Region, and Draft 2013 Transportation Improvement Program (TIP) does not appear to be feasible as these documents are not found in Santa Clara County Libraries. Experienced local library reference personnel in Palo Alto and Los Gatos were not readily able to find any such transmitted documents

I do not have up to date computer internet access but should this remove me from access to these plans?

If May 1 Public Hearing in San Jose has an audience are they likely to be limited to technocrats?

Please advise what alternatives remain for me to find and be able to read base data of Bay Area Plan EIR and Draft 2013 Transportation Improvement Program? Is an extension of May 3 close of comment period possible?

Sincerely,

Libby Lucas

[REDACTED]  
Los Altos, CA 94022

May 1, 2013

To: Plan Bay Area Public Comment  
101 Eighth Street  
Oakland, CA 94607  
[eircomments@mtc.ca.gov](mailto:eircomments@mtc.ca.gov)

From: K. Rose Hillson  
[REDACTED]  
San Francisco, CA 94118

*via email*

Comments on Draft Environmental Impact Report  
PlanBayArea  
State Clearinghouse No. 2012062029 – April 2013

Page ES-5: "...as of 2010 only about 18 percent of the region's approximately 4.4 million acres of land has been developed."

**C22-1** If you exclude the open spaces, water bodies and land used for transportation networks, what is the percentage that has been developed for human habitation for the nine counties (Alameda, Contra Costa, Marin, Napa, San Francisco, San Mateo, Santa Clara, Solano and Sonoma) analyzed in this DEIR? If the acreage of land was not based excluding these aforementioned areas (e.g. open spaces, etc.), then what is the percent of land that has been developed in total for these nine counties? Has that been analyzed?

**C22-2** I would also like to know the data for San Francisco from 2010 rather than the year 2006 for San Francisco that was used in the strategy analysis (Page 1.2-1, Footnote 2).

Parts of the PlanBayArea argues the need for this strategy based on the base year of 2010. It is not used as the base year for all of the CEQA categories of impact. It should be consistent. If 2010 cannot be used, then the method of analysis for this DEIR appears to be flawed. The environment in 2010 is different if you use another year as the basis for the study such as, e.g., 2006. This does not reflect an accurate picture of what the lay of the land for the data was.

**C22-3** Page ES-6: PlanBayArea's objective is to "house 100 percent of the region's projected 25-year growth by income level without displacing current low-income residents."

Sure, you may find housing for low-income residents but they may not be able to live in the town they have been living in for decades. San Francisco's rents are one of the highest in the nation if not the highest. "Affordable housing" is not affordable for the low income because they are not building them in San Francisco at the same or greater pace than market-rate housing. Few

developers want to build them due to profit margins. The people may not be displaced from “the REGION” but they will be displaced from their units in the town in which they have been residing. Then these people still have jobs in the city so they commute and pollute to their job (or jobs because they are not highly paid workers, they need multiple jobs). They use their vehicles because transit is not efficient enough and the places they need to get to work and the times is not feasible with transit.

**C22-4** Page ES-6: Table ES-1: Total Projected Growth for the Bay Area, 2010-2040  
If the projected additional growth in population by 2040 for the Bay Area is 2,148,000, a 30% change, regardless of the shortfall in housing units projected to be built (660,000), the increase in the number of jobs is 1,120,000. If each of the additional 2,148,000 people are single and not related as a family, about 52.1% of the people will be unemployed and not contributing to the local economy. Perhaps the 1,028,000 of the unemployed will not really live in the Bay Area but will be commuters and be residing elsewhere? If they commute by vehicle, they will likely put more CO<sub>2</sub> into the air. How many of these new people will bring cars to the city?

**C22-5** Page ES-7: Alternative 4: Enhanced Network of Communities  
This alternative that strives to achieve a “no in-commuters from other regions” focus is not working today. People commute into San Francisco and not all by public transportation. They will not get out of their vehicles due to the lousy public transportation and it not being punctual or reliable. Look at Table 2.1-6 on Page 2.15-6. You do not have the transportation infrastructure in place still to deal with this. The DEIR says, “The transportation investment strategy is consistent with the Preferred Transportation Investment Strategy, also used in the proposed Plan, and includes a higher peak period toll on the San Francisco-Oakland Bay Bridge.” The well-to-do Bay Area people will keep paying the higher toll and the lower income people who may have 2-3 jobs cannot take public transportation to their multiple low-paying jobs to meet their rent payments, utility bills, etc. They will be the most impacted. There could be a problem with social / financial class equity in this plan. I do not think this is solved in Alternative 5 (Environment, Equity and Jobs).

**C22-6** Page ES-8: Alternative 5: Environment, Equity and Jobs  
“...seeks to maximize affordable housing in opportunity areas in both urban and suburban areas through incentives and housing subsidies.” Imposing a Vehicle Miles Traveled (VMT) tax will not help the lower-income people because, public transportation will not get them to their multiple low-wage jobs faster than a vehicle and when you tax them by imposing this VMT tax along with the higher peak-period tolls on the San Francisco-Oakland Bay Bridge to fund transit operations, it still will not work. Many low-wage workers do not work the day shift from 9am-5pm. The transit system is not designed to run all hours as often as during the dayshift morning and evening “9-5 shift” hours. It would cost the transportation entity too much to do so. And you only have \$289 billion (Page ES-6) for transportation so that will not work. Also, any plans by local agencies and state agencies to charge more on their registration for their vehicles would also hurt these same low-wage people. These are additional taxes that will hurt the working class. The wealthier class will not be hurt even if they are taxed on their vehicles even if the tax rate structure is based on a percentage of the cost of the vehicle. Businesses will also filter down any vehicle tax increase to their customers which will hurt everybody.

C22-7

Refer also to Appendix B of the “PlanBayArea Equity Analysis Report” which shows that people in the lower income brackets have a high reliance on automobiles to make a living. Also, the Appendix B and the DEIR talks about “Communities of Concern” and have a map showing where these are in concentrated areas of the counties. For instance, it shows that the “communities of concern” (based on factors such as “minority,” “low income” (<200% of Poverty), “limited English,” “Zero-vehicle household,” “seniors 75+ yrs old and older,” “disabled,” “single-parent,” and “cost-burdened renters”) are somehow relegated to the 305 out of the 1,405 tracts so carefully chosen out of the entire Bay Region. People are like ants. They live all over and to base the proposed concentration of new development and transit based on these criteria is a little like pretending that these people are not living amongst the other people who are not necessarily people who are in the “communities of concern.” The 2010 Census data will show you where the people live – all over, not just in the 305 salient tracts gleaned out of the 1,405 special tracts.

Look at, for example, Page A-4 of the Appendices (same map one gets when one goes to <http://geocommons.com/maps/118075> except the link gives more details down to the street level. The criteria of the “communities of concern” do not seem to hit on all cylinders to mark certain areas as “communities of concern.” It is not clear how the tracts were picked out even looking at the reference data that can be brought up at the website link. I look at the tracts for San Francisco, e.g., and when one looks at the red tracts noted on the map, the area is between Fulton and West Clay Avenue between 2<sup>nd</sup> Avenue and 7<sup>th</sup> Avenue. If this is a “community of concern,” one may as well paint the whole town red since these tracts are typical of many of the other city blocks in San Francisco. I think San Francisco’s “communities of concern” would paint the whole town red on the map. Also, some tracts marked as “communities of concern” have been developed or will soon be developed into market-rate rentals, etc. so these people are not or shortly will not be there so this plan is flawed already and it is only 2013. By 2014, there will probably be more development so these supposed people in the “communities of concern” may just move to other parts of town if they can still afford to live in San Francisco. Anybody can impose a set of criteria to further the PlanBayArea strategy to become a reality. Anybody can also come up with a set of criteria to protect a certain part of the city from the impacts of this PlanBayArea scheme, especially when the data years is not consistent as mentioned in Page ES-5, above (first comment).

This DEIR and the study to base the PlanBayArea seems flawed in these regards as well.

C22-8

Page ES-8: The impact analysis in the DEIR used 2010 as the base year for existing land and transportation impacts. It states that an exception was made to use 2005 for the baseline for the California Air Resources Board (CARB) target under Criterion 1. Why was 2010 not used for the “Greenhouse Gases and Climate Change” category? Was there an analysis for 2010 base year prior to going ahead with recommending use of base year 2005 for PlanBayArea? If so, where was that published and considered in this strategy? If 2010 were used for the base year, how would that change the five alternatives in the PlanBayArea strategy? Has this been analyzed? See also DEIR Table 3.1-28 “Total and Per Capita Passenger Vehicle and Light Duty Truck CO<sub>2</sub> Emissions, By Alternative” which also keeps using the base year 2005 to arrive at percentage change / impact analysis. This is skewing the data.

Here again, another base year is being used besides that for 2010 which is the basis for the other categorical analyses. If one does not use a consistent base year, the data will be skewed to reflect a particular outcome. This is not an objective, thorough and accurate study if the basis is flawed.

**C22-9** NOTE: 2005 is used for this Greenhouse category; 2006 is used for calculation of how much land has been developed across the nine counties in the PlanBayArea strategy DEIR. If DEIR is basing the data and relying on facts, then it needs to have one version with all 2005, one with all 2006 and one with all 2010 data. Otherwise, mixing the years for various environmental impact categories will skew results to attain a certain pre-conceived idea to support a particular alternative. In this DEIR of the PlanBayArea, this could be a flaw.

**C22-10** Page 1.2-5: What is the definition of “pre-recession”? What calendar years are we talking about? Not all counties were affected equally during economic downturn. Has that been taken into account? I do not know that this has been thoroughly analyzed. San Francisco was pretty resilient.

**C22-11** Page 1.2-5: Why is this PlanBayArea basing its DEIR on the 2010 base year (2010 Census) when it states there was “high unemployment” levels? Different economic atmosphere of an extraordinary occurrence would skew the forecasts in this PlanBayArea study as well.

**C22-12** Page 1.2-9: Section header should read “Regional Housing Needs Allocation” vs. “Need”.

**C22-13** Page 1.2-9: With the next round of Regional Housing Needs Allocation (RHNA) coming due in 2014 for the Bay Area, seeing how this DEIR bases its study on different base years, and thus appears to be flawed, how can one then project additional housing units to be put in place for all the regions on top of the projected ones in the current RHNA?

**C22-14** Page 2.1-15, Table 2.1-6: BAY AREA RESIDENT WORKERS CATEGORIZED BY MEANS OF TRANSPORTATION TO WORK, 1990-2010

This table shows that in each decade, 1990, 2000 and 2010, 68% of the people drove alone in their vehicles. Nothing has changed to get drivers out of their cars. It shows the number of people who carpooled dropped 2% from 13% to 11%. Economic downturn in 2008-2009 impacted 2010 data? Any transit improvements have not worked thus far. People need fast, reliable transit. It’s not there. Also, again, low-wage earners have less time to take transit for their lifestyle which could be to multiple jobs due to their low-wage jobs. They need more than one job to make ends meet in this high cost-of-living Bay Area. It does not matter how many housing units are built, the trend seems to stay about the same as far as solo car use (68%), carpool (11-13%), and transit use (10%). Does the PlanBayArea strategy think that by 2040 the pattern will change for each of these categories?

**C22-15** Page 2.1-25: TABLE 2.1-10: BAY AREA DEMOGRAPHIC FORECASTS (2010-2040)  
Unless one does a study on which households of what ethnicity, what kinds of occupations, what kind of income levels lead them to have multiple automobiles, the PlanBayArea may be hurting one or more of these social groups (e.g. Latinos with low income, Caucasians with middle income, etc.). The DEIR mentions on Page 3.2-5 and earlier on Page 1.2-8 that Latinos and Asians will have a greater population in the Bay Area. Will the PlanBayArea strategy to get rid



of automobiles via VMT and toll increases on bridges, insurance rate increases, etc. be targeting these people over others?

C22-16

Page 2.3-5: The forecasted reduction in demand for single-family homes means that speculators can buy them up and build multi-unit housing in many places zoned for 2+ units. Then they remodel into larger homes after booting out the renters that used to be in the smaller single-family home. Some of these small single-family homes in various cities may be rented out by low-wage, retired or disabled people since they cannot afford to buy. These areas then become in-filled with larger homes that only the wealthier can purchase and are no longer available for cheap rent (as in the small single-family house rent). Has a study in this DEIR been done to find out what kinds of people have been or will be displaced by this forecasted trend? If the PlanBayArea strategy would facilitate such displacement, it may not be such a good plan. The representation of people of different economic levels will change such that there will be higher income people in San Francisco. The result of this would be the displacement of a significant number of the existing lower income bracket people who are currently in the city.

C22-17

Page 2.3-34: “Long term impacts on community disruption or displacement are possible as a result of proposed transportation projects and land development where substantial land use changes are identified.”  
?????

C22-18

Page 2.6-11, Table 2.6-2: TYPICAL NOISE LEVELS FROM DEMOLITION/CONSTRUCTION EQUIPMENT OPERATIONS

Heavy Diesel Truck is shown to create 88 dB of noise exposure level. At the construction site, this is expected. However, many of these trucks traverse residential neighborhoods. In San Francisco, many projects are approved but no plans for noise mitigation for these higher dB sources of impact are readily available as reference for the residents should they have concerns. Hardly anybody polices noise complaints so the residents just put up with it; for longer duration projects where dB levels are in the 80+ range, the people may well move out. With the increase in housing development projected, the types of construction equipment which do not stay at the construction site should stick to roads that already have a high level of noise (commercial corridors).

C22-19

Pages 2.6-25 – 2.6-26: Although the DEIR has outlined mitigation measures for the noise issues, what analysis has been done to determine displacement of residents from higher dB noise from construction projects identified in the PlanBayArea through 2040? How many people from the PDAs (for each specific PDA) will be displaced from the construction equipment operations? What groups of people will be affected (by income, age, ethnicity)?

C22-20

Also, where is it shown the increase in noise from sources which service the increase in population after development is built? There will be additional garbage truck pickups and noise from them when they go up and down the same block practically every day of the week instead of just once a week, fire calls with sirens blaring and truck engine noise, police calls with sirens blaring, other emergency vehicles with noise emitting devices and additional vibrations to service the residents and visitors in San Francisco. So where is this analysis done in the DEIR?



**C22-21** | Page 2.7-22: Having an increase in people from 7,091,000 to 9,196,000 by 2014 of the area in the Alquist Priolo Earthquake Fault Zone (Alquist-Priolo Zone) is putting these additional people at risk of death. I think the hazard that is not covered in this DEIR is the health hazard of trying to deal with so many deaths in the event of a major earthquake. Although there were many deaths from the 1906 earthquake in the city of San Francisco, it will be nowhere near as many people as we are all planning to house in this PlanBayArea. This plan puts people's lives at risk and there will not be enough open space land to bury them all nor enough facilities to cremate. All the roads will be jammed up (transportation issues) from all the glass and other debris from the earthquake.

**C22-22** | In addition, there is the combined effects of this PlanBayArea which are not addressed. Although older buildings may be retrofitted to meet "current earthquake standards" for buildings, and the issue of liquefaction for certain areas is covered in the DEIR, there is the issue of the water shortage for the people after the quake and the depletion of the water table, the aquifers and the tanks that are supposed to hold 2.8 mgd per the local San Francisco water supply plan. When the soil underneath the buildings loses the water, the particles of soil come apart and compact themselves. Buildings on top of these areas will settle. The DEIR does not look at the combined effect of geologic issues and depletion of groundwater together. It may look at the combined effect of one earthquake fault rupturing and another but looking at all the environmental impact categories together and their cumulative impacts.

**C22-23** | More development will mean more open land will be covered and less will get to the groundwater table though additional pollutants from the development and the new residents may enter the groundwater and be an environmental impact. I do not think this DEIR thoroughly studies all of the moving pieces of the puzzle together and thus it is not fully complete and does not give an accurate picture of the full cumulative impact of going forth with this PlanBayArea. In addition, due to drought years in California's Bay Area, more people will be forced to drink a blended water rather than as San Francisco had been for a long time, relying on "pristine" Hetch Hetchy water for drinking. Not sure how long the current blended rate will be used before a greater percentage of groundwater is implemented for people to drink. At some point, it will become a disagreeable, "tasteless" remedy for people's drinking water.

**C22-24** | Page 2.8-26: Although the DEIR states that future land development will likely be built on already impervious surfaces and mainly in the PDAs, the new development will likely have an intensified use in terms of density or size and bulk so there will be more people living in it. Today, with the density we have, the groundwater use may only be 5% of the total water usage but in this PlanBayArea, I believe the total groundwater use will be greater though it is not mentioned in the DEIR. How much of the total groundwater is projected for the full build-out of this Plan in each of the PDAs? Although the DEIR covers the "Population and Water Demand Trends" in Figure 2.12-5 on Page 2.12-21, it still does not use this data along with the other categories of impact that need to be considered together (cumulative and concurrent) in the analysis for a true environmental impact for PlanBayArea.

**C22-26** | Page 2.9-15: "Special-Status Plants" – "Special-status plants are not expected to occur in urban, agricultural, or ruderal environments due to the degree of disturbance to soils and vegetation, as well as habitat fragmentation, found in these areas."

While one may not expect them, they are found occasionally. One rare native plant was found and listed in the EIR of a project in San Francisco. It is hoped that this plant will be saved prior to construction though I doubt it. As well, some special-status plants naturally pop up after disturbances to the land. Unless a full study of the land prior to development is done, there are certain locations which house these special-status plants and great care should be taken to collect them and their dormant reproductive parts prior to building. They are needed for the continuity of their genotypes. This is a potential mitigation measure that is not considered in this DEIR. This alternative method of protecting special biological resources has not been considered as a mitigation practice which should become standardized because not all biological resources are found in its “identifiable” form (e.g. a full grown plant, a full grown bug, etc.) in the DEIR so the true impacts of the Plan are not covered so it is incomplete and inaccurate.

C22-27

Page 2.9-54: “The actual footprints and other design details of most proposed transportation projects are not known because the projects are in the early stages of planning.” The DEIR cannot accurately determine the environmental impact of PlanBayArea even though it states that there will be less-than-significant or significant but mitigatable issues, it does not know for sure to make the claim. Thus the DEIR says that the local agencies will have to “determine the exact resources found within proposed road or rail alignments.”

C22-28

Page 2.9-55: “Because the proposed PDA-focused development and transportation improvement are mainly concentrated along existing transportation corridors and in previously developed areas, the overall habitat loss and fragmentation is considered lower than if projects were located in undeveloped areas.”

Please see my comment under Page 2.9-15 above.

C22-29

Page 2.9-59: Although a biological survey of state- or federal-protected plant species will be done for project sites, and CDFW /USFWS will be consulted for the taking of the species found, nowhere does it say that the site will be investigated for reproductive parts of the plant which may be about to go extinct. I think this is a big oversight in the process used by the agencies. The mitigation measure will not cause a complete protection of these sensitive habitat areas or of the species to continue. This should be studied further and implemented. Some plants have strange reproductive measures and just because the plant is not visible does not mean that that “plant” does not exist. Also, for special-status creatures, one should look for non-adult stages (e.g. eggs, cocoons, nymphs, etc.).

C22-30

Page 2.9-72: Basically this DEIR concludes that for Biological Resources, the impact will be “significant and unavoidable (SU)”. This means the DEIR will be adopted and the PlanBayArea will move the transportation and land development projects forward via CEQA streamlining. It is still hoped that the public’s comments or suggestions will inform and possibly have responsible government entities take a closer look at special-status and rare biological resources before they are exterminated.

C22-31

Page 2.12-23: See my comment under Page 2.8-26 earlier. Also, Table 2.12-4 “Year of Projected Water Shortages (Single Dry Year) shows that out of the 10 listed water sources, Sonoma, Napa, Solano, East Bay Municipal Utility and Alameda will have demand outpace

supply by 2010-2015. That is 50% of the list. There will be severe water bill rate hikes to implement any mitigation measures for enough drinkable water for the PlanBayArea project.

C22-32

Page 2.12-38 – 2.12-39: When is San Francisco’s solid waste processing landfill going to run out for the projected increase in population for the PDA’s and the transportation projects which will bring in many more employees and visitors to the city? Where is the projected shortfall of landfill for the city of San Francisco studied in this DEIR? It just lists that there are composting and recycling facilities but it does not say anything about the landfill running out. This DEIR is incomplete in this respect. How many more acres of land is needed to accommodate this PlanBayArea? How many cubic yards of construction waste will result from the transportation and land development projects?

C22-33

Page 3.1-59: See also comment earlier on Page ES-8. Table 3.1-28 uses 2005 as the base year to arrive at the percentage that Alternative 1 – No Project does not meet SB375 targets for GHG. As well, it arrives at this conclusion for Alternative 4 – Network of Communities. Why is the analysis in this Table 3.1-28 using 15-year span intervals for determining impact (e.g. 2005-2020-2035-2040)?

C22-34

Page 3.1-60: With the projected transportation and intensified development projected for PDAs, etc., it is hard to believe that in all alternatives, it is “expected to result in a decline in overall emissions as compared to 2010” and that “there are no adverse impact (NI) for all alternatives”.

Based on the above, I think there are still incomplete and inaccurate parts of this DEIR which is due to not having a thorough analysis and faulty basis for analysis using different calendar years for comparisons.

Thank you for this opportunity to comment on this DEIR.

**From:** Kaia Eakin <[REDACTED]>  
**To:** <eircomments@mtc.ca.gov>  
**Date:** 5/2/2013 10:36 AM  
**Subject:** Community Comment on Draft Plan Bay Area and Draft EIR

To whom  
it may concern:

C23-1

I applaud the MTC and ABAG for proposing an integrated long-range land-use/housing plan.

On May 1, 2013 new population numbers were released indicating that Santa Clara County is the fastest-growing county in the State and that San Mateo County is the 4th fastest-growing. In short, we will have booming population growth in the bay area for the foreseeable future and it is obvious that we must plan on a regional basis for this inevitable growth. I am impressed by the thorough discussion about demographic trends in the Draft Plan Bay Area and the Draft EIR and am pleased that ABAG and MTC are taking care to understand and communicate the needs of the entire region. In particular, I strongly support infill development and transit-oriented development near public transportation and existing corridors and the Draft Plan Bay Area and EIR articulate the basis for proposing this type of growth -- namely that it is supported by the needs of the existing population. Aging baby boomers and young adults comprise a growing sector of our population and both groups desire walk-able neighborhoods and the ability to have core needs met without driving.

I am aware of some areas where the Draft Plan Bay Area and Draft EIR may need more detailed explanations or where some details may need more articulation, however, I believe it is important not to have the perfect be the enemy of the good. This Draft Plan Bay Area is good, in fact excellent.

Kinks can be ironed out during the process, and details fleshed out as needed. The core concepts and visions in the Bay Plan are laudable and I support it fully.

I reside in San Mateo County. If possible, kindly add me to the Plan Bay Area e-mail notification list.

Sincerely,

Kaia Eakin

**From:** Kaia Eakin [REDACTED]  
**To:** <eircomments@mtc.ca.gov>  
**Date:** 5/2/2013 10:38 AM  
**Subject:** Comments to Draft Plan Bay Area and Draft EIR

To whom  
it may concern:

C24-1

I applaud the MTC and ABAG for proposing an integrated long-range land-use/housing plan.

On May 1, 2013 new population numbers were released indicating that Santa Clara County is the fastest-growing county in the State and that San Mateo County is the 4th fastest-growing. In short, we will have booming population growth in the bay area for the foreseeable future and it is obvious that we must plan on a regional basis for this inevitable growth. I am impressed by the thorough discussion about demographic trends in the Draft Plan Bay Area and the Draft EIR and am pleased that ABAG and MTC are taking care to understand and communicate the needs of the entire region. In particular, I strongly support infill development and transit-oriented development near public transportation and existing corridors and the Draft Plan Bay Area and EIR articulate the basis for proposing this type of growth -- namely that it is supported by the needs of the existing population. Aging baby boomers and young adults comprise a growing sector of our population and both groups desire walk-able neighborhoods and the ability to have core needs met without driving.

I am aware of some areas where the Draft Plan Bay Area and Draft EIR may need more detailed explanations or where some details may need more articulation, however, I believe it is important not to have the perfect be the enemy of the good. This Draft Plan Bay Area is good, in fact excellent.

Kinks can be ironed out during the process, and details fleshed out as needed. The core concepts and visions in the Bay Plan are laudable and I support it fully.

I reside in San Mateo County. If possible, kindly add me to the Plan Bay Area e-mail notification list.

Sincerely,

Kaia Eakin

## Plan Bay Area 2040 Final Environmental Impact Report

**From:** CFSF- Carl Fricke <[REDACTED]>  
**To:** <info@onebayarea.org>, <eircomments@mtc.ca.gov>  
**Date:** 4/26/2013 10:49 AM  
**Subject:** Public Comments on Marin County Plan Bay Area, One Bay Area

**C25-1** a) A number of proposed sites are not close to transportation corridors or hubs (such as Grady Ranch- four miles from highway 101) nor do they have infrastructure (electric power, sewer, water, fire, emergency medical services, etc) or support services (grocery, store for basic services, access to basic medical facilities, etc). This is totally inconsistent with Plan and increases greenhouse gasses (greater transportation distances, vehicle miles traveled). How and why are these sites even placed in your plan?

**C25-2** b) What is the full and specifics added costs and impacts on local schools and taxes on residents living in the area when these developments contribute little or no money to the tax base (Dixie School, for example, relies upon property taxes, not the state), especially when more than 70% of the proposed development is planned for the Lucas Valley, Marinwood areas?

**C25-3** c) Are all proposed parcels buildable? Were the degree of slopes, stream setbacks, added erosion from runoff (due to new roads, parking lots, roofs and other new low/non-permeable structures), accelerated runoff during storm events (rather than allowing percolation through soils), landslides and slope stabilities assessed and assessed for impact- at the proposed development sites as well as downstream/downslope on local and regional basis?

**C25-4** d) Where does adequate, reliable and sustainable water supply come from, and what is the impact on existing resources? What is the likelihood and cost to obtain such supplies? Have the cost impacts of drought on future supplies of these developments been assessed? Who has agreed to supply such water? Do these developments rely, in whole or part, on desalination or others means such as importation, rationing, higher prices) and would these mitigation plans be adequate to reliably and sustainably serve the needs of these developments plus existing demands?

**C25-5** e) How do plans conform with the existing Marin Countywide plan? Proposed changes in zoning? How does One Bay Plan's urban density (30 units/acre) match with the semi-rural and suburban densities that currently exist for these proposed development parcels and the adjacent/surrounding local neighborhoods (use Grady Ranch as example- the adjacent properties within two or more miles, are mostly all single family homes or duplexes)? When, how and where do these impacts get assessed, the public input accommodated and concerns get credibly addressed and legitimately mitigated, or are these legitimate concerns pushed aside (overridden, as defacto) once the Plan is in place? The current properties in Lucas Valley (Big Rock, Grady Ranch areas) are zoned properly.

**C25-6** f) What are the [REDACTED]ts from all the exemptions being made? Nonprofit housing, schools, funding, environmental impacts, water supply, setbacks along streams, slope stabilities and erosion, etc.

**C25-7** g) What is the projected impact on property values?

**C25-8** I request a extension of time for more public review and comment, and that a full EIR be produced for each opposed parcel/development before any decisions are made by governmental offices, especially Marin County Supervisors/Board and other relevant agency personnel.

The current Plan represents very poor planning, inadequate research, thought and impacts relative to existing infrastructure, public facilities, geology/geomorphic settings, the availability and sustainability of water resources, transportation, taxes, population growth, and the Dixie School District.

Carl Fricke  
[REDACTED]  
San Rafael, CA 94903

**Public Comment on Draft Bay Area Plan and Draft Bay Area Plan Draft  
Environmental Impact Report (State Clearinghouse No. 2012062029): by Robert  
Silvestri, [REDACTED]. Mill Valley, CA 94941; May 15, 2013: GHG Emissions**

This letter is submitted as public comment on the Draft Bay Area Plan and Draft Bay Area Plan Draft Environmental Impact Report (State Clearinghouse No. 2012062029) regarding GHG emissions noted in the DEIR.

## **INTRODUCTION**

A fundamental purpose and goal of AB32, SB375, the Sustainable Communities Strategy (SCS) and Plan Bay Area is the reduction of per capita CO2 emissions / greenhouse gases (GHGs) from the use of private automobiles and light trucks by 7 percent by 2020 and by 15 percent by 2035. The Sustainable Communities Strategy requires all Metropolitan Planning Organizations (MPOs) to create transportation oriented development plans as a means of achieving those goals. In addition, SECTION 4. of SB375 states that Section 65080(b)(1)(G) of the Government Code (is amended to read) that “Prior to adopting a Sustainable Communities Strategy, the metropolitan planning organization shall quantify the reduction in greenhouse gas emissions projected to be achieved by the sustainable communities strategy and set forth the difference, if any, between the amount of that reduction and the target for the region established by the state board.”

After review of the Plan Bay Area document and the Alternatives (“the Plan”), and the Draft Environmental Impact Report for the proposed Plan and the Alternatives (the “DEIR”), and in particular Part Two, Chapter 2.5 *Climate Change and Greenhouse Gas*, and Chapter 3.1, *Alternatives to the Proposed Plan*, my findings are that the DEIR fails to adequately establish reasonably proof of the efficacy of the proposed Plan or the Alternatives in reducing per capita or overall greenhouse gas emissions (GHGs), to meet SCS goals, and therefore fails the technical requirements under CEQA. Furthermore, based on the more specific

C26-1

Public Comment on Draft Bay Area Plan and Draft Bay Area Plan Draft Environmental Impact Report (State Clearinghouse No. 2012062029): submitted May 15, 2013 by Robert Silvestri, [REDACTED] Mill Valley, CA 9494: GHG emissions.

types of analysis demonstrated herein, my findings are that Plan Bay Area and the Alternatives will increase overall and per capita GHGs rather than decrease them.

Please note the following comments to support this conclusion:

**1 – THE CLIMATE CHANGE DATA PRESENTED IN THE DEIR IS NOT RELEVANT TO SB375 REQUIREMENTS:**

The DEIR expends the first 41 of its 85 pages, and numerous pages thereafter, presenting a variety of statistics and theoretical projections about climate change, globally and locally, and its potential impacts. However, there is no requirement for the DEIR to establish whether climate change is or is not happening, or is or is not disputable. Therefore, all this data is irrelevant to the question of whether or not the Bay Area Plan and its Alternatives will reduce or increase GHGs and if so, by how much, specifically.

One needs to ask why then this data has been included. It appears that it was included to sensationalize the problem and mislead the reader to assume, by inference, that there is in fact some cause and effect between this climate change data and the proposed Plan and Alternatives, without offering any actual proof or analysis to support the proposed Plan's or Alternative's efficacy in that regard.

The DEIR's cite of EMFAC 2011 data or MTC's supplemental technical report, *Summary of Predicted Traveler Responses*, in support of its analysis is inadequate. Neither EMFAC's data nor the MTC Report is sufficiently detailed to properly draw the correct conclusions about the efficacy of the Plan or its Alternatives. Raw data and simplistic analysis are not a substitute for thorough analytical methodologies. Furthermore, basing the DEIR on previous studies that concluded that high density, transit oriented development (TOD) reduces GHGs does not constitute proof or adequate analysis to conclude that the Plan and its

C26-2

C26-3

C26-4



Public Comment on Draft Bay Area Plan and Draft Bay Area Plan Draft Environmental Impact Report (State Clearinghouse No. 2012062029): submitted May 15, 2013 by Robert Silvestri, [REDACTED]. Mill Valley, CA 9494: GHG emissions.

Alternatives reduce GHGs. In addition, the theory that high density TOD reduces GHGs has been largely discredited by recent research and to be demonstrated to be inadequate to reach the conclusions found in the DEIR. This commentary will provide the types of analysis required to reasonably analyze all the GHG impacts of the Plan.

#### CONCLUSION:

As will be presented in this commentary, the DEIR fails to demonstrate that the Plan or Alternatives have beneficial impacts on either per capita or overall GHG emissions in order to comply with the requirements of SB375. Further, the DEIR fails to adequately analyze GHG impacts using specific Bay Area examples and circumstances.

## **2 – THE DEIR USES “STATISTICAL DATA” ON AUTO AND LIGHT TRUCK GHG EMISSIONS TOO SELECTIVELY TO REACH ITS CONCLUSIONS, WHICH ARE NOT BORNE OUT BY A MORE THOROUGH ANALYSIS:**

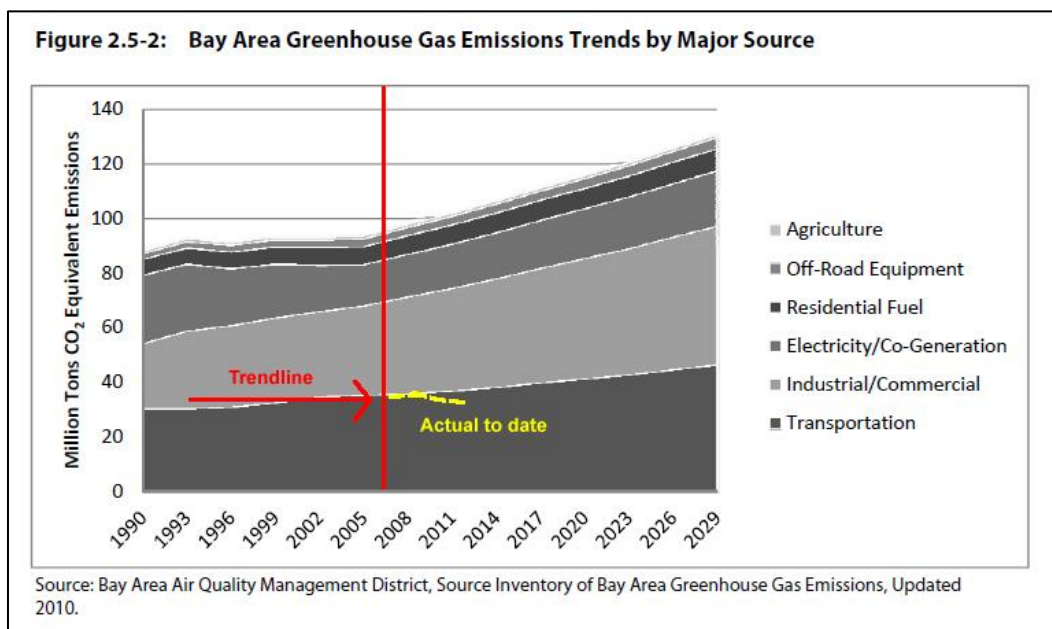
A fundamental goal of the Plan is to reduce per capita GHGs by reducing auto and light truck emissions. The DEIR argues that the Plan and Alternatives will accomplish this. To substantiate this claim the DEIR presents projections of future GHGs from various sources, and statistical extrapolations of this assumed data to forecast future events and trends. However, the metrics and statistical “facts” that these prognostications are based upon appear to have been carefully “cherry picked” from an enormous amount of available data, both past and present. Much of the data used in the DEIR is either questionable or has been discredited by more recent research and data. Further, to merely compile statistics based on unexamined metrics to present a “bleak” picture of the future, and then to use that picture as evidence to support the Plan, does not constitute a scientific

Public Comment on Draft Bay Area Plan and Draft Bay Area Plan Draft Environmental Impact Report (State Clearinghouse No. 2012062029): submitted May 15, 2013 by Robert Silvestri, [REDACTED] Mill Valley, CA 9494: GHG emissions.

argument or proof of the Plan's efficacy or value. However, proving the efficacy and value of implementing the Plan is a requirement of the DEIR.

#### EXAMPLE:

On page 2.5-6 of the DEIR Figure 2.5-2 projects the rise in GHGs from various economic sectors (shown below). "Transportation" is the dark area at the bottom. These projections are extrapolated from data collected in a study that

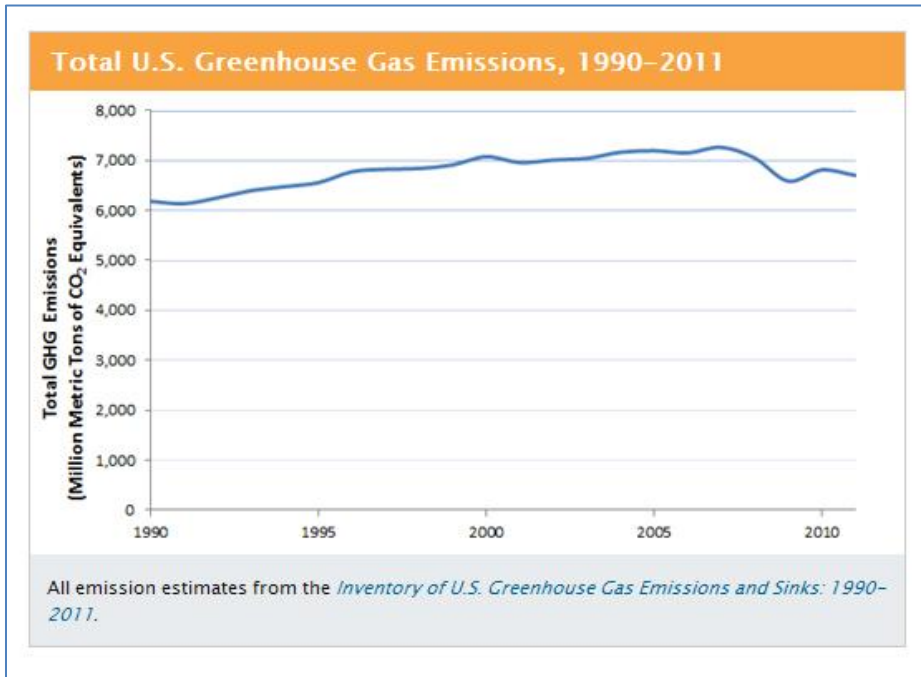


included the years up to 2005, subsequently compiled and published in 2010. However, the projections shown on this chart are both biased and irrelevant to the purposes of SB375, Plan Bay Area, and the DEIR.

The years leading up to 2005 were arguably part of the biggest growth boom in the history of this country (1993 to 2008), so any metrics generally based on that are inherently distorted. In spite of this, the DEIR future projections in Figure 2.5-2 show a straight, sloping line upwards for "transportation" from the very day of the end of the data points that the DEIR relies on. Real data from 2005 to 2013 (shown in yellow on chart) has proven this to be false. Also, data

Public Comment on Draft Bay Area Plan and Draft Bay Area Plan Draft Environmental Impact Report (State Clearinghouse No. 2012062029): submitted May 15, 2013 by Robert Silvestri, [REDACTED], Mill Valley, CA 9494: GHG emissions.

published since those used in the DEIR shows declining GHG emissions, as well, including transportation. See the chart below, published by the EPA.



As this chart clearly shows, GHG emissions began to drop significantly after the middle of 2008 and have been on a downward to sideways trend ever since. However, SB375 and the Bay Area Plan are only focused on decreasing per capita GHG emissions from personal automobiles and light trucks, not the entire “transportation” sector (e.g. trains, boats, public transit, etc.). So in order to do a proper analysis, we must look at the data more closely.

As chart 2.5-2 shows, GHG emissions associated with “transportation” have in fact been leveling off since the early 1990s (rate of increase decreasing or nonexistent) and not significantly increasing. However, when we look at just GHG emissions from autos and light trucks, we see that these have been trending down since 1990. For example, Figure 2.5-7 on page 2.5-58 of the DEIR shows “per capita car and light truck emissions” dramatically decreasing since 1990 out as far as 2050, directly contradicting the projections of Figure 2.5-2 (this doesn’t

Public Comment on Draft Bay Area Plan and Draft Bay Area Plan Draft Environmental Impact Report (State Clearinghouse No. 2012062029): submitted May 15, 2013 by Robert Silvestri, [REDACTED], Mill Valley, CA 9494: GHG emissions.

114 even include the impacts of improved vehicle technology or the new CAFE  
115 standards). Recently published data by the EPA confirms that this flat to down  
116 trend has actually continued through 2012. So it is reasonable to ask, why the  
117 DEIR consciously choose to use outdated data (Figure 2.5-2) and not include the  
118 positive effects of the new CAFE standards in its analysis.

C26-15

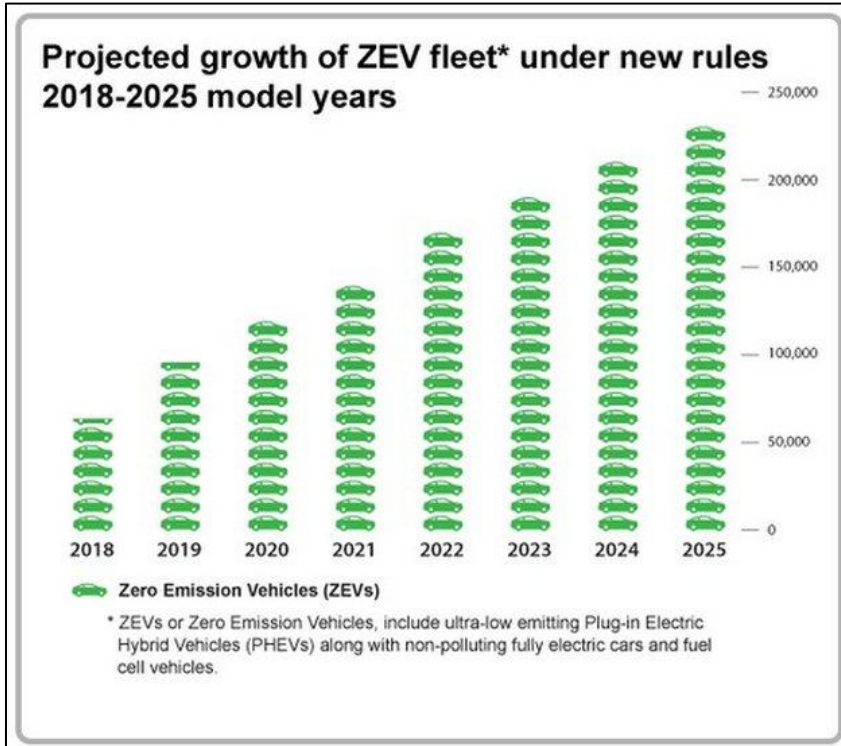
119 The reason that GHG's from cars and light trucks have been trending  
120 downward is the result of a host of environmental laws and GHG reduction  
121 technologies beginning to have significant effect, including the effects of  
122 improved gas mileage and improved emissions technologies, as newer models  
123 enter regular use, and it is also due to the increase in fuel prices that have begun  
124 to adjust upwards to reflect true global oil pricing: increases that bring us more in  
125 line with other nations and that are not likely to ever go down again on an  
126 inflation adjusted basis.

C26-16

127 It's also important to note that Northern California and the Pacific  
128 Northwest has some of the highest new technology adoption rates and highest  
129 vehicle turnover rates of anywhere in the United States, which has been  
130 decreasing per capita GHG emissions from private auto and light truck use at a  
131 greater rate in the Bay Area than national averages. All this has sped up the  
132 manufacture, marketing and rapid public adoption of a wide variety of new types  
133 of PZEV (partial zero emissions) and ZEV (zero emission) vehicles.

134 This auto industry trend is now considered permanent by the auto and light  
135 truck industry, contradicting the fundamental arguments behind SB375 and Plan  
136 Bay Area's future GHG projections from autos and light trucks. The U.S.  
137 government and the EPA have recently calculated that in 2013 "up to 40 percent  
138 of new cars sold in the US will meet California's Clean Car Program standards,"  
139 within the time frame contemplated by Plan Bay Area (chart below by CA EPA).

Public Comment on Draft Bay Area Plan and Draft Bay Area Plan Draft Environmental Impact Report (State Clearinghouse No. 2012062029): submitted May 15, 2013 by Robert Silvestri, [REDACTED], Mill Valley, CA 9494: GHG emissions.



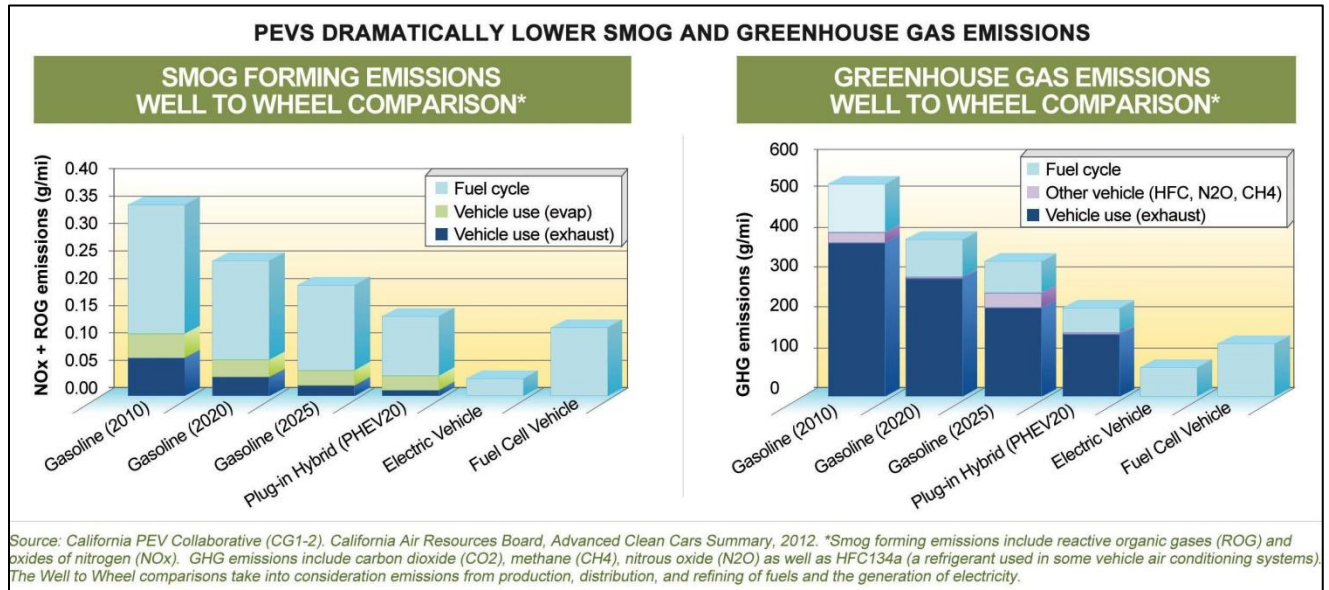
This chart shows a projected 325% increase in ZEV vehicles (autos and light trucks) sold in California between today and 2025. This fact, combined with the other factors noted above, will certainly help reduce GHG emissions from autos and light trucks in the years to come even more dramatically than shown in Figure 2.5-7. And this does not even take into account further improvements in emissions technology being brought to market every year (to meet the new 54.5 mpg CAFE Standards) that will impact the GHG output of every type of auto and light truck model sold in the coming decade.

The GHG reduction impacts of all this are quite significant because the list of PZEV and ZEV models for sale has become larger, now including at least one model by every major manufacturer and scores of model choices by leading manufacturers (e.g. Ford, General Motors, Toyota, Honda, Nissan). For reference, please note the comparative GHG emission reductions of various vehicle types

C26-17

Public Comment on Draft Bay Area Plan and Draft Bay Area Plan Draft Environmental Impact Report (State Clearinghouse No. 2012062029): submitted May 15, 2013 by Robert Silvestri, [REDACTED], Mill Valley, CA 9494: GHG emissions.

154 shown on the chart below (courtesy of the California PEV Collaborative and the  
155 California Air Resources Board).



156

157 None of this information has been properly acknowledged or factored into  
158 the DEIR's analysis and projections. In fact the DEIR even admits, on page 2.5-43,  
159 that its emissions projections are "presented without accounting for reductions in  
160 mobile source emissions that would be expected from ongoing implementation of  
161 Pavley 1 and LCFS... from these legislative requirements," even though this  
162 omission distorts the DEIR's conclusions.

C26-18

### 163 CONCLUSION:

164 The DEIR's omission of relevant, recent data regarding the plateauing of  
165 GHG's from autos and light trucks, and the highly questionable future projections  
166 it states, reinforce the conclusion that the DEIR did not adequately examine all  
167 available information and statistics to justify its projections. This is very important  
168 since it relates directly to the main purpose of the underlying legislation (AB32  
169 and SB375) that drives the SCS process.

C26-19



Public Comment on Draft Bay Area Plan and Draft Bay Area Plan Draft Environmental Impact Report (State Clearinghouse No. 2012062029): submitted May 15, 2013 by Robert Silvestri, [REDACTED]. Mill Valley, CA 9494: GHG emissions.

As a general comment on the Plan and its Alternatives, attempting to change human behavior and socially re-engineer society and land use based on the present design of automobiles is like trying to do that because of the design of a washer and dryer. If I proposed that, everyone would laugh. But like a washer or dryer, an automobile is just an appliance. The market understands that the most efficient use of our time, money and natural resources is to engineer a better machine (one that is fully recyclable and produces no GHGs), which it is doing and for which we need laws to continue to pressure them to do. The required technology is available to us so what actual, specific scientific evidence, research or data points does the DEIR have to support its projections of endless increases in GHG emissions from autos and light trucks, in light of compelling evidence that the exact opposite is occurring? And what evidence does the DEIR present to prove in any way that the Plan and its Alternatives will in fact have a beneficial effect on per capita GHG emissions from cars and light trucks?

C26-20

C26-21

**3 – A DETAILED EXAMINATION OF ACTUAL AUTO AND LIGHT TRUCK DRIVING IMPACTS OF GROWTH IN MARIN COUNTY REACH THE OPPOSITE CONCLUSIONS OF THE DEIR, AND SHOW THAT THE PLAN WILL INCREASE GHG EMISSIONS RATHER THAN REDUCE GHG EMISSIONS:**

On page 2.5-41 of the DEIR, under the title “Significant Criteria” it states that “Implementation of Plan Bay Area would have a potentially significant adverse impact if the Plan would:

“Criterion 1: Fail to reduce per capita passenger vehicle and light duty truck CO2 emissions by seven percent by 2020 and by 15 percent by 2035 as compared to 2005 baseline, per SB 375.

Public Comment on Draft Bay Area Plan and Draft Bay Area Plan Draft Environmental Impact Report (State Clearinghouse No. 2012062029): submitted May 15, 2013 by Robert Silvestri, [REDACTED]. Mill Valley, CA 9494: GHG emissions.

“Criterion 2: Result in a net increase in direct and indirect GHG emissions in 2040 when compared to existing conditions.”

Careful analysis of the potential impacts of the Plan in Marin County (used here as an example) on the use of autos and light trucks indicates that the Plan and the DEIR analysis fail objective tests on both of these Criteria.

In the “Method of Analysis – Greenhouse Gas Emissions” section starting on page 42 of the DEIR, states that it notes the methodology and metrics used to analyze the Plan’s Alternatives and their respective GHG impacts of cars and light trucks. However, the DEIR’s analysis is superficial and inadequate, and circular, and cannot be accepted as having reached valid conclusions based only on the methods and metrics it used. Further, one cannot claim compliance with a regulation, as proof of achieving the goal of that regulation, as the DEIR attempts to do with its GHG emissions reduction outcomes.

EXAMPLE:

A detailed analysis of actual auto and light truck use in Marin County, and its potential impact of actual GHG MTCO2 reductions (annual metric tons of CO2 reduced), shows that the transportation and associated land development proposals espoused in the Plan will not result in any reduction in GHG emissions from auto and light truck usage, and in fact will increase overall GHG emissions and impacts in Marin County. Further, both charts shown on pages 2.5-44 and 2.5-45 (Figures 2.5-5 and 2.5-6), respectively, do not have anything to do with the major components of the One Bay Area Plan, which involves the development of high density, transit oriented development (TOD) to alter personal driving of autos and light trucks.

C26-22

C26-23

C26-24

C26-25



Public Comment on Draft Bay Area Plan and Draft Bay Area Plan Draft Environmental Impact Report (State Clearinghouse No. 2012062029): submitted May 15, 2013 by Robert Silvestri, [REDACTED], Mill Valley, CA 9494: GHG emissions.

220           ANALYSIS:

221           The stated goal of SB375 is “to reduce per capita greenhouse gas emissions  
222 (GHGs) by 15 percent by 2035.” Its premise is that building high density TOD with  
223 an affordable component, will decrease driving / the use of personal autos and  
224 light trucks, and therefore reduce GHG emission and thereby have a positive  
225 effect on global warming. The statistical rationale is as follows: Section 1(a) of  
226 SB375 (restated in the DEIR) states: “The transportation sector contributes over  
227 40 percent of the greenhouse gas emissions in California. Automobiles and light  
228 trucks alone contribute almost 30 percent. The transportation sector is the single  
229 largest contributor of greenhouse gases.” This infers that SB375 and the Plan will  
230 affect 40 percent of all GHG emissions in California. This is absolutely false.

231           Per SB375 and the Sustainable Communities Strategy, and as acknowledged  
232 in the Plan and the DEIR, there are two basic legal requirements: (1) that “prior to  
233 adopting a Sustainable Communities Strategy (SCS), the Metropolitan Planning  
234 Organization (MPO) shall quantify the reduction in GHG emissions projected to be  
235 achieved.” [SB375, Section 3 (G)] and (2) that “...the MPO shall submit a  
236 description of the methodology it intends to use to estimate the GHG emissions  
237 reduced by its Sustainable Communities Strategy.” [SB375, Section 3 (I) (i)].

238           FALSE STATEMENTS IN THE DEIR:

239           Falsehood #1: “The transportation sector contributes over 40 percent of  
240 the greenhouse gas emissions in California,”

241           The truth is that the “40 percent” figure is a 2020 projected figure not a real  
242 measured number. The actual amount today (which itself is still estimation) is  
243 about 35 percent (Source: CA Air Resources Board: updated Oct. 2010). It seems  
244 unreasonable to base a Plan on a fabricated future guesstimate of GHG emissions  
245 to justify the Plan’s need. In any case the real number, 35 percent, is also

C26-26

Public Comment on Draft Bay Area Plan and Draft Bay Area Plan Draft Environmental Impact Report (State Clearinghouse No. 2012062029): submitted May 15, 2013 by Robert Silvestri, [REDACTED]. Mill Valley, CA 9494: GHG emissions.

246 misleading because it includes emissions from airlines, trains and trams, buses,  
247 heavy construction equipment, commercial trucking and hauling, shipping, boats,  
248 ferries, etc., *none of which* are affected by any of the Plan's Alternatives.

249 Falsehood #2: "Automobiles and light trucks alone contribute almost 30  
250 percent."

C26-27

251 The truth is that if you strip out the vehicles above, not affected by the  
252 Plan, you're left with about 23 percent of GHGs that can be actually contributed  
253 by personal use of automobiles and light trucks. (Source: CA Air Resources Board:  
254 updated Oct. 2010).

255 Falsehood #3: "The transportation sector is the single largest contributor of  
256 greenhouse gases."

C26-28

257 In truth, according to California EPA, energy production is the number one  
258 GHG producer in California at 41 percent. Transportation is second at 35 percent.  
259 But even that is not correct because the California Air Resources Board statistics  
260 err in saying "livestock and animal breeding" is only 3 percent, but that is just a  
261 measure of total GHG tonnage from that category, not its global warming impact  
262 or "CO2 equivalency" (MTCO2e: the true scientific method of comparison).  
263 Methane gas (the majority of GHGs from livestock and breeding) is 35 times more  
264 harmful than CO2 in its global warming impact. So "livestock and breeding"  
265 actually dwarfs energy and transportation combined.

266 That aside, the question is what are the correct metrics and data points to  
267 use to arrive at accurate projections for the purposes of the DEIR?

C26-29

268 Using real data only for Marin County, as a test case, the total GHG output  
269 for Marin is estimated at 2.7 million metric tons per year. With 23 percent of that  
270 from cars and light trucks which equals 621,000 metric tons of GHG per year.

Public Comment on Draft Bay Area Plan and Draft Bay Area Plan Draft Environmental Impact Report (State Clearinghouse No. 2012062029): submitted May 15, 2013 by Robert Silvestri, [REDACTED]. Mill Valley, CA 9494: GHG emissions.

(Source: Bay Area Air Quality Management District; Feb 2010 Report: Source Inventory of Bay Area Greenhouse Gas Emissions).

However, 23 percent is misleading because much of Marin's auto and light truck usage and the associated GHG emissions will not be affected by the Plan either through public transportation improvements or high density housing, regardless of where it is built.

These kinds of driving include:

- Deliveries and pickups by car, truck and van
- Passenger vans and shuttles to private businesses and public facilities
- Workman and building contractors transportation
- Gardeners and home services
- Utility service vehicles: water, power, sewer
- City Agencies vehicles: police, fire, public works and other services
- Health and safety vehicles

This accounts for roughly 40 percent of vehicle use in Marin. That leaves 60 percent of 23 percent or 13.8 percent for personal travel. That equates to 372,600 metric tons GHG (MTCO<sub>2</sub>) per year that might conceivably be positively affected by the Plan. However, 13.8 percent is still misleading because Marin County has no significant public transportation and with its geography being what it is, there are no opportunities for the traditional mass transit solutions that work well in dense "legacy" cities in the U.S (subways, surface trams, etc.).

65 percent of the personal driving in Marin is driving to work (Source: citydata.com).

Public Comment on Draft Bay Area Plan and Draft Bay Area Plan Draft Environmental Impact Report (State Clearinghouse No. 2012062029): submitted May 15, 2013 by Robert Silvestri, [REDACTED]. Mill Valley, CA 9494: GHG emissions.

This is true regardless of where we locate housing because:

- We cannot discriminate in rentals or sales of homes based on where people work or what kind of job they have;
- No one can predict where they will have to go to find employment. People will go where the job is; and
- People don't make the decisions about where they work and where they live for the same reasons: i.e. people work where the best job opportunity is and they change that choice increasingly often. However, people choose to live where it's best for your family and lifestyle (schools, open space, amenities, etc.). There is no evidence whatsoever in any credible studies that can show that people chose where to live based on access to public transportation except in the core of urban centers like New York City, Chicago or Boston.

This analysis leaves 35 percent of 13.8 percent or 4.83 percent for other personal driving, which equates to about 30,000 metric tons of GHGs per year that might be positively affected by the Plan. However, this 4.83 percent is still misleading because most Marin County driving is not optional because it cannot be served by public transportation, and certainly not by any public transportation contemplated in the Plan, for Marin.

The types of non-optional driving include:

- Driving to lessons, soccer, schools, friends and social activities.
- Vacations, driving to the beach or mountains, or a park, etc.
- Driving to buy large things we cannot carry (paint, hardware, large grocery purchases, plants, clothing, equipment, etc.).
- People shop price not location (drive to Costco, Target, etc.).
- People have busy lives and must do multiple things in one trip.

Public Comment on Draft Bay Area Plan and Draft Bay Area Plan Draft Environmental Impact Report (State Clearinghouse No. 2012062029): submitted May 15, 2013 by Robert Silvestri, [REDACTED] Mill Valley, CA 9494: GHG emissions.

- Because what you need is not nearby (i.e. people go to the doctor they need, wherever that is, not because he's next door).

So all in all only about 10 percent of people, who are not doing any of these things in Marin County, might be able to change their driving habits due to Plan Bay Area's scheme for high density housing near the highway 101 corridor. That leaves only 10 percent of 4.83 percent or 0.48 percent or 3,000 metric tons of GHGs per year could possibly be saved by SB375.

3,000 metric tons of GHGs per year is approximately 10<sup>th</sup> of 1 percent of all of Marin County's annual GHG output (3,000 / 2,700,000). This is a statistically insignificant savings (less than 1 percent is considered a rounding error). However, it also must be noted that these are only an estimate of those emissions that "could possibly" be influenced by the Plan, not those that will be guaranteed to be saved. In fact there is nothing being proposed in the Plan that has any possibility to significantly affect any emissions in Marin County.

C26-30

More troubling is that the DEIR / Plan doesn't factor in or in any way adequately consider the GHG producing outcomes of more growth and development, due to MTCO2 sequestration loss, that have to be considered in weighing the costs or benefits of the Plan.

C26-31

EXAMPLE:

For Marin County, careful analysis suggests that the development proposed by the Plan's Alternatives 2 through 5 will actually increase GHG emissions, not lower them. Consider the following:

A typical residence produces approximately 8 metric tons of GHGs per year (estimates vary and are constantly being adjusted. This EPA estimate of 8 MTCO2 is at the high end for a national average). The 2007 – 2014 RHNA cycle called for

C26-32

Public Comment on Draft Bay Area Plan and Draft Bay Area Plan Draft Environmental Impact Report (State Clearinghouse No. 2012062029): submitted May 15, 2013 by Robert Silvestri, [REDACTED]. Mill Valley, CA 9494: GHG emissions.

4,882 new homes in Marin (about 25 percent of which were built) and the 2014 – 2022 RHNA cycle calls for 2,292 homes in Marin. This includes both market rate and affordable units. Assuming a figure of 8 MTCO<sub>2</sub>e per year, using the cumulative total of 5,954 new homes, this equates to an additional 47,632 metric tons of additional GHGs per year. This would represent an increase of 1.8 percent of the total GHG production of Marin County, presently. Comparing this to the greatest potential GHG emissions savings of the Plan (3,000 MTCO<sub>2</sub> per year) produces a net added GHGs of 44,632 MTCO<sub>2</sub> per year, not a reduction.

With this being calculated, the natural sequestration loss of development must now also be considered.

#### GHG SEQUESTRATION LOSS ANALYSIS:

The average single family residential lot size in Marin is approximately .15 acres (Marin County Recorder's Office). Assuming that 20 percent of the various types of affordable units required were built at densities of 20 units per acre (the typical in-lieu required percentage) and the remainder built as single family homes, that would equate to a total loss of 774 acres of land lost (4,763 single family homes at .15 acres per home = 714 acres plus 1,191 multifamily homes at 20 units per acre = 60 acres of land lost).

The annual carbon sequestration value of one acre of typical Marin undeveloped land (grass with some trees, not forested land) is about 1.5 MTCO<sub>2</sub>e per year. Therefore, taking 774 acres out of service equates to a negative 1,161 GHGs per year.

Adding these two together, the net added GHGs from new development plus the loss of natural GHG sequestration of land, we arrive at a net increase in GHGs of 45,793 MTCO<sub>2</sub>e per year.

C26-32.5

Public Comment on Draft Bay Area Plan and Draft Bay Area Plan Draft Environmental Impact Report (State Clearinghouse No. 2012062029): submitted May 15, 2013 by Robert Silvestri, [REDACTED]. Mill Valley, CA 9494: GHG emissions.

CONCLUSION:

Based on the RHNA allocations proposed, Bay Area Plan would increase GHGs produced in Marin County by 45,793 MTCO<sub>2</sub>e per year, *not* reduce GHG emissions as the DEIR claims. If the methodologies used herein are applied to other parts of the Bay Area, the results would be equal or worse. Furthermore, based on the kind of analysis demonstrated here, additional high density TOD would not only not reduce per capita or overall GHG emissions from cars and light trucks, but would actually increase GHG emissions in Marin County, as the result of producing more of the kinds of required driving noted in the above analysis, in all categories. I have not even factored this into my increased GHG analysis of the Plan. Therefore the analysis presented on pages 3.1-58 through 3.1-64 are false in that actual GHG emissions will be far less than indicated.

What accurate and specific scientific evidence or data points does DEIR have to support the efficacy of its Plan Bay Area Alternatives in Marin County, with regard to actually reducing auto and light truck driving mileage and the resultant GHG emissions, when all required datasets are considered, as presented in the analysis above?

What are the impacts on the efficacy of Alternatives presented in the Plan, in achieving the goals of SB375, if all factors presented here are accurately calculated for the entire Bay Area? This example shows that the DEIR fails to specifically analyze the real impacts of the Plan in enough detail to reach realistic conclusions and therefore the DEIR GHG emissions benefit analysis must be rejected as inadequate.

C26-33

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C26-37

C26-38

Public Comment on Draft Bay Area Plan and Draft Bay Area Plan Draft Environmental Impact Report (State Clearinghouse No. 2012062029): submitted May 15, 2013 by Robert Silvestri, [REDACTED], Mill Valley, CA 9494: GHG emissions.

#### **4 – GHG EMISSIONS ASSUMPTIONS USED IN THE DEIR TO CALCULATE GHG IMPACTS OR SAVINGS BY TYPES OF HOUSING UNITS ARE FLAWED**

Generally, the One Bay Area Plan and the DEIR make the unexamined assumption that high density, transit oriented development, and particularly multifamily housing units, produce a lower per capita MTCO<sub>2</sub>e per annum (GHG) footprint than detached single family housing, and are therefore categorically superior. For example, on page 2.5-50, the DEIR states that “This decline (in GHG emissions to meet SB375 goals) is attributable to numerous factors, most importantly the integrated land use and transportation plan in which land use pattern focuses on growth in higher density locations near transit service.” This is stated as fact but is nowhere actually proven in any conclusive way.

C26-39

This assumption about the connection between high density TOD and GHG emissions reductions has been often repeated “Smart Growth gospel” for decades, and it has gone unchallenged in many “meta” studies on global climate change. Though it is considered “heresy” by much of the environmental community to even suggest otherwise, a close look at the original studies that support these assumptions, when compared with data from more recent evaluations, reveal that those studies were flawed and this assumption is simply not true. In fact high density TOD generally has a greater, per capita, GHG emissions footprint than single family homes.

This irony is due to the fact that most of the assumptions of studies that compare high density TOD to suburban single family development are biased toward a predetermined conclusion. The DEIR’s unexamined acceptance of previous studies results in its faulty conclusions.

C26-40

Most of us want to believe that scientific studies are “scientific.” However, like medical studies that one day “prove” something is good for us to eat then prove that it’s bad for us the next day science is unfortunately, by and large, the



Public Comment on Draft Bay Area Plan and Draft Bay Area Plan Draft Environmental Impact Report (State Clearinghouse No. 2012062029): submitted May 15, 2013 by Robert Silvestri, [REDACTED]. Mill Valley, CA 9494: GHG emissions.

result of the goals of those funding the studies and the fundamental principal of “garbage in, garbage out.” And in fairness, as scientific knowledge has advanced, older studies have proven to be inadequate due to faulty assumptions.

In the 1970’s “sprawl” was an easy target for disdain for a new breed of young environmentalists who had grown up in suburbs, gone to good colleges and moved to cities where the available 24/7 access to activities better suited their lifestyle. In some ways the early environmental movement was a general attack on “white bread” suburbia and all its perceived false values and conspicuous consumption.

However, as much as urban centers are marvelously good economic environments and great social environments for certain demographic groups, urban development, as it exists today and as we still build it today, has yet to produce good environmental solutions. And when rated on a human health scale, urbanism also scores very poorly in human health metrics, per capita, for disease and disorders of all kinds. GHG’s and air pollution in general are included in the possible reasons for that. With very few exceptions, we don’t find “disease clusters” in rural or suburban areas unless a specific toxic pollutant is present, as we do with urban environments.

The DEIR consultants do not appear to have actually gone back to original sources or brought a skeptical eye to the datasets they employed to justify their conclusions and projections. Consider the following:

C26-41

ANALYSIS:

There are five reasons why the assumptions that high density development produces lower GHG emissions on a per capita basis are false.

C26-42

These are as follows:

Public Comment on Draft Bay Area Plan and Draft Bay Area Plan Draft Environmental Impact Report (State Clearinghouse No. 2012062029): submitted May 15, 2013 by Robert Silvestri, [REDACTED]. Mill Valley, CA 9494: GHG emissions.

1. The Definition of a “Unit” of Housing;
2. Common Areas and GHG Per Unit Calculations;
3. Urbanism’s “Heat Island” and “Cold Sink” Effects;
4. Urbanism’s GHG “Externalities;”
5. The Effects of Local GHG Sequestration.

#### Introductory Comments:

Many of the studies have been developed to analyze and compare the GHG output of various housing densities and living configurations. Those undertaken in the 1970’s and early 1980’s, particularly, were overly simplistic and led to seemingly obvious but statistically incorrect conclusions. The resultant “urban legend” about the beneficial relationship between GHG’s and urbanism has become dogma. However, this conclusion is flawed.

As with all “science,” one has to ask who did the study, who paid for the study, and towards what end. During the early decades of the environmental movement there was great urgency to create the EPA, pass clean air and water legislation, endangered species laws, and address variety of other issues. Climate changing GHGs were not on the radar but the environmental report card of the nation was worse than it is today. Many studies tried to show how bad things were in order to attract media and funding. They extrapolated trends that have not come true (mostly because of the legislation that was passed as a result). The five factors I’ve noted above are among the things that have taken decades to look at more carefully, and they have produced surprising results.

The Definition of a “Unit” of Housing: functional unit vs. living unit: There are two definitions of a habitable unit. A “functional” unit means a unit that can support an average family with all those amenities that are generally considered minimum standards for habitability. It does not factor in unit size, construction method, and so on. A “living unit” includes all the requirements of a functional

Public Comment on Draft Bay Area Plan and Draft Bay Area Plan Draft Environmental Impact Report (State Clearinghouse No. 2012062029): submitted May 15, 2013 by Robert Silvestri, [REDACTED]. Mill Valley, CA 9494: GHG emissions.

unit but it is adjusted for square footage size (i.e. per person per square foot of living space) and sometimes for construction type. However, many earlier studies through the 1990's did not differentiate between these two definitions.

If one uses the functional unit definition to arrive at a per capita GHG calculation, it's no surprise that high density units (which on average are smaller than single family homes) have lower energy usage and correspondingly lower GHG emissions per capita. However, as noted in *Comparing High and Low Residential Density: Life-Cycle Analysis of Energy Use and Greenhouse Gas Emissions*. J. Urban Plan. Dev., 132(1), 10–21. By Norman, J., MacLean, H., and Kennedy, C. (2006): "When the functional unit is changed to a per unit of living space basis the (beneficial) factor decreases to 1.0–1.5." A factor of 1.0 indicates no advantage either way (and this is before the other considerations noted below).

C26-43

Conclusion: When trying to compare the GHG output of different Plan Alternatives that include both high density and low density single family, the use of the correct definition is relevant, and in the case of all of the suburban areas in the Bay Area (e.g. Marin County) it becomes extremely relevant. The Plan does not state which definitions it is relying on in the studies used to develop the DEIR.

C26-44

Common Areas and GHG per Unit Calculations: Up until recently, very few studies correctly factored in the "pro rata share" that each unit needs to include for common spaces in a multifamily, high density building. These would include the GHG burden to heat, light, cool and otherwise make habitable common spaces such as elevators, lobbies, community rooms, laundry areas, storage areas, swimming pools and recreational areas, hallways, and all other commonly shared areas. The DEIR does not reference any studies that factor in this common area GHG burden for multifamily development, or express it in a per capita basis.

C26-45

Public Comment on Draft Bay Area Plan and Draft Bay Area Plan Draft Environmental Impact Report (State Clearinghouse No. 2012062029): submitted May 15, 2013 by Robert Silvestri, [REDACTED], Mill Valley, CA 9494: GHG emissions.

Conclusion: It is not arguable that correctly factoring in typical high density common areas reduces the advantages that high density development has over detached single family development when calculating GHG emissions equivalents on a per capita basis. This would have differing impacts on the outcomes of the Plan in different parts of the Bay Area: e.g. it would be very significant in calculating GHG emissions per capita in San Francisco, San Jose and Oakland, but less so in Marin, Sonoma and Napa. How does the DEIR justify its assumptions and GHG reduction conclusions since this type of analysis was not performed for the entire Plan Bay Area?

Urbanism's "Heat Island" and "Cold Sink" Effects: Recent studies have begun to find that dense urban cores / high density developments that have so much concrete, steel, stone and other temperature variant materials have a negative effect on energy consumption and GHG emissions. Heating and cooling effects, such as the "heat island" effect (once an urban environment gets hot, it takes more and more MTCO<sub>2</sub>e to cool it down) and the "cold sink" effect (once an urban environment gets cold, it takes more and more MTCO<sub>2</sub>e to heat it up) must now be considered for any analysis to be accurate (Note: According to the U.S. Energy Department, building operations are the biggest energy user, using 40 percent of the nation's energy). More development produces more MTCO<sub>2</sub>e.

For example, according to a recent study done by the Lawrence Berkeley National Laboratory's Heat Island Group, about these phenomena in the city of Los Angeles, they estimated that because of the heat island effect "the demand for electric power rises nearly 2% [more] for every degree Fahrenheit the daily maximum temperature rises." The DEIR even acknowledges the effects of heat islands (page 25-21) but fails to apply its effects to its findings.

Conclusion: Correctly factoring in the heat island and cold sink effects would negatively alter the DEIR's analysis of the projected GHG emissions

C26-46

Public Comment on Draft Bay Area Plan and Draft Bay Area Plan Draft Environmental Impact Report (State Clearinghouse No. 2012062029): submitted May 15, 2013 by Robert Silvestri, [REDACTED], Mill Valley, CA 9494: GHG emissions.

outcomes of the Plan. The DEIR does not acknowledge this required analysis in arriving at its conclusions.

In Marin, for example, where over 65 percent of the County is dedicated open space, there is a natural balance of development and natural topography that acts to eliminate the heat island and cold sink effects and offer a moderate climate throughout the year. This has beneficial effects on heating and cooling energy demands and GHG emissions. How can the DEIR justify its assumptions and GHG reduction conclusions when this type of analysis has not been performed for the Plan and its Alternatives?

Urbanism's GHG "Externalities:" Proper analysis of GHG emissions externalities, or "exogenous" impacts and costs, has rarely been factored into any GHG calculation algorithms, in any studies, even those conducted by the EPA and CA EPA. The principle of external GHG impacts is simple. Everything that is required to service the habitability of development in any setting has external and largely unaccounted for "costs" that need to be factored into any per capita GHG emissions claims. Some of these would include the GHG loads required to provide fuel and energy, water, food, services such as garbage and sewage removal and treatment, and the unique demands of geographic location and micro-climates.

Example:

New York City recycles / repurposes less than 10 percent of its "trash." Marin County recycles / repurposes almost 80 percent of its waste. Marin ships its remaining trash to local landfills, at a minimum distance. NYC's trash travels thousands of miles, on average, to be dumped in landfills in the Western United States, or sorted in the South before being shipped to landfills overseas, sometimes as far as Asia. All of this has a GHG emissions cost that is not included in per capita energy consumption / GHG emissions metrics in studies or the DEIR.

C26-47

Public Comment on Draft Bay Area Plan and Draft Bay Area Plan Draft Environmental Impact Report (State Clearinghouse No. 2012062029): submitted May 15, 2013 by Robert Silvestri, [REDACTED], Mill Valley, CA 9494: GHG emissions.

555           This same principle applies to all the other categories. Power and water to  
556 major metropolitan areas takes significant energy to transport and transmission  
557 loss boosting requirements for power and water evaporation both have  
558 measurable GHG emissions burdens that must be expressed in per capita metrics,  
559 but rarely are in studies, and are certainly not factored into the DEIR. Even food  
560 transportation has a quantifiable GHG cost that is significantly higher in urban  
561 environments than it is in places like Marin, where much of our food is locally  
562 grown.

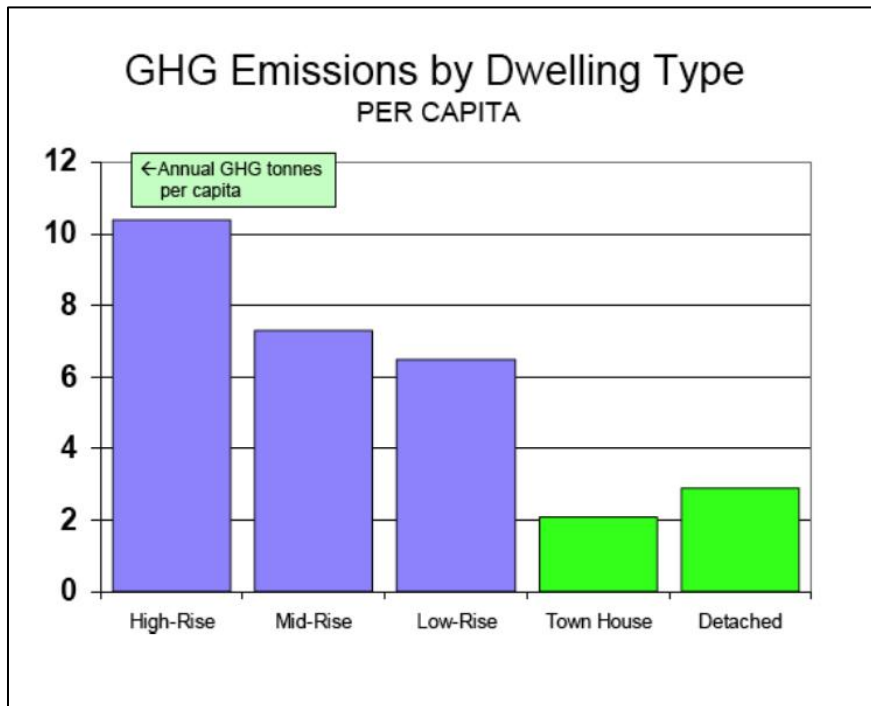
563           In addition, a recent study, *Greenhouse Gas Emissions Along the Urban-  
564 Rural Gradient*, by Clinton J. Andrews, published in the Journal of Environmental  
565 Planning and Management, Vol. 51, Issue 6, 2008, notes that “Reflecting their  
566 central regional roles, municipalities... have higher per-capita emissions because  
567 they host both residential and commercial buildings. Buildings in urban areas  
568 typically contribute more emissions than personal transportation” outweighing  
569 any advantages that might exist.

570           A study conducted by the Australian Conservation Foundation, *Housing  
571 Form in Australia and its Impacts on Greenhouse Gas Emissions* (Oct. 2007), which  
572 did attempt to factor in all of the categories of variables (living unit definition,  
573 inclusion of common areas, the heat island and cold sink effects, the type and  
574 amount of driving and vehicle trips taken, and the GHG externalities), concluded  
575 that “reducing GHG emissions is not so simple as to be achieved through the  
576 urban consolidation agenda. Indeed, there is considerable evidence to the  
577 contrary.” This study concludes that the Plan’s transportation oriented  
578 development (TOD) approach is flawed.

579           GHG *per capita* emission estimates from the recently published Australian  
580 Conservation Foundation Consumption Atlas, indicates virtually the opposite of  
581 generally held perceptions. The data shows that “lower density areas, which rely

Public Comment on Draft Bay Area Plan and Draft Bay Area Plan Draft Environmental Impact Report (State Clearinghouse No. 2012062029): submitted May 15, 2013 by Robert Silvestri, [REDACTED]. Mill Valley, CA 9494: GHG emissions.

582 more on automobiles, tend to produce less in GHG emissions than the high  
583 density, more public transport dependent areas that are favored by urban  
584 consolidation policies.” Their comparative findings about residential building  
585 types, resulting from this kind of comprehensive GHG per capita emissions  
586 analysis is even more eye-opening (see chart below).



587  
588 This research concludes that “low rise” high density development, the kind  
589 that is envisioned by the Plan for Marin and many other parts of the Bay Area,  
590 produces 2.5 times the GHG emissions of single family home development and 3  
591 times the GHG emissions of attached, single family townhouse development. High  
592 rise development produces 5 times the GHG emissions impacts of single family  
593 town homes. Even if these results were wrong by half they would still show a  
594 decided advantage to low density, suburban development.

595 Conclusion: The “facts” and metrics that form the basis of the DEIR’s  
596 conclusions about the Plan, that heavily favor high density TOD, are seriously

Public Comment on Draft Bay Area Plan and Draft Bay Area Plan Draft Environmental Impact Report (State Clearinghouse No. 2012062029): submitted May 15, 2013 by Robert Silvestri, [REDACTED], Mill Valley, CA 9494: GHG emissions.

flawed and misleading compared to any analysis that factors in all of the GHG emissions impacts of different types of factors noted herein. How can the DEIR justify its assumptions and GHG reduction conclusions in light of this information and without performing this kind of rigorous analysis in the DEIR?

The Effects of Local GHG Sequestration: The final piece of data analysis that is required to accurately assess the true GHG emissions impacts of various land use scenarios, and the Plan's Alternatives, on a per capita basis for the entire Bay Area Region, is the calculation of what portion of GHG's produced are sequestered locally and what portion is unaccountably "exported" to neighboring counties or regions.

This is relevant inquiry because all of the Plan Alternatives, except Alternative 1; *No Project*, will influence land use patterns and increase density, impacting the local MTCO<sub>2</sub>e sequestration potential of the existing ecosystems. This analysis is also relevant since the entire premise of the Plan and the DEIR is that the reduction of autos and light trucks is directly tied to transportation, land use and development patterns (i.e. their claim that high density urban development near public transportation produces superior GHG emissions reductions when compared to low density, suburban development). However, here is no evidence that local MTCO<sub>2</sub>e sequestration has been considered in the DEIR when making claims about reducing GHG emissions from autos and light trucks.

Furthermore, I have been unable to find a single study that combines the four other factors noted above with potential local sequestration MTCO<sub>2</sub>e variants that effect actual GHG impacts of various transportation oriented land use and development density scenarios. Yet, this data is vital to making sound planning and land use decisions and it weighs on the questionable efficacy of the Plan as described and analyzed in the DEIR.

C26-48

C26-49

C26-50

C26-51



Public Comment on Draft Bay Area Plan and Draft Bay Area Plan Draft Environmental Impact Report (State Clearinghouse No. 2012062029): submitted May 15, 2013 by Robert Silvestri, [REDACTED]. Mill Valley, CA 9494: GHG emissions.

Analysis:

Local Sequestration of Auto and Light Truck Emissions Compared in Urban and Suburban Locations (San Francisco and Marin County):

Automobile ownership in San Francisco County is presently 658 cars / light trucks per 1,000 people, or .66 per person. Auto ownership in Marin County is presently 756 cars / light trucks per 1,000, or .77 per person.

The population of San Francisco is 812,826 people. This equates to a total of 536,465 vehicles in San Francisco. The population of Marin County is 255, 031. This equates to a total of 196,734 vehicles in Marin County. These totals generally match DMV registration records.

According to the EPA, the average American car puts out 5.2 MTCO<sub>2</sub> (metric tons of CO<sub>2</sub>) per year. As noted above, local auto sales figures would suggest that the Bay Area Region has a significantly lower average due to our early adoption of PZEV and ZEV vehicles. However, for the sake of this analysis I will use the worse-case scenario national averages.

Using the EPA figure, this equates to:

- San Francisco County produces 2,789,618 MTCO<sub>2</sub> per year in GHG's from auto and light truck usage,
- Marin County produces 1,023,022 MTCO<sub>2</sub> per year in GHG's from auto and light truck usage.

According to the latest U.S. Census, San Francisco County, a dense urban development area has a total of 329,700 occupied housing units, of which 62,653 are single family detached homes and 267,047 are multifamily units (19 percent and 81 percent, respectively).

Public Comment on Draft Bay Area Plan and Draft Bay Area Plan Draft Environmental Impact Report (State Clearinghouse No. 2012062029): submitted May 15, 2013 by Robert Silvestri, [REDACTED]. Mill Valley, CA 9494: GHG emissions.

Marin County, a rural and suburban, low density development area has a total of 100,650 housing units of which 63,656 are single family detached homes and 39,994 are multifamily units (63 percent and 37 percent, respectively).

On this per housing unit basis then, when comparing the GHG emissions from the use of autos and light trucks of San Francisco (high density urban development) and Marin County (low density rural and suburban development):

- San Francisco produces an average of 8.46 MTCO<sub>2</sub> per housing unit per year in auto GHG emissions;
- Marin County produces an average of 10.16 MTCO<sub>2</sub> per housing unit per year in auto GHG emissions.

Using this overly simplistic analysis based on only this one measure, one might conclude, as the DEIR apparently concludes, that dense urban development is superior to rural or suburban development with regard to auto and light truck emissions. However, that kind of analysis is inadequate to reach that conclusion.

*PLEASE NOTE: Keep in mind that this part of the analysis is strictly breaking out auto and light truck GHG emissions when compared to housing unit counts and not factoring in all the other considerations presented above regarding the effects and impacts of unit sizes, definition of what a unit is, accounting for common areas in multifamily high density buildings, heat island and cold sink effects, or GHG "externalities" that are exported to other regions, and the negative correlation between type of unit and GHG per capita emissions (greater density equals higher GHG emissions per capita).*

However, continuing to use this simple measurement metric, we must now apply the impacts of local MTCO<sub>2</sub> sequestration to properly compare the overall GHG impacts of urban environments to rural / suburban environments.

Public Comment on Draft Bay Area Plan and Draft Bay Area Plan Draft Environmental Impact Report (State Clearinghouse No. 2012062029): submitted May 15, 2013 by Robert Silvestri, [REDACTED]. Mill Valley, CA 9494: GHG emissions.

Local Sequestration Calculations:

San Francisco City/County covers 231.09 square miles or 147,898 acres of land. Of that approximately 10 percent is dedicated open space (mostly the land covered by Golden Gate Park, the Presidio and coastal areas and golf courses). The remainder is urban (90 percent).

Marin County covers 828 square miles or 529,920 acres of land. Of that approximately 65 percent is permanently dedicated open space and 15 percent is agricultural / recreational rural land. The remainder is approximately 5 percent fully developed land and 15 percent suburban.

The MTCO<sub>2</sub> sequestration equivalencies for different types of land use are as follows (Sources: U.S. EPA Calculator, CA EPA, and CA Air Resources Board, which differ):

- Forest and open vegetated land: more than 10 years old:
  - 2.5 MTCO<sub>2</sub> per year per acre.
- Agricultural / Recreational grassland:
  - 1.5 MTCO<sub>2</sub> per acre.
- Suburban land with a 40 percent lot coverage maximum:
  - 1.0 MTCO<sub>2</sub> per year per acre
- Fully developed urban landscape: minimal vegetation
  - 0.2 MTCO<sub>2</sub> per year per acre

Comparing San Francisco County to Marin County:

San Francisco:

90 percent urban developed land: 133,108 acres at 0.2 per acre equals sequestration of 26,622 MTCO<sub>2</sub>e per year.

Public Comment on Draft Bay Area Plan and Draft Bay Area Plan Draft Environmental Impact Report (State Clearinghouse No. 2012062029): submitted May 15, 2013 by Robert Silvestri, [REDACTED], Mill Valley, CA 9494: GHG emissions.

697 10 percent forest and open vegetated land: 14,790 acres at 2.5 per acre  
698 equals sequestration of 36,975 MTCO<sub>2</sub>e per year.

699 TOTAL San Francisco local sequestration equals 63,597MTCO<sub>2</sub>e per year.

700 Marin County:

701 65 percent forest / open land: 344,448 acres at 2.5 per acre equals  
702 sequestration of 861,120 MTCO<sub>2</sub>e per year.

703 15 percent is agricultural / recreational rural land: 79,488 acres at 1.5 per  
704 acre equals sequestration of 119,232 MTCO<sub>2</sub>e per year.

705 15 percent suburban land: 79,488 acres at 1.0 per acre equals sequestration  
706 of 79,488 MTCO<sub>2</sub>e per year.

707 5 percent urban developed land: 26,495 acres at 0.2 per acre equals  
708 sequestration equal 5,299 MTCO<sub>2</sub>e per year

709 TOTAL Marin local sequestration equals 1,065,139 MTCO<sub>2</sub>e per year.

710 Conclusion:

711 Based on this analysis, Marin County, a rural / suburban development area  
712 that produces more GHG's per auto and light truck than San Francisco, locally  
713 sequesters more than 100 percent of its locally generated auto and light truck  
714 MTCO<sub>2</sub> emissions per year, whereas San Francisco only sequesters about 1.1  
715 percent of its locally generated auto and light truck MTCO<sub>2</sub> emissions per year.

716 This simple analysis resoundingly demonstrates that the entire premise of  
717 Plan Bay Area, the conclusions of the DEIR and the underlying premise of SB375  
718 are completely false in asserting that high density, transit oriented development

C26-52

Public Comment on Draft Bay Area Plan and Draft Bay Area Plan Draft Environmental Impact Report (State Clearinghouse No. 2012062029): submitted May 15, 2013 by Robert Silvestri, [REDACTED]. Mill Valley, CA 9494: GHG emissions.

categorically results in a reduction of MTCO<sub>2</sub>e emissions for personal autos and light trucks.

Plan Bay Area's premise only works if you ignore all the GHG's and pollutants that are "exported" from urban regions to others. And this correct analytical method indicates that the denser a place becomes the worse the balance of GHG emissions and local sequestration gets. When you now factor in the other negatives of high density building types, noted above, the effects of increasing density is decidedly negative for overall GHG emissions per capita.

What scientific evidence or data points does DEIR have to support the efficacy of its Plan Bay Area Alternatives, with regard to actually reducing auto and light truck driving mileage and the resultant GHG emissions, when all required datasets noted above are considered? What are the impacts on the efficacy of the Alternatives presented in the Plan, in achieving the goals of SB375, if the loss of land and the associated MTCO<sub>2</sub>e sequestration is accurately calculated? How does the DEIR account for the GHG's that it is exporting from the Bay Area to other regions due to lack of local sequestration?

#### FINAL CONCLUSIONS OF ITEM #4:

The various facts presented in these analysis and the resultant conclusions provide evidence, without doubt, that when all factors are considered (the impacts of unit sizes, definition of what a unit is, accounting for common areas in multifamily high density buildings, heat island and cold sink effects, unaccounted for GHG "externalities" exported to other regions, and local GHG sequestration) a suburban, single family home development, as it is found in Marin, Sonoma, Napa and other parts of the Bay Area Region is superior in reducing GHG emission on an overall basis and on a per capita basis than dense urban, TOD development found in San Francisco, Oakland and San Jose.

Public Comment on Draft Bay Area Plan and Draft Bay Area Plan Draft Environmental Impact Report (State Clearinghouse No. 2012062029): submitted May 15, 2013 by Robert Silvestri, [REDACTED]. Mill Valley, CA 9494: GHG emissions.

The Plan and the resultant DEIR does not acknowledge or in any way address or account for this data and findings presented here. What accurate and specific scientific evidence or data points then do the DEIR consultants have to support the efficacy of its Plan Bay Area Alternatives, with regard to actually reducing auto and light truck driving mileage and the resultant GHG emissions, if all required datasets are considered, as presented in the analysis above? How does the DEIR justify the lack of the kind of comprehensive analysis, noted herein, in arriving at its GHG emissions savings conclusions that it uses to justify Plan Bay Area?

C26-53

#### FINAL COMMENTS:

The Bay Area Plan DEIR is without sufficient statistical or scientific basis to justify its conclusions and projections. In fact in reviewing the entire DEIR there does not appear to actually be any detailed analysis or analytical methodology provided for any of its assumptions about the relationship between TOD and GHG emissions it claims. The Alternatives described in the DEIR (aside from Alternative #) will be more economically destabilizing for small cities, are financially irresponsible in that they encourage the expenditure of large sums of taxpayer fund for no discernible benefits, and they will, overall, be environmentally harmful rather than beneficial as claimed.

C26-54

C26-55

Building more and more housing, of any type, and other kinds of development, without jobs growth first, leads to “unsustainable” communities and potential bankruptcy for small cities (e.g. Vallejo, Modesto and San Bernadino). The building methods available to us today, even with token gestures like LEED certification, do not even begin to justify the belief that more TOD development is good for the environment. The truth is that development, TOD or otherwise, particularly in counties like Marin, Sonoma and Napa, only sets in motion an endless feedback loop the drives even more development to

Public Comment on Draft Bay Area Plan and Draft Bay Area Plan Draft Environmental Impact Report (State Clearinghouse No. 2012062029): submitted May 15, 2013 by Robert Silvestri, [REDACTED], Mill Valley, CA 9494: GHG emissions.

accommodate support services and our consumption driven economy, and ever more auto and light truck use and, more importantly, more shipping, trucking and other more impactful transportation demands as a result.

The basic assumptions of the Plan are fundamentally flawed and contradict the laws of supply and demand, free markets and how cities grow and survive. Most troubling is that in the end, after all the costs and burdens that the One Bay Area Plan are tallied, combined with the burdens of the HCD RHNA allocation process will impose on our communities, the Plan will not result in providing what we really need: more high quality jobs and more quality, affordable housing choices for those most in need.

Examination of the Plan Bay Area Plan DEIR shows that this report fails to satisfy the requirements of SB375 and the technical requirements of the DEIR under CEQA because it fails to prove that any of the Alternatives will actually achieve the goal of reducing per capita or overall GHG emission from the use of autos and light trucks.

C26-56

The DEIR analysis makes the common error of mistaking correlation with causation. It substitutes unscientific observations and unqualified statistics for proper scientific inquiry or demonstrable facts to arrive at what appear to be predetermined conclusions that are insupportable and inaccurate.

C26-57

The DEIR attempts to persuade readers by inference and through anecdotal evidence rather than by doing the kind of specific and direct analysis as I've presented above. And in fact the burden of proof is on those who drafted the DEIR to show why the analysis I've presented was not undertaken. The DEIR offers a "take our word for it" approach but offers no detailed calculations or formulas, of any actual proof whatsoever to prove the Plan's efficacy in meeting the goals of SB375. Its statistical data relies on studies done by its partners (MTC, BAAMQ, etc.), whose objectivity and motivations must be questioned. It seems

C26-58

Public Comment on Draft Bay Area Plan and Draft Bay Area Plan Draft Environmental Impact Report (State Clearinghouse No. 2012062029): submitted May 15, 2013 by Robert Silvestri, [REDACTED]. Mill Valley, CA 9494: GHG emissions.

799 questionable that with the breadth of studies and scientific knowledge available  
800 today to anyone wishing to do serious research, that the DEIR would choose to  
801 rely so heavily on statistical data developed by the very organizations (MTC,  
802 ABAG) who created the Plan that the DEIR is supposed to be objectively vetting.  
803 And considering how much irrelevant information has been included in the DEIR,  
804 a more cynical view would be that the DEIR is trying to “paper over” the situation  
805 and throw so much material at the reader (in excess of 1,300 pages) that the  
806 reader gives up accepts its conclusions, unchallenged.

C26-59

807 Based on the evidence and kinds of analysis presented herein, the DEIR has  
808 failed to fulfill the technical requirements under CEQA, and the Plan and its  
809 Alternatives has failed to comply with the requirements and goals of AB32, SB375  
810 and the SCS in reducing per capita or overall GHG emission. The analysis I’ve  
811 presented demonstrates that the Plan and its Alternatives will increase per capita  
812 and overall GHGs rather than decrease per capita and overall GHGs, so the DEIR is  
813 both incorrect and misleading in its conclusions, and inadequate under the  
814 requirements of CEQA Guidelines.

C26-60

C26-61



## Plan Bay Area 2040 Final Environmental Impact Report

**From:** WOUTER DITO <wouterdito@onebayarea.org>  
**To:** "info@OneBayArea.org" <info@OneBayArea.org>  
**CC:** [REDACTED]  
**Date:** 5/4/2013 6:13 PM  
**Subject:** Objections to EIR Transportation - Adding bus-only lanes

C27-1

Your draft EIR does not adequately address the impact of adding bus-only lanes - including on El Camino Real from San Jose to Daly City. The effect would be to waste lanes on infrequent and under-utilized buses and slow other traffic on and attempting to cross the roadway at intersections. Moreover, forcing pedestrians to get to the middle of a roadway to board buses wastes their time and places them and others at increased risk of injury. Furthermore, insofar as rideship on buses is increased, more persons would be subject to receiving and passing along infections and diseases. In addition, having riders get tickets in advance and enter and exit buses through more than one door is an open invitation to various crimes including theft from riders.

Wouter Dito  
Milpitas, California  
[REDACTED]

**From:** "Sabine Grandke-Taft" <[REDACTED]>  
**To:** <eircomments@mtc.ca.gov>  
**Date:** 5/5/2013 3:05 PM  
**Subject:** Comment on the DEIR for the Plan Bay Area

Comment on the DEIR for the Plan Bay Area

As a Marin County resident, I oppose implementation of the current Plan Bay Area draft for the following reasons:

- C28-1** 1. Lack of transparency: The officials who are responsible for disseminating information in this plan to their constituents have failed in this task. The vast majority of effected residents are currently unaware of this plan. This is not the fault of the residents and they should not be penalized. Extend the comment period of the DEIR by six (6) months.
- C28-2** 2. An outdated and unsubstantiated plan: Plan Bay Area is based on static data, not currently relevant, and a lack of sufficient planning. Before implementing a plan that radically impacts this community for the next 50 years, any projections and resulting analysis must rely on current statistics at a minimum. The fact that no plan co-exists to support the necessary resources diminished by this planned growth further supports this point.
- C28-3** 3. Failure to address vital infrastructure issues: As one example, this plan fails to address water and sewer requirements for the region; of significance, schools are completely overlooked. As such, no official can rightfully make an informed decision as to its viability.
- C28-4** 4. Prioritizing housing development over, and prior to, building jobs: There are many negative consequences in promoting so much housing without commensurate employment opportunities. We need to learn from mistakes made by Bay neighbors. Vallejo, Stockton, Modesto and San Bernardino all went bankrupt as a result of incorrect job and growth projections, in over-building their cities.  
  
5. Prioritizing housing over transportation: Planning for mass housing prior to implementing sufficient public transportation places the cart before the horse. A legitimate transportation infrastructure needs to be effectuated before any housing developments are discussed.  
  
6. Permanent and Irreversible Damage to Marin County's Natural Character: Marin County is geographically unique and merits preservation for countless beneficial reasons despite, and because of, its proximity to a major city. Formulaically rezoning parts of Marin to urban density based on (1) flawed projections and (2) from the distance of an outside perspective makes no sense locally. Historically, imposition of drastic changes from the outside rarely brings the intended results - too often to the contrary, colossal failure. Our community needs local review and input toward a plan that makes sense locally in truly evolving for the better. A viable plan comes from the arduous but wise collaboration of competent minds working together with the community that must live with the long-term consequences of that plan.
- C28-5** 7. Social inequity: Building high density housing near highways and segregating the poor into those areas is socially unfair. Real integration allows the less fortunate to be mixed in with those of varying income; successful integration provides affordable housing at a sustainable proportion to market-rate homes, to ensure a healthy community continues to thrive - it does not risk ghettoization of a well-resourced community. There are other ways to integrate people currently in place. A second unit ordinance, as one example, effectively doubles the housing stock. Integration happens organically through creating equal opportunities and improving resources in existing communities, not by government mandates. What people need is fair paying jobs, not segregated housing. Finally, there is inequity in amassing the housing in our neighborhood in that it really does nothing toward diversifying the entire county. If anything, it creates yet one more under-resourced community.

Sincerely

Sabine Grandke-Taft

Sabine Grandke-Taft



<<http://www.radiantembodiment.com/>> <http://www.RadiantEmbodiment.com>

Rebecca Lapedus

Orinda, CA 94563

C29

April 29, 2013

**Kenneth K. Moy, Legal Counsel**  
**Association of Bay Area Governments**  
**Joseph P. Bort Metro Center**  
**101 Eighth Street**  
**Oakland, CA 94607**

Draft Environmental Impact Report  
(State Clearinghouse No. 2012062029)

**RE: Comment on the DEIR**

I am writing to request an extension of time to respond to the DEIR. The 1300+ pages that include references to other sources and a plethora of figures and tables does not allow the citizenry of the Bay Area to adequately review and comment upon the document within the forty-five day period. Despite being a former securities investment analyst, experienced in assessing the value of publicly-traded companies, I am stymied by the DEIR's technical content, source references, and governmental provisions with which I must familiarize myself in order to respond intelligently. Such a response will require some consultation with professionals whose expertise lies in environmental law and CEQA statutes & guidelines, as well as a swath of specialists in the construction industry. This will only be possible within a time frame that allows for such review to occur.

As only three examples of how strenuous reviewing of the DEIR can be, I cite:

- (1) The various acronyms referenced in the Summary of Impacts and Mitigation, e.g. diesel PM, MERV-13, (Table ES-2 on ES-18), etc.  
While a Glossary of Terms is provided for *some* acronyms, the Glossary is incomplete and does not serve to inform the reader as to the actual terms' import or relevance to the DEIR.
- (2) References to other agency standards, e.g. ARB's Tier 4 (Table ES-2 on ES-19).  
Such references are meaningless to the general public without time-consuming sourcing on search engines.
- (3) Cites to Acts, e.g. the Williamson Act (Table ES-2 on ES-23 and again on ES-24), Alquist-Priolo Act (ES-2 on ES-34), and to Executive Orders S-3-05 & B-16-2012 (Table Es-2 on ES-26) and S-13-08 (Table ES-2 on ES-28).  
Without previous knowledge of the provisions within these Acts & Orders, the DEIR's stated mitigating effects to the particular environmental impact addressed can only be *assumed correct* rather than evaluated. Hence, review of these Acts and Orders becomes essential.

**R E C E I V E D**  
**APR 30 2013**  
**ABAG**

With the extension of time for the public to review & comment upon the DEIR, I also request that The DEIR to be revised & reissued to provide:

- (1) A *complete* Glossary that addresses not merely the translation of the acronym letters but the context within which each pertains to the DEIR; and
- (2) A directory of the DEIR's cited documents, statutes, and California codes in one place, e.g. the MTC/ABAG library and One Bay Area web site.

The Bay Area citizenry is entitled to informed participation in commenting on the DEIR. If that possibility is thwarted either by inadequacies within the DEIR, deliberately arcane language or by a timeline that limits the public to sufficiently review and thereby meaningfully respond to its contents, then the process is flawed and public interests are circumvented. May I also point out that the timetables for *release* of One Plan Bay Area and the DEIR were extended (as were other MTC & BAG documents heretofore) at the discretion of MTC and ABAG.

Respectfully submitted,

A handwritten signature in cursive script that reads "Rebecca LaPedus".

Rebecca LaPedus

## Plan Bay Area 2040 Final Environmental Impact Report

**From:** Jon Spangler [REDACTED]  
**To:** Randy Rentschler <RRentschler@mtc.ca.gov>  
**CC:** <eircomments@mtc.ca.gov>, <CClevenger@mtc.ca.gov>  
**Date:** 5/3/2013 3:50 PM  
**Subject:** Fwd: Will public comment period be extended on Draft Plan Bay Area?

Randy,

C30-1

I emailed the Plan Bay Area via their info address) asking whether the Draft Plan Bay Area comment period had been extended, per the April 10 request letter from several Bay Area groups.

The following auto-response did not answer my question and Ms. Clevenger was apparently not available to answer her phone this afternoon. (I tried to reconstruct her MTC email address above.)

Do you happen to know if the MTC has decided to extend the public comment period on the Draft Plan Bay Area?

I think the request in the April 10 letter has a great deal of merit, given the scope and longevity of this plan and the too-short time available for many of us to digest and respond to it since it was released.

Thanks for your response,

Jon

Begin forwarded message:

> From: "eircomments" <eircomments@mtc.ca.gov>  
> Date: May 3, 2013 1:55:56 PM PDT  
> To: "Jon Spangler" [REDACTED]  
> Cc: <info@OneBayArea.org>  
> Subject: Re: Will public comment period be extended on Draft Plan Bay Area?

>  
> Thank you for your comments on the Draft Plan Bay Area and the Draft  
> Plan Bay Area Environmental Impact Report (EIR). They will be considered  
> carefully during the preparation of the final documents. To stay updated  
> on Plan Bay Area and the environmental process, please visit  
> www.onebayarea.org.

>  
>  
> Carolyn Clevenger, EIR Project Manager  
> Metropolitan Transportation Commission  
> 101 8th Street  
> Oakland, CA 94607  
> (510) 817-5736

>  
>  
>>>> Jon Spangler <[REDACTED]> > 4/27/2013 3:27 PM >>>  
> Dear Plan Bay Area EIR,

>  
> A letter was submitted to you on April 10, 2013, asking that the public  
> comment period be extended.

>  
> What have you decided on this? I hope you will extend the period  
> considerably so we can actually study it and make informed comments.

>  
> Appreciatively yours,

>  
> Jon Spangler  
> member, League of Women Voters of Alameda, Sierra Club, TransformCA,  
> etc.,  
> writing as a private citizen

>  
> Jon Spangler  
> [REDACTED]  
> Alameda, CA 94501-4250

>  
> Writer/editor  
> Linda Hudson Writing  
> [REDACTED]

> [REDACTED]  
> [REDACTED]  
> [REDACTED]  
> [REDACTED]

>  
>  
> "She who succeeds in gaining the mastery of the bicycle will gain the  
> mastery of life."  
> —Frances E. Willard, in A Wheel Within a Wheel: How I Learned to  
> Ride the Bicycle (1895)  
>  
>  
> . . .  
>

Jon Spangler  
Writer/editor  
Linda Hudson Writing

[REDACTED]  
[REDACTED]  
[REDACTED]  
[REDACTED]  
[REDACTED]

"She who succeeds in gaining the mastery of the bicycle will gain the mastery of life."  
—Frances E. Willard, in A Wheel Within a Wheel: How I Learned to Ride the Bicycle (1895)

## Plan Bay Area 2040 Final Environmental Impact Report

**From:** "John Wallace" [REDACTED]  
**To:** <info@onebayarea.org>  
**CC:** <dstratton@marincounty.org>, <BCrawford@marincounty.org>, <envplanning@marincounty.org>  
**Date:** 4/22/2013 12:54 PM  
**Subject:** Re: Marin Draft EIR  
**Attachments:** Article\_Marin Voice-One Bay Area plan is bad planning\_042213.pdf

**C31-1** As a Mill Valley resident, I wish to voice my opposition to the Draft EIR plan and the changes it envisions. It is frustrating to me that the officials who will vote on the plan not only do not actively engage the public on the scope and the changes to our local zoning that will be brought about by it, but appear to be quite unresponsive to the criticisms of this Draft EIR and the proposals contained within it when received.

This is not a proper discharge of the public's trust.

This breach of the public trust is evidenced by the fact that the only thing which gets the attention of our public officials or affects any attempt at change is accomplished by self-funded efforts of community activists, this 'last resort' option should be just that and not forced upon the affected public as is the case here as the only reasonable choice to get elected or appointed official to listen. This is a mistake for which the responsible parties need to be held accountable at the voting booth.

**C31-2** As is being urged upon such officials, instead of the Draft EIR, support should be given to another proper alternative: "No Project" as articulated by many sources but as recently described in the article: "Marin Voice: One Bay Area Plan is Bad Planning" by Susan Kirsch. [attached]

Thank you.

John Wallace

[REDACTED]  
Mill Valley, CA 94941  
[REDACTED]  
[REDACTED]



## Plan Bay Area 2040 Final Environmental Impact Report

**From:** <JLucas1099[REDACTED]>  
**To:** <eircomments@mtc.ca.gov>  
**Date:** 5/3/2013 3:47 PM  
**Subject:** Re: One Bay Area/Draft Plan Bay Area EIR/2013 Transportation Improvement Prog...

Dear Carolyn Clevenger,  
May 3, 2013

Thank you for your kind acknowledgement of comments made at Wednesday's May 1, public hearing on the ABAG Draft Plan Bay Area and the MTC Draft 2013 Transportation Improvement Program.

As believe I mentioned, I was still somewhat unclear on a major element of concern which was the acreage of wetlands loss that would be incurred in the implementation of these two plans. At a previous meeting two or three pages of wetland sites to be impacted were, I believe noted in Appendix H. This list is in mail to me.

C32-1

Therefore, in response to Draft Plan Bay Area and Draft Plan Bay Area EIR my comments by May 16, should be more specific. However, at this time I would relate those concerns on wetlands to the Draft 2013 Transportation Improvement Program.

If there is a substantial loss or even a net loss of wetland acreage associated with implementation of the TIP then I think this Draft needs to include scientific studies related to the beneficial resource of marsh wetlands. One study should be established data on degree to which marsh wetlands sequester automobile emission carbons, if remember accurately, and include actual numbers re pounds of contaminants removed from air.

A second more recent study by Stu Weiss on nitrogen deposition in open space lands adjacent to highway corridors provides scientific documentation of alteration of native vegetation, increase in invasive vegetation which in general result in increase in cost of land management with challenge of increase in fire fuel loads.

In consideration that AB375 incorporates concerns of climate change and global warming trends such study should be integral to this mandate. Early springs have overwhelmed park and open space maintenance staff.

Another study on depth of wetlands buffer needed for filtering of contaminants from highway stormwater runoff should be included, and in association with that altered water chemistry comes the invasive threat of hybrid Spartina and Phragmites which alter marshes permanently into a mono-culture of degraded wetlands habitat.

There is a professor at Cornell who has spent decades studying cause and effects of Phragmites on coastal wetlands. Main protagonist is likely not leaving sufficient uplands buffer between suburban uses and the sea.

Highways are a prime catalyst for degradation of wetlands and loss of wildlife corridors and this needs to be addressed in your Draft 2013 TIP. Wildlife crossover bridges should be included as well as culvert crossings.

On final and distinctly different note, was surprised that in consideration of global warming and sea level rise, could find no mention of plans to upgrade highways that at present are barely foot above bay storm high tide.

C32-2

Aqua Alta is an impressive reality in Venice and at end of the Adriatic it may predict conditions that can be readily produced in South Bay. #237, #101, #880 and railroad passing through Alviso could be susceptible to fluvial as well as ocean rise influences so believe chapter on how best to engineer for hydrological challenge could be included.

Thank you for consideration of concerns and will try to comment more precisely with Appendix H in hand.

Libby Lucas  
[REDACTED]  
Los Altos, CA 94022

**SHARON RUSHTON  
C/O SUSTAINABLE TAMALMONTE  
[REDACTED]  
MILL VALLEY, CA 94941**

May 8, 2013

MTC-ABAG Plan Bay Area Public Comment  
101 8th Street Oakland,  
California 94607

Re: Public Comment on Draft Plan Bay Area and Draft Plan Bay Area Draft  
Environmental Impact Report

I write on behalf of Sustainable TamAlmonte and myself to comment on the  
Draft Plan Bay Area and the Draft Plan Bay Area Draft Environmental  
Impact Report (State Clearinghouse No. 2012062029).

Sustainable TamAlmonte is a group of Tam Valley and Almonte residents  
who want to preserve and enhance the environmental qualities of their  
unique bayside communities. The members of Sustainable TamAlmonte  
support truly sustainable land use and development in the Tamalpais  
Community Services District and the Almonte Sanitary District of  
Unincorporated Marin, and have grave concerns about the environmental,  
health and safety impacts that result from poor land use planning, including  
environmentally detrimental projects. Therefore, Sustainable TamAlmonte  
has a strong interest in enforcing environmental laws to protect the Tam  
Valley and Almonte communities' valuable environmental resources, and the  
health and safety of current and future residents.

## I. INTRODUCTION

C33-1

CEQA has two basic purposes, neither of which the Draft Plan Bay Area’s DEIR satisfies. First, CEQA is designed to inform decision makers and the public about the potential, significant environmental effects of a project.<sup>1</sup> The EIR is the “heart” of this requirement.<sup>2</sup> The EIR has been described as “an environmental ‘alarm bell’ whose purpose it is to alert the public and its responsible officials to environmental changes before they have reached ecological points of no return.”<sup>3</sup> Second, CEQA directs public agencies to avoid or reduce environmental damage when possible by requiring alternatives or mitigation measures.<sup>4</sup> The Draft EIR fails to satisfy these purposes by improperly deferring the analysis of, and failing to disclose, all potentially significant environmental impacts of the Draft Plan Bay Area, and failing to provide adequate mitigation measures to avoid impacts. As a result, the Draft EIR fails as an informational document and falls short of CEQA’s mandates.

## II. The Draft Plan Bay Area’s DEIR’s Assumption Regarding Population And Job Projections For Marin County Is Misguided Because Evidence Shows That The Draft Plan Bay Area Projections Are Unrealistic.

C33-2

Pg. ES 8 of the Draft Plan Bay Area’s DEIR lists “Key EIR Assumptions” and includes the following key assumption:  
 “The total amount of growth projected for the Bay Area through 2040 is based on ABAG’s Plan Bay Area Forecast of Jobs, Population and Housing (the forecasts used to develop the Jobs-Housing Connection) that is available for review on the project website (<http://www.onebayarea.org>); this amount

<sup>1</sup> 14 Cal. Code Regs. (“CEQA Guidelines”) § 15002(a)(1).

<sup>2</sup> *No Oil, Inc. v. City of Los Angeles* (1974) 13 Cal.3d 68, 84.

<sup>3</sup> *County of Inyo v. Yorty* (1973) 32 Cal.App.3d 795, 810.

<sup>4</sup> CEQA Guidelines § 15002(a)(2) and (3) (*See also Citizens of Goleta Valley v. Board of Supervisors* (1990) 52 Cal.3d 553, 564; *Laurel Heights Improvement Ass’n v. Regents of the University of California* (1988) 47 Cal.3d 376, 400.).

of growth is assumed in the proposed Plan, which identifies a land use pattern to accommodate the projected growth.”

As demonstrated below, for Marin County, the above key assumption is misguided because evidence shows that the Draft Plan Bay Area’s forecast of Jobs, Population, and Housing in Marin County is unrealistic.

### **Population Growth**

The State Department of Finance is the preeminent authority on population and job projections. The January 2013 release of the State Department of Finance (DOF) projections of Marin County’s population growth are 10% lower than the growth forecast used for Plan Bay Area: Plan Bay Area forecasts a 13% population growth to 2040 (32,914 more people) but DOF projects a 3% population growth (6,818 more people). This is a significant discrepancy. The Plan Bay Area and the DEIR should be revised to reflect realistic population growth based on DOF projections.

C33-3

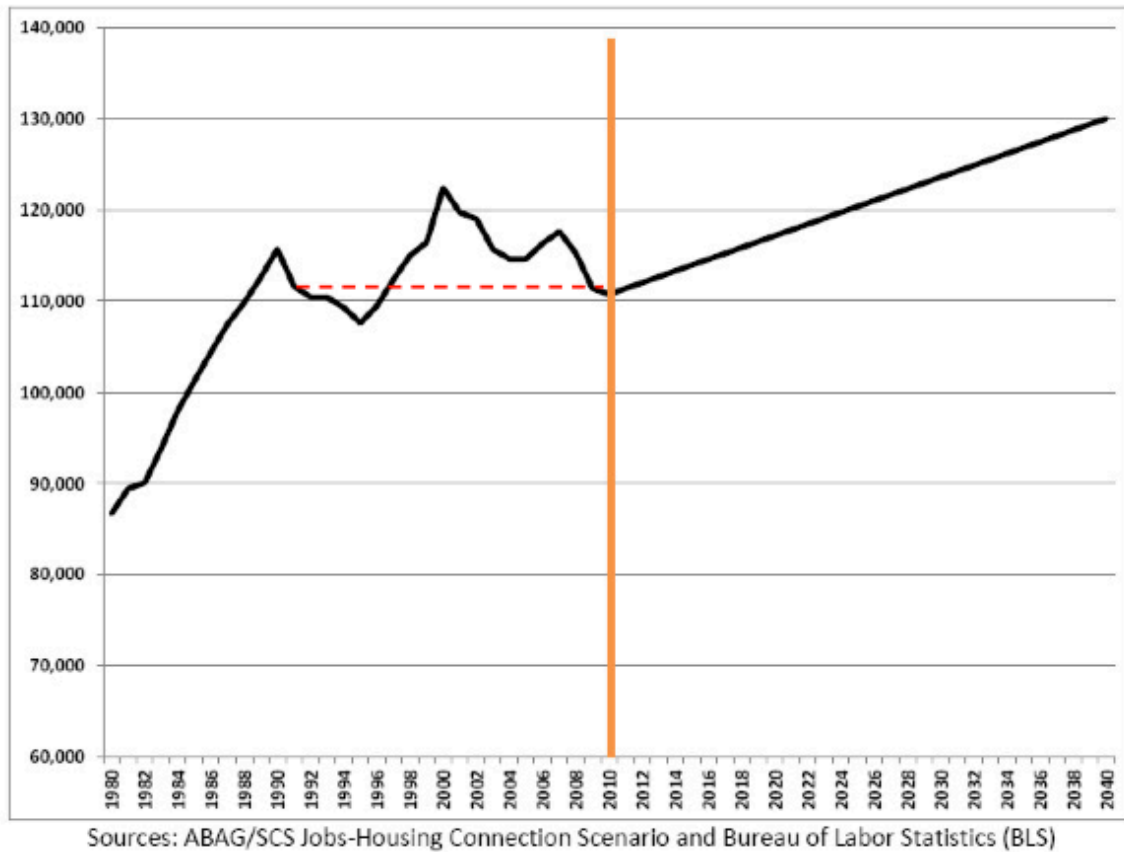
### **Employment Growth**

The Draft Plan Bay Area’s Jobs-Housing Connection Scenario forecasts Marin County’s employment growth at 17% by 2040, or about one-half percent per year. Although this appears to be consistent with historical growth of 16% from 1980-2010, in fact, and as pointed out by the Transportation Authority of Marin in its April 26, 2012 letter to ABAG<sup>5</sup>, job growth in Marin was substantial only from 1980 to 1990. In 2011, employment levels were about the same as they were in 1990, as shown below in the dotted line, with a consistent decrease since 2000.

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<sup>5</sup> See Attachment 1: Letter from TAM to ABAG, April 26, 2012

Marin County Payroll Employment 1980-2010 and ABAG/SCS Projections through 2040



Marin County lacks the type of developable land associated with business growth of the 1980s, and has limited availability of water resources. It is unlikely that Marin can match the robust job growth of the 1980s. In addition, the long-term employment forecast is unrealistically high for Marin's growing population of seniors who are retired or not fully employed. An adjustment to the labor participation rate should be made.

The Draft Plan Bay Area's DEIR assumes that the Draft Plan Bay Area's Population and Job Growth projections are correct. However, the above information demonstrates that the plan's population and job growth projections for Marin County are unrealistic. Therefore, assessments made by the Draft Plan Bay Area's DEIR that were based on the Draft Plan Bay Area's Marin County Population and Job Growth projections must be reviewed and revised.

### **III. The Draft Plan Bay Area DEIR Fails To Adequately Disclose, Analyze, And Mitigate Impact 2.1-3 “Substantial Increase In Per Capita Vehicle Miles Traveled (VMT) On Facilities Experiencing Level Of Service (LOS) F” (Pg. ES-13 Draft Plan Bay Area DEIR)**

The Draft Plan Bay Area DEIR only lists mitigation measures 2.1(a), 2.1(b) and 2.1(c) to mitigate Impact 2.1-3 “Substantial Increase in Per Capita VMT on Facilities Experiencing Level of Service (LOS) “F” compared to existing conditions during AM peak periods, PM peak periods, or during the day as a whole (LOS F defines a condition on roads where traffic substantially exceeds capacity, resulting in stop-and-go conditions for extended periods of time).”

**C33-4** Draft Plan Bay Area DEIR (pg. ES-13) mitigation measures 2.1(a) “additional peak period bridgetoll” and 2.1(c) “implementation of ramp metering” are only applicable for freeways with LOS “F” and are not appropriate for smaller busy roadways with LOS “F”, such as Hwy 1 in Unincorporated Mill Valley (LOS “F”), which is located in the Transportation Priority Project (TPP) Corridor and the Hwy 101 Corridor Priority Development Area of Plan Bay Area.

**C33-5** The Draft Plan Bay Area’s DEIR mitigation measure 2.1(b) “commute benefit ordinance” only helps to mitigate a substantial increase in per capita VMT on roadways with LOS “F” that act as commutes to major employers (with more than 50 employees). Many smaller busy highways with an LOS “F”, such as Hwy 1 in Unincorporated Mill Valley, primarily act as a commute to small employers with less than 50 employees.

**C33-6** The Draft Plan Bay Area DEIR is insufficient because it fails to adequately analyze and mitigate Impact 2.1-3 on smaller busy highways with LOS “F”.

### **IV. The Draft Plan Bay Area DEIR Fails To Adequately Disclose, Analyze And Mitigate Potentially Significant Impacts Associated With Air Quality.**

The Draft Bay Area Plan DEIR sites **Impact 2.2.5 (a)** “Localized net increase in sensitive receptors located in Transit Priority Project (TPP) corridors where TACs or fine particulate matter (PM<sub>2.5</sub>) concentrations results in a cancer risk greater than 100/million or a concentration of PM<sub>2.5</sub> greater than 0.8 ug/m<sup>3</sup>” and **Impact 2.2.5(b)** “Localized net increase in

sensitive receptors located in Transit Priority Project (TPP) corridors within set distances to mobile or stationary sources of Toxic Air Contaminants (TACs) or Particulate Matter (PM<sub>2.5</sub>) emissions.”

**A. The Draft Plan Bay Area’s DEIR Fails To Adequately Analyze And Mitigate Impact 2.2-5(a) And Impact 2.2-5(b) On Small Sites & Sites Surrounded By Multiple TAC And PM<sub>2.5</sub> Emission Sources.**

C33-7

A number of the mitigation measures incorporated into the Draft Plan Bay Area DEIR to mitigate Impact 2.2.5(a) and Impact 2.2.5(b) are not adequate because they are ineffective on small sites and sites surrounded by multiple sources of TACs and PM<sub>2.5</sub> emissions. These include:

- Phasing of residential developments does not mitigate Impact 2.2.5(a) and Impact 2.2.5(b), when the entire site of a residential development is located within the zone of influence of TAC and/or PM<sub>2.5</sub> emission sources.
- Designing a site to locate sensitive receptors as far as possible from any freeways, roadways, diesel generators, distribution centers, and railyards, does not mitigate Impact 2.2.5(a) and 2.2.5(b) if the entire site is located within the zone of influence of TAC and/or PM<sub>2.5</sub> emission sources.<sup>6</sup>

**B. The Draft Plan Bay Area’s DEIR Fails To Adequately Disclose And Analyze The Severity Of Significant Cumulative Health Risks Caused By Impact 2.2-5(a) And Impact 2.2-5(b).**

C33-8

Regarding Impact 2.2.5(a) and 2.2.5(b), the Draft EIR fails to accurately disclose the severity of the significant cumulative health risks to sensitive receptors on sites within the zone of influence of collective TACs and PM<sub>2.5</sub> emissions from several significant sources. For instance, Unincorporated Mill Valley sites located in the Transit Priority Project (TPP) corridor and located in the Hwy 101 Corridor Priority Development Area of the Draft Plan Bay Area are simultaneously subject to TACs and

<sup>6</sup> See Attachment 2: Letter from Geoffrey Hornek to Rachael Koss re: Comments on the air quality analysis for the 2012 Draft Supplemental Environmental Impact Report of the 2012 Draft Marin County Housing Element, February 18, 2013.

PM2.5 emissions from three or four of the following sources: Hwy 101 (LOS “F”), Hwy 1 (LOS “F”), two Dry Cleaners, three Gas Stations and the County of Marin Crest Marin Pump Station Generator.<sup>7</sup>

**C. The Draft Plan Bay Area’s DEIR Fails To Adequately Mitigate Impact 2.2-5(a) And Impact 2.2-5(b) Because Mitigation Measures Fail To Protect Sensitive Receptors Outdoors.**

C33-9

The Draft Plan Bay Area’s DEIR fails to adequately mitigate Impact 2.2.5(a) and Impact 2.2.5(b) because it does not provide adequate mitigations to protect sensitive receptors spending time outdoors (E.g. children playing outside or residents gardening) on sites located within the zone of influence of TAC and/or PM2.5 emission sources. Planting trees and/or vegetation between sensitive receptors and the pollution source provides little or no protection to the sensitive receptors spending time outdoors and cannot be carried out when there is little or no room for such trees and/or vegetation or view ordinances restrict the height of the trees.

C33-10

On Pg. 2.2-79, under Impact 2.2-5(b), the Draft Plan Bay Area’s DEIR states:  
 “New research on the health effects of TACs and PM2.5 reinforces earlier findings regarding adverse health impacts on both respiratory and cardiovascular health but also a wider range of potential effects, such as diabetes, autism, cognitive functions in older adults, and oxidative damage to DNA. In addition, US EPA has not identified a level of TAC/ PM2.5 concentration where no negative health effects are observed.

In general, the closer one gets to a source of emissions, the higher the pollutant concentrations one will be exposed to. Ideally, sensitive land uses would be set back an appropriate distance such that sensitive receptors would not be exposed to TAC and PM2.5 concentrations that could adversely affect their health. However, this is the central issue surrounding infill development, such as in TPPs and PDAs, where the objective is to locate jobs and housing in close proximity to each other to reduce automobile trips and therefore mobile source emissions. In doing so,

<sup>7</sup> See Attachment 2: Letter from Geoffrey Hornek to Rachael Koss re: Comments on the air quality analysis for the 2012 Draft Supplemental Environmental Impact Report of the 2012 Draft Marin County Housing Element, February 18, 2013.



sensitive receptors can be located too close to stationary or mobile sources and exposed to unhealthy levels of TACs and PM2.5 concentrations.”

As demonstrated above, implementation of Plan Bay Area would subject sensitive receptors to a significant increased risk of developing life-threatening illnesses from TACs and PM2.5 emissions. Furthermore, the mitigation measures listed to mitigate these significant impacts are inadequate to reduce them to less than significant levels, particularly in regard to protecting sensitive receptors who spend time outdoors.

Consequently, Plan Bay Area’s proposal to target residential development on highly travelled and congested roadways (with LOS “F”) and in close proximity of mobile and stationary sources of TACs and PM2.5 emissions, is nothing short of irresponsible land use planning and conflicts with CEQA. Case law clearly shows that CEQA is intended “to compel government at all levels to make decisions with environmental consequences in mind.”<sup>8</sup> Plan Bay Area does not heed this mandate.

Moreover, there can be no benefit that would result from implementation of Plan Bay Area that would override the impact of severe illness or loss of life from exposing sensitive receptors to toxic air contaminants (TACs) and/or fine particulate matter (PM2.5) emissions.

The only sensible recourse is to revise Draft Plan Bay Area and remove all proposed residential development from areas that are located within the zone of influence of toxic air contaminants (TACs) and/or fine particulate matter (PM2.5) emission sources<sup>9</sup> and remove areas situated within the zone of influence of TACs and PM2.5 emissions from Transit Priority Project corridors and Priority Development Areas.

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<sup>8</sup> *Bozung v. Local Agency Formation Com.* (1975) 13 Cal.3d 263, 283, 118; *Laurel Heights*, 47 Cal.3d at p. 393; *Kings County Farm Bureau v. City of Hanford* (1990) 221 Cal.App.3d 692, 711.

<sup>9</sup> See Attachment 2, for e.g. regarding sites located in the Tam Junction area of Unincorporated Mill Valley.

## **V. The Draft Plan Bay Area DEIR Fails To Adequately Disclose, Analyze And Mitigate Potentially Significant Impacts Associated With Seismic Activity.**

### **A. The Draft Plan Bay Area DEIR Fails To Adequately Disclose, Analyze And Mitigate Potentially Significant Impacts Associated With Ground Shaking.**

C33-11

Draft Plan Bay Area's DEIR incorporates Mitigation Measure 2.7(b) to mitigate Impact 2.7-2 "Exposure of people or structures to substantial risk related to ground shaking".

Mitigation Measure 2.7(b) requires project sponsors and proposed improvements to comply with the most recent version of the California Building Code (CBC) and concludes that by doing so Impact 2.7-2 would be reduced to less than significant.

Although the Unincorporated Marin areas targeted for development in the 2007 Marin Countywide Plan are the same as the Unincorporated Marin areas targeted for development in the Draft Plan Bay Area, the above finding is in conflict with the 2007 Marin Countywide Plan's Environmental Impact Report (EIR).

#### **Excerpts from the 2007 Marin Countywide Plan's Environmental Impact Report (EIR) 4.7 GEOLOGY:**

Pg. 4.7-4, 2007 Marin CWP's EIR, **Seismic Ground Shaking**: "Ground shaking is the most potentially devastating geologic hazard in Marin County due to the damage it would be capable of causing."... "In Marin County, the most significant area of potential shaking amplification is the City-Centered Corridor" – where the Transit Priority Project (TPP) corridor and the Hwy 101 Corridor Priority Development Area (PDA) of Plan Bay Area are located.

Pg. 4.7-13, 2007 Marin CWP's EIR, **City-Centered Corridor Housing Sites**: "In general, these sites could experience strong seismic ground shaking and many of the designated areas would likely be subject to hazards related to unstable ground: expansive soils, soil erosion, subsidence and settlement, and seismic-related ground failure." The Transit Priority Project (TPP) corridor and the Hwy 101 Corridor Priority Development Area are

located within the City-Centered Corridor and would experience the same hazards.

Pg. 4.7-20, 2007 Marin CWP's EIR, **Impact 4.7-2 Seismic Ground Shaking**: "Land uses and development consistent with the Draft 2005 CWP Update (AKA 2007 CWP) would expose people, new development and redevelopment to substantial adverse seismic effects, including the risk of loss, injury, or death involving strong seismic ground shaking. This would be a significant impact."

Pg. 4.7-20, 2007 Marin CWP's EIR, Discussion of **Impact 4.7-2 Seismic Ground Shaking**: "The probability of at least one earthquake with a moment magnitude greater than 6.7 before 2032 is 62 percent."... "In Marin County, buildings located near the San Andreas Fault zone and buildings underlain by water-saturated mud and artificial fill could experience the strongest seismic ground shaking. The deposits that will experience the strongest shaking amplification underlie a significant portion of the City-Centered Corridor (Map 2-9 [Seismic Shaking Amplification Hazards] in 2007 Countywide Plan." The Transit Priority Project (TPP) corridor and the Hwy 101 Corridor Priority Development Area are located within the City-Centered Corridor and would experience the same hazards.

Pg. 4.7 – 20, 2007 Marin CWP's EIR, Discussion of **Impact 4.7-2 Seismic Ground Shaking**: "The Marin County Code includes ordinances that would reduce hazards associated with seismic ground shaking. Section 19.04.010, Codes Adopted, states that the County has adopted the 2001 edition of the California Building Code (CBC). Adoption of this Code would ensure that new construction would be based on the seismic design requirements in the CBC."

To mitigate Impact 4.7-2 Seismic Ground Shaking, in addition to compliance with the California Building Code (which is the only mitigation sited in Draft Plan Bay Area's DEIR for Impact 2.7-2 "Ground Shaking" and Impact 2.7-3 "Seismic Related Ground Failure, including liquefaction"), the CWP's EIR incorporates Mitigation Measure 4.7-2, which calls for revision of numerous policies and programs related to seismic safety, retrofit, and location of emergency service facilities and creation a new program to systematically assess damaged and collapsed buildings after a damaging earthquake.

Yet, on Pg. 4.7- 24, the 2007 Countywide Plan's EIR concludes; "Mitigation Measure 4.7-2 would ensure a reduced level of risk compared to existing conditions and reduce adverse effects of mild to moderate seismic ground shaking to a less-than-significant level. Nevertheless, for severe seismic ground shaking this would remain a **significant unavoidable project and cumulative impact.**"

### Summary

The 2007 Marin Countywide Plan directs development in the same Unincorporated Marin areas as Plan Bay Area. The Marin Countywide Plan's EIR identifies high seismic ground shaking in the same location as the Transit Priority Project (TPP) corridor and the Hwy 101 Corridor Priority Development Area of Plan Bay Area. The CWP's EIR finds that such seismic ground shaking would result in a significant adverse impact. The CWP's EIR incorporates more mitigation measures than Draft Plan Bay Area's DEIR. Yet, the Draft Plan Bay Area DEIR concludes that its weaker mitigation measure for Seismic Ground Shaking would result in a less-than-significant impact, whereas the 2007 Countywide Plan's EIR concludes that its mitigation measures for Seismic Ground Shaking (which are more rigorous than those in Draft Plan Bay Area's DEIR) would result in significant unavoidable project and cumulative impacts for severe seismic ground shaking.

Moreover, on Pg. 115, the 2012 DRAFT Marin County Housing Element's DSEIR, which also directs development in areas located in the TPP corridor and the Hwy 101 Corridor Priority Development, confirms the CWP's EIR findings: "Mitigation Measure 4.7-2 would reduce impact, but still found significant unavoidable. No change from CWP EIR."

### Conclusion

In conclusion, the findings, related to the impact of seismic ground shaking impact, found in the Marin Countywide Plan's EIR and the 2012 Draft Marin County Housing Element's SDEIR conflict with those of the Draft Plan Bay Area's DEIR and prove that the impact after mitigation would remain a significant unavoidable project and cumulative impact. Moreover, there can be no benefit that would result from implementation of Plan Bay Area that would override the impact of severe injury or loss of life from building on ground known to experience severe seismic ground shaking. The only sensible recourse is to revise Draft Plan Bay Area and remove new development from Unincorporated Marin land that is subject to severe

seismic ground shaking and remove Unincorporated Marin areas subject to severe seismic ground shaking from the Transit Priority Project (TPP) corridors and Priority Development Areas (PDAs).

**B. The Draft Plan Bay Area DEIR Fails To Adequately Disclose, Analyze And Mitigate Potentially Significant Impacts Associated With Seismic-Related Ground Failure, Including Liquefaction.**

C33-12

Draft Plan Bay Area's DEIR incorporates Mitigation Measure 2.7(b) to mitigate 2.7-3 "Exposure of people or structures to substantial risk from seismic-related ground failure, including liquefaction".

Mitigation Measure 2.7(b) requires project sponsors and proposed improvements to comply with the most recent version of the California Building Code (CBC) and concludes that by doing so Impact 2.7-3 would be reduced to less than significant.

Although the Unincorporated Marin areas targeted for development in the 2007 Marin Countywide Plan are the same as the Unincorporated Marin areas targeted for development in Plan Bay Area, the above finding is in conflict with the 2007 Marin Countywide Plan's Environmental Impact Report (EIR).

**Excerpts from the 2007 Marin Countywide Plan's Environmental Impact Report:**

Pg. 4.7-7, 2007 Marin CWP EIR's **Liquefaction**: "The geologic materials most susceptible to liquefaction include young stream channel deposits as well as beach deposits and artificial fill overlying Bay Muds. " Map 2-11 Liquefaction Susceptibility Hazards in the 2007 Countywide Plan illustrates areas of deep fill on bay mud, which are subject to high liquefaction. Many of these high liquefaction areas are located within the Transit Priority Project (TPP) corridor and the Hwy 101 Priority Development Area (PDA) of Plan Bay Area.

Pg. 4.7-9, 2007 Marin CWP's EIR, **Subsidence and Settlement**: "In Marin, the most significant subsidence hazard is the young Bay Muds. The placement of fills and structures on Bay Muds has resulted in human-induced subsidence and seismic shaking has caused naturally induced subsidence of Bay Muds." The Transit Priority Project (TPP) corridor and

the Hwy 101 Corridor Priority Development Area of Plan Bay Area includes many areas of deep fill on Bay Mud, which are at very high risk of subsidence.

Pg. 4.7-13, 2007 Marin CWP's EIR, **City-Centered Corridor Housing Sites**: "In general, these sites could experience strong seismic ground shaking and many of the designated areas would likely be subject to hazards related to unstable ground: expansive soils, soil erosion, subsidence and settlement, and seismic-related ground failure." The Transit Priority Project (TPP) corridor and the Hwy 101 Corridor Priority Development Area are located within the City-Centered Corridor and would experience the same hazards.

Pg. 4.7-24, 2007 Marin CWP's EIR, Impact 4.7-3 **Seismic-Related Ground Failure**: "Land uses and development consistent with the Draft 2005 CWP (AKA 2007 Marin Countywide Plan) would expose people and structures to substantial adverse seismic effects, including the risk of loss, injury, or death from seismic-related ground effects. This would be a significant impact."

The 2007 Marin CWP's EIR incorporated Mitigation Measure 4.7-3 to mitigate Impact 4.7-3 Seismic-Related Ground Failure. Mitigation Measure 4.7-3 included revision of programs EH-2.a (Require Geotechnical Reports) and EH-2.b (Require Construction Certification) of the Draft 2005 Countywide Plan Update and the addition of a new program that would continue to create Geologic hazard Area maps based on the most up to date geologic and geotechnical information as it becomes available.

Pg. 4.7-28, 2007 Marin CWP's EIR, **Significance After Mitigation Measure 4.7-3**: "Mitigation Measure 4.7-3 would minimize the exposure of persons or structures to adverse effects of seismic-related ground failure for minor and moderate events to a less- than-significant level. However, implementation of these policies and programs would not eliminate all structural damage, injuries, or death from seismic-related ground failures, especially for severe seismic events. Therefore, this would remain a **significant unavoidable project and cumulative impact.**"

### Summary

The 2007 Marin Countywide Plan directs development in the same Unincorporated Marin areas as Plan Bay Area. The Marin Countywide Plan's EIR identifies high seismic-related ground failure in the same

location as the Transit Priority Project (TPP) corridor and the Hwy 101 Corridor Priority Development Area of Plan Bay Area. The CWP's EIR finds that such seismic-related ground failure would result in a significant adverse impact. The CWP's EIR incorporates more mitigation measures than Draft Plan Bay Area's DEIR. Yet, the Draft Plan Bay Area DEIR concludes that its weaker mitigation measure for ground failure would result in a less-than-significant impact, whereas the 2007 Countywide Plan's EIR concludes that its mitigation measures for Seismic-Related Ground Failure (which are more rigorous than those in Draft Plan Bay Area's DEIR) would result in a significant unavoidable project and cumulative impact for seismic-related ground failure.

Moreover, on Pg. 115, the 2012 DRAFT Marin County Housing Element's DSEIR, which also directs development in areas located in the TPP corridor and the Hwy 101 Corridor Priority Development, confirms the CWP's EIR findings: "Mitigation Measure 4.7-3 would reduce impact, but still found significant unavoidable. No change from CWP EIR."

### **Conclusion**

In conclusion, the findings related to the impact of seismic-related ground failure, of the Marin Countywide Plan's EIR and the 2012 Draft Marin County Housing Element's SDEIR conflict with those of the Draft Plan Bay Area's DEIR and prove that the impact after mitigation would remain a significant unavoidable project and cumulative impact. Moreover, there can be no benefit that would result from implementation of Plan Bay Area that would override the impact of severe injury or loss of life from building on ground known to experience seismic-related ground failure. The only sensible recourse is to revise Draft Plan Bay Area and remove new development from Unincorporated Marin land that is subject to seismic related ground failure and remove Unincorporated Marin areas subject to seismic-related ground failure from the Transit Priority Project (TPP) corridors and Priority Development Areas (PDAs).

### **C. The Draft Plan Bay Area DEIR Fails to Adequately Disclose, Analyze and Mitigate Potentially Significant Impacts Associated with Deterioration of Grounds Surrounding Buildings due to Ground Shaking and Seismic-Related Ground Failure, including liquefaction.**

The Draft Plan Bay Area DEIR fails to adequately disclose, analyze and

mitigate potentially significant impacts associated with the deterioration of grounds (E.g. walkways, parking lots, gardens) surrounding buildings due to ground shaking and seismic-related ground failure, including liquefaction.

Unincorporated Mill Valley's Tam Junction shopping area is located within the Transit Priority Project (TPP) corridor and the Hwy 101 Corridor Priority Development Area of the Draft Plan Bay Area. The area is deep (80 to 90 feet deep) landfill on top of bay mud and is designated a very high seismic activity zone. The area is subject to high liquefaction, subsidence, and mud displacement. Newer buildings in the shopping area are protected from low to moderate seismic events due to support pillars reaching down 80 to 90 feet deep to bedrock. According to the 2007 Marin Countywide Plan's EIR, the buildings are not protected from high seismic events. However, each year the walkways and parking lots around the stores crack, move and sink unevenly. There have been reports of pedestrians tripping and seriously hurting themselves from the uneven pavement. The shopping area must repair the walkways and parking lots every year. If repairs are postponed, grounds become excessively dangerous.

The above scenario illustrates the hazards associated with the deterioration of grounds surrounding buildings due to ground shaking and seismic-related ground failure. The Draft Plan Bay Area's DEIR fails to disclose, analyze and mitigate this type of potential significant impact.

## **VI. The Draft Plan Bay Area's DEIR Fails to Adequately Disclose, Analyze, and Mitigate Potentially Significant Impacts Associated With Sea Level Rise.**

### **A. The Plan Bay Area's Draft EIR Fails To Adequately Disclose, Analyze, and Mitigate Significant Impacts Associated With Sea Level Rise Because Its Analysis Does Not Analyze Potential Century (E.g. 2100) Sea Level Rise, Which Corresponds To The Life Expectancy Of Developments Encouraged By Plan Bay Area.**

C33-14

Pg. 2.5-46 of the Draft EIR states; "The sea level rise analysis provides a program-level assessment of generalized potential impacts associated with future sea level rise in the San Francisco Bay Area utilizing the inundation mapping produced by NOAA for their Sea Level Rise and Coastal Flooding Impacts Viewer. Potential midcentury (e.g., 2050) sea level rise conditions were selected for this analysis, rather than 2040 conditions, as most sea level



rise projections are associated with midcentury and end-of-century conditions.”

According to the above excerpt, the Draft DEIR states that potential midcentury (e.g., 2050) sea level rise conditions were selected for the Draft EIR’s analysis of sea level rise. This time period is totally inadequate for a plan that guides development through Year 2040. Any building developed in 2040 would potentially last until the end of the century (2100), if not longer. Consequently, the Draft DEIR should have based its analysis of sea level rise on century (e.g., 2100) sea level rise conditions, at a minimum.

Therefore, the Draft Plan Bay Area’s Draft EIR fails to adequately disclose, analyze, and mitigate potential significant impacts associated with Sea Level Rise because its analysis does not analyze potential century (E.g. 2100) Sea Level Rise, which corresponds to the life expectancy of developments encouraged by Plan Bay Area.

**B. The Draft Plan Bay Area’s DEIR Fails To Adequately Disclose, Analyze And Mitigate The Potential Significant Impact Of A Net Increase In The Number Of People Residing Within Areas Regularly Inundated By Sea Level Rise.**

C33-15

On Pg. 2.5-6, the Draft Plan Bay Area’s Draft EIR sites Impact 2.5-6: “Implementation of the proposed Plan could result in a net increase in the number of people residing within areas regularly inundated by sea level rise by midcentury.”

The Draft Plan Bay Area’s DEIR fails to adequately disclose and analyze the potential significant impact of a net increase in the number of people residing within areas regularly inundated by sea level rise because its analysis is based on potential midcentury (e.g., 2050) sea level rise conditions, which as demonstrated above in my comment **VI. A.**, is insufficient. Analysis should be based on a minimum of potential century (e.g., 2100) sea level conditions, which corresponds to the life expectancy of the development encouraged by the plan.

On Pg. 2.5-71, the Draft EIR incorporates mitigation measures 2.5(b) and 2.5(d) to mitigate Impact 2.5-6:

- 2.5(b) states; “MTC and ABAG shall work with the Joint Policy Committee to create a regional sea level rise adaptation strategy for the Bay Area.”
- 2.5(d) states; “Mitigation measures that shall be considered by implementing agencies and/or project sponsors where feasible based on project-and site-specific considerations include, but are not limited to the following. Executive Order S-13-08 requires all state agencies, including Caltrans, to incorporate sea level rise into planning for all new construction and routine maintenance projects; however, no such requirement exists for local transportation assets and development projects. Implementing agencies shall require project sponsors to incorporate the appropriate adaptation strategy or strategies to reduce the impacts of sea level rise on specific transportation and land use development projects where feasible based on project- and site-specific considerations. Potential adaptation strategies are included in the Adaptation Strategy sub-section found at the end of this section.”

2.5(b) and 2.5(d) are not adequate mitigation measures to mitigate Impact 2.5-6. To require future analysis and future planning to select or create future adaptation strategies is not a mitigation that can be evaluated now as to whether or not it can mitigate the impact. Rather, these requirements defer adequate analysis, disclosure, and mitigation of the impact to a future date.

C33-16

The Draft Plan Bay Area’s DEIR approach violates CEQA. The Draft EIR must include mitigations that can be evaluated now as to whether or not they have merit; ABAG and MTC cannot wait until after Project approval. This information is necessary for decision makers to determine if sites identified for housing development are suitable for residential use, besides other determinations. The Draft EIR’s approach undermines the entire point of the CEQA process -- to offer the public and the decision makers the opportunity to weigh-in on a project’s potentially significant impacts and an agency’s proposed measures to mitigate those impacts. It is well- established that CEQA is not meant to be a *post hoc* rationalization of decisions that have already been made. “If post-approval environmental review were allowed, EIR’s would likely become nothing more than post hoc rationalizations to support action already taken.”<sup>10</sup>

<sup>10</sup> *Laurel Heights Improvement Assn. v. Regents of University of California*

**C. The Draft Plan Bay Area's DEIR Fails To Adequately Disclose, Analyze And Mitigate The Potential Significant Impact Of An Increase In Land Use Development Within Areas Regularly Inundated By Sea Level Rise.**

C33-17

On Pg. 2.5-71, The Draft Plan Bay Area's DEIR sites Impact 2.5-7: "Implementation of the proposed Plan could result in an increase in land use development within areas regularly inundated by sea level rise by midcentury."

The Draft Plan Bay Area's DEIR fails to adequately disclose and analyze the potential significant impact of an increase in land use development within areas regularly inundated by sea level rise because its analysis is based on potential midcentury (e.g., 2050) sea level rise conditions, which as demonstrated above in my comment **VI. A.**, is insufficient. Analysis should be based on a minimum of potential century (e.g., 2100) sea level conditions, which corresponds to the life expectancy of the development encouraged by the plan.

On Pg. 2.5-72, the Draft Plan Bay Area's DEIR sites Mitigation Measures 2.5(b) and 2.5(d) to mitigate Impact 2.5-7:

- 2.5(b) states; "MTC and ABAG shall work with the Joint Policy Committee to create a regional sea level rise adaptation strategy for the Bay Area."
- 2.5(d) states; "Mitigation measures that shall be considered by implementing agencies and/or project sponsors where feasible based on project-and site-specific considerations include, but are not limited to the following. Executive Order S-13-08 requires all state agencies, including Caltrans, to incorporate sea level rise into planning for all new construction and routine maintenance projects; however, no such requirement exists for local transportation assets and development projects. Implementing agencies shall require project sponsors to incorporate the appropriate adaptation strategy or strategies to reduce the impacts of sea level rise on specific transportation and land use development projects where feasible based on project- and site-

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(1988) 47 Cal.3d 376, 394.

specific considerations. Potential adaptation strategies are included in the Adaptation Strategy sub-section found at the end of this section.”

Pg. 2.5-76 of the Draft Plan Bay Area’s DEIR states; “Any increase in land use development within areas projected to be regularly inundated by sea level rise is considered a significant impact. Selection and implementation of the appropriate mitigation measures and adaptation strategies may reduce the impact associated with sea level rise to less than significant. However, the appropriate adaptation strategies will be selected as part of future project-level analysis and planning.”

2.5(b) and 2.5(d) are not adequate mitigation measures to mitigate Impact 2.5-7. To require future project-level analysis and future planning to select or create future adaptation strategies is not a mitigation that can be evaluated now as to whether or not it can mitigate the impact. Rather, these requirements defer adequate analysis, disclosure, and mitigation of the impact to a future date.

C33-18

The Draft Plan Bay Area’s DEIR approach violates CEQA. The Draft EIR must include mitigations that can be evaluated now as to whether or not they have merit; ABAG and MTC cannot wait until after Project approval. This information is necessary for decision makers to determine if sites identified for development are suitable for such development, besides other determinations. The Draft EIR’s approach undermines the entire point of the CEQA process -- to offer the public and the decision makers the opportunity to weigh-in on a project’s potentially significant impacts and an agency’s proposed measures to mitigate those impacts. It is well- established that CEQA is not meant to be a *post hoc* rationalization of decisions that have already been made. “If post-approval environmental review were allowed, EIR’s would likely become nothing more than post hoc rationalizations to support action already taken.”<sup>11</sup>

<sup>11</sup> *Laurel Heights Improvement Assn. v. Regents of University of California* (1988) 47 Cal.3d 376, 394.

## **VII. The Draft Plan Bay Area's DEIR Fails To Fully Inform The Public Because It Does Not Explain What The Statement After The \*Asterisk Means, Which Describes The Significance After Mitigation.**

C33-19

The Draft Plan Bay Area's DEIR repeatedly uses the following clause to describe the Significance After Mitigation: **"Significant and Unavoidable \*CEQA Streamlining Projects Under SB 375 That Implement All Feasible Mitigation Measures: Less than Significant with Mitigation."**

The Draft DEIR fails to fully inform the public of the Plan Bay Area's significant impacts because it fails to explain what the above statement after the asterisk means. Under SB375, the Draft Plan Bay Area's DEIR is the program EIR that future projects would rely on for streamlining, so it does not make sense that significant and unavoidable impacts in this EIR would be reduced to a less-than-significant level by relying on mitigation in another EIR. In other words, there is no other EIR to rely on and the streamlining is for specific, future residential/mixed-use projects, not programmatic planning.

As demonstrated above, the statement after the asterisk lacks sufficient detail to ascertain its intent and therefore fails to fully inform the public of the Plan Bay Area's significant impacts.

## **VIII. No Benefit Could Result From Implementation Of Plan Bay Area That Would Override Thirty-Nine (39) Significant Unavoidable Adverse Impacts, Resulting In Severe Environmental Harm And Serious Illness, Injury And Loss of Life.**

C33-20

The Draft Plan Bay Area's DEIR demonstrates that implementation of Plan Bay Area would cause thirty-nine (39) significant unavoidable adverse environmental impacts, resulting in severe environmental harm and serious illness, injury, and loss of life. The severity, magnitude and number of these impacts are astonishing. They include, but are not limited to, impacts from:

- Insufficient water supply;
- Exposure to hazardous materials;
- Inadequate wastewater treatment capacity;
- Net Increase in Sensitive Receptors located in Transit Priority Project corridors where there are high concentrations of cancer causing Toxic Air Contaminants and fine particulate matter (PM 2.5) emissions;

- Inundation from sea level rise;
- Direct removal, filling or hydrological interruption of habitat; and
- Interference with the movement of native resident or migratory fish or wildlife species.

There could be no benefit from implementation of Plan Bay Area that would override the devastation, suffering and loss of these thirty-nine significant unavoidable adverse environmental impacts.

## IX. CONCLUSION

C33-21

The Draft Plan Bay Area's DEIR cannot be relied on to approve Plan Bay Area. ABAG must prepare a revised EIR that adequately analyzes Plan Bay Area's potentially significant impacts. As it stands, the Draft EIR is a woefully inadequate CEQA document. The Draft EIR's conclusions are not supported by substantial evidence. The Draft EIR's key assumption regarding Population and Job Growth is false. The Draft EIR fails to adequately analyze the Draft Plan Bay Area's potentially significant impacts with respect to air quality, seismic activity, and sea level rise, among others. ABAG cannot approve Plan Bay Area until an adequate EIR is prepared and circulated for public review and comment. Moreover, there could be no benefit from implementation of Plan Bay Area that would override thirty-nine significant unavoidable adverse environmental impacts, resulting in severe environmental harm and serious illness, injury and loss of life.

C33-22

Finally, substantial evidence shows that to preserve the environment and protect residents' health and safety: 1) ABAG and MTC should recognize that there is an ultimate limit to growth and reduce the total projected build-out of Plan Bay Area to a level that is sustainable; and 2) The boundaries of the Transit Priority Project (TPP) corridors and the Priority Development Areas (PDAs) of Plan Bay Area should be changed to exclude hazardous areas.

Very truly yours,

/s/

Sharon Rushton

Chairperson

**Sustainable TamAlmonte**

Enclosures

## Plan Bay Area 2040 Final Environmental Impact Report

**From:** [REDACTED]  
**To:** <eircomments@mtc.ca.gov>  
**Date:** 5/5/2013 7:45 PM  
**Subject:** Tamalpais Valley in Marin County

We feel that the idea of adding additional housing in the vulnerable low lying area along Route One in Tamalpais Valley in Marin County is a big mistake.

C34-1

The road at the Stinson Beach exit and land bordering it already gets flooded regularly, especially during king tides. With sea level rise, that area and the surrounding land will be severely impacted.

Furthermore, the road is only one lane in each direction with no shoulder for much of its length in Tamalpais Valley, and is already carrying a very large volume of traffic, especially during commute and morning school times, and on weekends. This creates severe bottlenecks, with very slow movement of cars, and backups which can extend for long distances. Breakdowns or accidents can cripple flow through the area completely. People trying to exit the freeway into this situation can cause long backups on the freeway as well, sometimes affecting freeway traffic altogether.

Adding many new housing units into this situation will make the problems that much worse.

Elliott and Shayna Stein  
[REDACTED]  
Mill Valley

## Plan Bay Area 2040 Final Environmental Impact Report

**From:** Kathleen Swart <[REDACTED]>  
**To:** <info@onebayarea.org>  
**Date:** 5/4/2013 10:50 AM  
**Subject:** Plan Bay Area EIR

C35-1

After residing in the Marin County, Lucas Valley area for over 45 years, we choose alternative #1: No Project.

San Rafael and Novato already have the majority of low income housing in Marin To add 75% of what is recommended to one area is inconsistent to why we chose to live in a rural area, plus we are tired of financing other peoples' lives.

It makes no sense to burden us with more students but less funding, water concerns but more households, and more diversity but subsidized not earned.

John Swart  
Kathleen Swart

[REDACTED]  
San Rafael, CA 94903



## Plan Bay Area 2040 Final Environmental Impact Report

**From:** Zelda Bronstein [REDACTED]  
**To:** <info@OneBayArea.org>  
**CC:** <EzraR@abag.ca.gov>  
**Date:** 5/15/2013 8:28 AM  
**Subject:** industrial land use and employment in Draft Plan Bay Area and Draft Plan Bay EIR

BY ELECTRONIC MAIL

May 15, 2013

To: Amy Worth, Chair, and Members  
Metropolitan Transportation Commission

Mark Luce, President, and Members  
Executive Board, Association of Bay Area Governments

Re: Industrial Land Use and Employment and Related Matters in the Draft Plan Bay Area and the Draft Plan Bay Area Environmental Impact Report

Dear Chairs, Commissioners and Members:

The treatment of industrial land use and employment and related matters, including goods movement, social equity, transportation, air quality and greenhouse gas emissions, put forth in the Draft Plan Bay Area and the Draft Environmental Impact Report needs substantial revision. As detailed below, the discussion of these matters in both documents is at best superficial and at worst incoherent. It's also at odds with the findings and recommendations made by two major MTC studies: the Regional Goods Movement Study for the San Francisco Bay Area (2003-4) and the Goods Movement/Land Use Project for the San Francisco Bay Area (2006-8).

Draft Plan Bay Area

The most extensive statement about industrial issues in the Draft PBA appears under the heading "San Francisco Bay Area Job Growth":

New vitality of industrial lands

Manufacturing and wholesale distribution have experienced declining employment in many of the region's key industrial areas. However, in recent years a different and very diverse mix of businesses has relocated to some of these Bay Area locations. In addition to basic services such as shuttle operations and refuse collection, or traditional uses such as concrete plants, industrial lands are now occupied by food processing, high-tech product development, car repair, graphic design and recycling businesses, among others. The building and space needs of these businesses make traditional industrial lands attractive. These new businesses provide jobs, and also provide essential support to other sectors of the economy and vital services to nearby residents. It is in the region's best interest to ensure that new businesses have access to industrial lands, so that the jobs they create remain in the Bay Area. (p. 44)

The subheading for this section, "New vitality of industrial lands," might lead a reader to think that Bay Area industry is enjoying a renaissance. That impression is undercut by the next sentence, which states that manufacturing and wholesale distribution employment has diminished "in many of the region's key industrial areas." Reading further, we are told that the region's industrial lands owe their "new vitality" to the incursion of "a different and very diverse mix of businesses." Very different and diverse indeed: the Draft PBA lists a hodgepodge of uses: manufacturing (food processing), repair (car repair), materials re-use (recycling), R&D (high-tech product development) and design (graphic design).

The Draft PBA goes on to say that what makes "traditional industrial lands attractive" to these businesses are their "building and space needs." Those "needs" remain unspecified, as do the nature of the jobs, "essential support" and "vital services" they provide. But the jobs factor appears to be crucial, since the paragraph concludes by citing it to back up the claim that "[i]t is in the region's best interest to ensure that new businesses have access to industrial lands."

In fact, some of the businesses listed above, such as food processing, car repair and recycling, are not new at all, at least insofar as their industrial designation, location and zoning are concerned. Moreover, the "building and space needs" of these and other industrial businesses profoundly differ from the requirements of high-tech product development and graphic design. Specifically, industrial businesses cannot afford the rents typically paid by R&D and design uses. Industrial land is relatively cheap, and in the Bay Area, cheap land is at a premium. It follows that allowing high-rent uses into industrial areas will push out the industrial uses.

Just such displacement is occurring in the Bay Area, as documented by the MTC studies on regional goods movement and land use: industrial businesses are being forced out of the central region to its periphery, resulting in the loss of stable, middle-income employment; increased traffic congestion and truck emissions; more expensive goods; and a less diverse and less equitable regional economy.

C36-1

Draft Environmental Impact Report

The Draft EIR reiterates the paragraph in the Draft PBA cited above (1.2-7, Draft EIR). It then finesses the problems rising from the competition for industrial land, stating that one of the "Objectives" of the "Proposed Land Use Development Strategy" is:

Jobs and prosperity. The proposed Plan attempts to curtail major increases in highway congestion and provide for shorter commutes for the region's workforce. These issues are addressed in order to minimize and avoid constraints on economic growth and reduce negative impacts on

## Plan Bay Area 2040 Final Environmental Impact Report

quality of life. In addition, the proposed Plan recognizes the importance of key industrial lands and identifies strategies to ensure that they continue to support the region's economic diversity and vitality [emphasis added]. (1.2-24)

The Draft PBA says that industrial lands have a "new vitality." In the Draft EIR those lands have "importance" insofar as they "support the region's diversity and vitality." But exactly what constitutes diversity and vitality is again left unspecified, as are the strategies that are purportedly going to "ensure" such support in the future.

### Regional Goods Movement Study and Goods Movement/Land Use Project

These two MTC studies examine industrial land use and employment, traffic congestion, greenhouse gas emissions, and economic diversity and equity in relation to goods movement on the two major goods movement corridors in the central Bay Area: East Bay I-80/880 from Richmond to Fremont, and North Peninsula U.S. 101 from the San Mateo County line to Millbrae/Burlingame. (The citations below are from the final summary report of each study.) An addendum to the Goods Movement/Land Use Project provides an overview assessment of goods movement industries and land use issues in Santa Clara County.

Both studies mark the essential role of goods movement in our region. The Regional Goods Movement study (hereafter RGM), for example, states: "Goods movement is critical to the Bay Area's transportation and economic systems. As with any number of other 'utility' systems, Bay Area businesses could not function without a robust goods-movement system." (p. 4)

The Goods Movement/Land Use Project (hereafter GM/LU) identifies 5,400 goods movement establishments located along the two study corridors, supporting 177,200 jobs in 2006. Those establishments comprise two kinds:

businesses/industries for whom efficient goods movement is essential: transportation, warehouse, and courier/postal firms; manufacturers (excluding high-tech), including food and beverage, fabricated metal and machinery, printing and publishing, green and cleantech; wholesale trade; and refineries, other resource and energy industries, and recycling waste management (70%)

businesses/industries for which efficient goods movement is important but secondary: construction, high technology manufacturing (computer/electronics, pharmaceuticals/biotech); other transport/vehicle support, equipment rental and utility operations (30%)

**C36-2** Contrary to the impression left by the Draft PBA and Draft EIR, with their references to "declining" industrial employment, the GM/LU study finds that "[g]oods movement businesses/industries are growing[,] as is their demand for central corridor locations" (p. 9). Accordingly, the study forecasts a 59% growth in central area goods movement industries employment between 2006 and 2035.

But the MTC studies also find that even as goods movement businesses are increasing their demand for central area locations, "central area industrial land supply is declining." (p. 11)

Moreover, unlike the Draft PBA and Draft EIR, which refer the region's "declining" industrial employment to the "space and building needs" of a mishmash of businesses that find industrial lands "attractive," the GM/LU study attributes the declining supply of central area industrial land to

"increasing costs of industrial land/space"

The GM/LU study observes:

"Goods movement industrial businesses are typically lower-density uses that cannot pay to compete with higher-density, more intensives residential and commercial uses." (p. 11)

"The decline of central area industrial land is not an issue of the structural decline of production, distribution, and transportation industries, but the result of the demand for land by other, higher-density land uses and the pressures created by a speculative real estate market and by land use policies that allow or encourage changes in land use." [emphasis added] (Ibid.)

"lack of investment in older industrial areas"

local land use policies, in particular Smart Growth, which informs "regional efforts...encouraging a more compact development pattern with more growth in the central areas, often along or near the major goods movement corridors" (pp. 11-12, 30)

**C36-3** The upshot is the forced dispersion of goods movement industrial businesses to the perimeter of the Bay Area and the following detriments: higher truck Vehicle Miles Traveled and Vehicle and Vehicle Hours of Travel on goods movement corridors, particularly I-580 and I-880

The GM/LU study finds that by 2035 "[l]onger truck trips on major regional corridors will create noticeable system-wide impacts" [emphasis in original]: a 5 - 7% increase in daily regional truck VMT, a 27% increase on I-580 and up to a 12% increase on I-880, and a 2-3% increase on US-101. (pp. 20-25)

greater truck congestion on already congested corridors

greater emission of “criteria pollutants”

The GM/LU study finds that “[a] more dispersed goods movement land use pattern with more truck miles traveled will result in greater emissions of pollutants, including VOC8, CO, NOX, PM2.5, and PM10. Compared with heavy truck emissions as otherwise projected for the region overall, the additional emissions will be greatest for SO2 (increase of 3.7%), PM2.5 (increase of 2.2%), PM10 (increase of 2.2%), PM10 (increase of 1.8%), and NOx (increase of 1.4%). While the emission impacts may appear relatively small on a regional scale, the region has struggled to maintain its attainment status[,] and any increase should be viewed as a threat to the region’s air quality conformity goals.” [emphasis in original] (p. 26)

“higher transportation costs translating into higher costs of goods in the Bay Area”

“fewer good-paying blue/green collar jobs in proximity to the urban workforce residing in the central Bay Area”

“less economic diversity” (pp. 25-28)

the “permanent loss of industrial land supply” (p. 30)

The Goods Movement/Land Use Study concludes by observing that the Bay Area has “no oversight of implications for the regional economy, job generation, and the efficient provision and distribution of goods.” Warning that the permanent loss of industrial land “creates urgency to act,” the GM/LU calls for a “regional industrial land use strategy” that would “support industry’s role in more balanced Smart Growth.” Such a land use strategy would have four key components:

Regional planning priorities and local land use controls

Economic incentives, financial assistance, and other funding approaches

Proactive steps to minimize off-site impacts and improve the physical environment in industrial areas

Leadership, institutional partnerships, and education/advocacy

Plan Bay Area Supplemental Reports

#### 1. Draft Economic Development Policy Background Paper

The Draft PBA contains no sign of the regional industrial land use strategy called for by the MTC goods movement studies. This absence is all the more striking, given that the Draft Economic Development Policy Background Paper (hereafter EDP), published in Winter 2013, incorporates many of the findings and recommendations of the two MTC studies:

#### Industrial Employment

Like retail, service, civic and cultural activities, industrially-based jobs are not the key driver for growth in the region. However, the industrial sectors play a major role in the regional economy—providing career- ladder jobs that are typically more stable than those in other sectors, and expanding the diversity of the employment base in the region. The nature of industrial employment is changing, however, in terms of the types of economic activities in this sector, the scale of these activities, the spatial needs, and the occupational mix. Industrial activities in the region are no longer defined by smoke-stack driven, heavy industrial activities. More recently, the Bay Area has seen growth in smaller-scale, locally-based industrial activities, such as small artisan food processing businesses, that support basic retail, cultural, and other neighborhood-serving sectors. As Map 4 shows, Industrial activity is expected to become less concentrated along the Peninsula, and more concentrated within the East Bay and a few nodes in Santa Clara County.

It is important to note that the strength of the Bay Area information economy and unmet housing demand has placed increasing pressure on industrial land. While conversion of some underutilized industrial areas can help meet the region’s acute housing shortage, a stable supply of industrial land is critical to the basic operation and expansion of the Bay Area economy. Industrial land provides space for the food production, catering operations, and transit vehicle storage needed for successful centers, corridors and neighborhoods. (p. 12)

#### Industrial Land

Industrial land is distributed throughout the Bay Area, typically in close proximity to highways, rail corridors, and ports. The range of activities taking place on industrial land continues to diversify, with small scale operations such as coffee roasteries joining more traditional manufacturing and warehousing. Industrial land provides space for the food production, catering operations, and transit vehicle storage needed for successful centers, corridors and neighborhoods. Industries expected to provide additional career ladder job opportunities and support the green economy, such as electric vehicles and renewable energy, also often require industrial space to develop products and scale up operations.

Priorities for industrial land vary across the Bay Area, reflecting access to transportation networks, land values, economic clustering, and labor markets. For example, industrial land in much of Sonoma County supports the agricultural sector, while vacant and underutilized land in parts of Solano County, such as Mare Island, is being converted to a growing cluster of green manufacturing activities including electric vehicles and energy-efficient prefabricated homes. These locations are attractive because they are less expensive, accessible by shipping channels, and still within driving distance of Silicon Valley. In the South Bay and parts of San Francisco, in contrast, close proximity to research and development lead to a greater emphasis on high-tech and bioscience activities. In other parts of the region, such as Emeryville and South of Market in San Francisco, smaller scale artisan manufacturing and cultural activities occupy a significant amount of industrial land.

Potential Priorities for Industrial Land include:

- Identify and protect strategically important industrial land, drawing upon best practices from within and outside the region. Increase the ability of growing Bay Area companies—particularly those in the Clean Technology sector—to rapidly identify and acquire space for scaling up operations.
- Develop strategies for preserving land for activities necessary to the functioning of centers, such as vehicle storage and food distribution, that may face difficulties paying increasing rents in places proximate to centers.
- Address employee access to workplaces without transit—in particularly for industries of opportunity identified as part of the Regional Prosperity Plan. (pp. 28-30)

Unfortunately, the Economic Development Policy Background Paper displays some of the same incoherence found in the Draft PBA and its Draft EIR. In the passages cited above, the paper describes the pressures that are driving industrial businesses out of the central Bay Area—specifically, the “strength of the Bay Area information economy and unmet housing demand”—and emphasizes the need for a stable supply of industrial land in the Bay Area. Those points are countered by the accompanying statement that “conversion of some underutilized industrial areas can help meet the region’s acute housing shortage.” As the MTC studies explain, it is precisely such conversion that is decreasing the supply of industrial land in the central Bay Area.

A key term here is “underutilized”: in real estate parlance, it refers to land that does not yield the greatest potential yield on investment. By that criterion, industrial land situated in the central Bay Area is underutilized, since higher-density uses would always yield a higher return than industrial uses.

And in the following passage, which appears under the heading “Regional Economic Issues and Challenges, the EDP openly advocates the accommodation of higher-density uses, in this case, “knowledge industry businesses,” on industrial land:

- Spatial needs of emerging economic sectors. As section two indicates, the spatial requirements of knowledge industry businesses and artisanal retail and industrial businesses are different than the businesses for which current zoning and building codes were written. This is also increasingly the case for agricultural industries seeking to expand value added activities on farms. Strategies to accommodate these businesses in centers, corridors, and industrial [sic] and farmland are critical to the long-term success of PDAs and the region’s economy [emphasis added]. (p. 22)

## 2. Economic Impact Analysis for Future Regional Plans

MTC directed Cambridge Systematics to prepare this report to recommend “how MTC and ABAG could better evaluate economic impacts of the next iteration of Plan Bay Area in 2017.” (p. 1) On March 27, 2013, Cambridge Systematics published the report’s ten-page introduction; the full analysis is scheduled for publication in Summer 2013. Among “Topics for Economic Analysis in the Next Plan Bay Area,” the authors included goods movement:

Goods Movement. Nearly all industries, including professional services, rely on efficient movement of goods to support a cost-effective business environment, and to maintain affordability and quality of life for residents. In addition, businesses providing goods movement services provide relatively high-wage jobs for the lower-skilled segment of the Bay Area’s workforce. Thus, economic analysis of goods movement investments and policies provides credible measurement of the region’s likely retention of lower-skilled, middle-income employment in the region. This section presents a framework and process for economic analysis that will enable MTC and ABAG to better estimate the impact of the RTP goods movement projects and SCS land use policies on Bay Area employment and output (i.e., GRP), and measure the cost effectiveness of these investments. The approach builds on MTC’s 2004 and 2008 good movement studies, and will help MTC make the case for targeted transportation investments by better understanding their economic impact. (pp. 7-8)

It’s not surprising that Cambridge Systematics has lagged goods movement; the firm was the consultant for the Regional Goods Movement Study and one of the collaborators on the Goods Movement/Land Use Project. What’s surprising is that that topic was ignored in the Draft Plan Bay Area. Certainly the plan’s 2017 iteration should accord goods movement and the associated issues of industrial land use and employment the attention they deserve.

But there's no need to wait until 2017 to improve Plan Bay Area's treatment of these matters. The discussion of regional goods movement, industrial land use, employment presented in the Draft Economic Development Policy Background Paper could easily be brought into line with the arguments and recommendations of the MTC goods movement studies and then incorporated into the final version of the 2013 Plan Bay Area.

Doing so would make it more likely that forthcoming Bay Area Regional Prosperity Plan will take into account the economic opportunities for low- and moderate-income workers afforded by industrial employment and allot some of its \$1 million-plus Economic Prosperity Strategy sub-grants to projects supporting industrial enterprise in our region.

**C36-4** CEQA Considerations

The California Environmental Quality Act requires a lead agency to determine whether and how a project will affect transportation conditions, air quality and greenhouse gas emissions. As noted above, the two MTC goods movement studies find that the dispersion of the region's industrial/goods movement businesses/industries would substantially worsen traffic congestion, air quality and greenhouse gas emissions. Neither industrial displacement nor its detriments are addressed in Draft EIR of Plan Bay Area. The Draft EIR should be revised to take into account ways local land use policies—specifically smart growth—are encouraging the dispersion of the region's industrial businesses/industries. In particular, it should say whether and how any of the Priority Development Areas include or impinge upon industrial lands; detail the associated effects on transportation, air quality and greenhouse gas emissions; and provide appropriate mitigations.

Sincerely,

Zelda Bronstein

## Plan Bay Area 2040 Final Environmental Impact Report

**From:** JULANE JAZZIQUE <[REDACTED]>  
**To:** "info@onebayarea.org" <info@onebayarea.org>  
**CC:** "krice@co.marin.ca.us" <krice@co.marin.ca.us>  
**Date:** 5/14/2013 8:52 PM  
**Subject:** DEIR

>> My biggest concerns about The Plan are: top down, unelected government mandate; higher taxes; information based on incomplete, unscientifically proven data; their "visioning" meetings for the public which were not advertised and based on The Rand Technique of feedback (which is manipulative and undemocratic).

>>

C37-1

>> . Unrealistic job and housing numbers  
>> . Inadequate evidence that high density housing near transit reduces green house gases (GHG)  
>> . Inadequate evidence that the transportation plan reduces GHG  
>> . Evidence that this plan increases costs for housing and transportation among low-income households  
>> . Inadequate information re: water supply, sea level rise, and support for infrastructure  
>> . 5 significant, irreversible environmental changes and 39 significant unavoidable impacts of the plan, identified in the EIR, should not be dismissed with findings of "overriding consideration."

Remove all illegals. Plenty of cars off the road, plenty of housing, more jobs

I grew up in Marin

How dare you bring this here  
You and your ilk are not wanted.

I pray this falls through, it's disgusting and full of wrong info.

You're trying to jam this through, know there is a rebound for evil

Look how Obamas lies are coming to the surface

Truth will win out, and you, who are pushing this, will be exposed to

Sincerely

Julane

"Our lives begin to end the day we become silent about things that matter." ~Martin Luther King Jr.

## Plan Bay Area 2040 Final Environmental Impact Report

**From:** <a1dec[REDACTED]>  
**To:** <info@OneBayArea.org>  
**Date:** 5/16/2013 12:11 AM  
**Subject:** My Opposition to Plan Bay Area and the EIR for Plan Bay Area

MTC and ABAG  
May 15, 2013  
101 8th Street  
Oakland, CA

I strongly oppose Plan Bay Area, including, but not limited to, any and all low income and very low income, high density, stack and pack housing projects. Organizations such as Democrats against Agenda 21, OrindaWatch.org, and Pleasant Hill Citizens for Responsible Growth, have identified a plethora of community, population growth, overcrowding, crime, police, educational, land use, vehicle use, tax, funding, and environmental issues which are not adequately addressed by Plan Bay Area.

I strongly oppose Plan Bay Area because local control of planning decisions is taken away and given to unaccountable regional government bureaucrats at ABAG and MTC who have an agenda to urbanize and destroy as many Bay Area suburbs as possible.

C38-1

I strongly oppose the EIR for Plan Bay Area because citizens were not given enough time by MTC/ABAG to read 1300 or more pages.

I strongly oppose the EIR for Plan Bay Area because it may supercede or be in conflict with local and other government environmental laws, codes, and restrictions protecting the environment and Bay Area citizens.

C38-2

I strongly oppose Plan Bay Area and the EIR for Plan Bay Area because it is not being presented to registered voters in the Bay Area for their vote.

C38-3

I strongly oppose Plan Bay Area and the EIR because strong opposition by citizens and taxpayers to Plan Bay Area at local city councils and at regional MTC/ABAG meetings and have been either ignored or rejected by city councils and MTC/ABAG representatives.

C38-4

During the April ABAG/MTC meeting on Plan Bay Area at the Walnut Creek Marriott the following 9 questions were submitted in writing to ABAG/MTC representatives. I oppose Plan Bay Area and the EIR for Plan Bay Area because I have not received any answers to the following questions, even though an Email address was provided and an ABAG/MTC representative told the group gathered at the Marriott that all questions submitted in writing would be answered:

C38-5

1. Why is Plan Bay Area, a plan of such great magnitude, not being presented to the citizens of the Bay Area, including Contra Costa County, for their vote?

C38-6

2. Plan Bay Area requires 80% of all new houses to be stack and pack. Where is the empirical, peer-reviewed evidence that 80% of Bay Area citizens want to live in high density, stack and pack housing?

C38-7

3. Plan Bay Area includes a massive series of unfunded mandates. SB 375 requires unfunded mandates on counties and cities to be identified. Where is the analysis in the Plan and the draft EIR of the cost to counties and cities of these unfunded mandates, and the impact of this cost on the likelihood of Plan Bay Area being effective?

C38-8

4. Why doesn't the Plan Bay Area ratification process include a process whereby all cities submit their own economic and environmental impact analysis?

C38-9

5. Why isn't there a third party official audit process of the assumptions of Plan Bay Area impacts and of the economic and environmental analysis used in Plan Bay Area to make sure that all data and procedures are fair and unbiased?

C38-10

6. Why is there zero funding in Plan Bay Area for more schools, police and fire protection needed for the population growth identified in the

C38-11

plan?

7. Where in Plan Bay Area is the analysis of the impact of low income, high density, stack and pack housing on the property values of surrounding properties and the crime rates of applicable Bay Area communities?

C38-12

8. Since the Plan impacts all 9 Bay Area Counties and all 101 cities of the Bay Area, why doesn't Plan Bay Area include city by city as well as county by county economic and environmental impact analysis?

C38-13

9. Many of the PDAs targeted for new housing and commercial development are in low lying areas and or are on landfill. Given the dependence of the Plan on these sites, why hasn't there been any assessment of the additional risks this Plan creates in the event of sea level rise or a major earthquake?

C38-14

My perception was that most public speakers at the MTC/ABAG Walnut Creek Marriott meeting expressed their strong opposition to Plan Bay Area. I oppose Plan Bay Area and the EIR because MTC/ABAG representatives at the Walnut Creek Marriott meeting did not answer most questions presented by public speakers, who were limited by MTC/ABAG to only 2 minutes each.

C38-15

A concerned citizen and Contra Costa Taxpayer



Dear One Bay Area Plan Staff,

I am very concerned about the forty-four significant irreversible environmental changes and significant impacts of the One Bay Area Plan as outlined in the California Environmental Quality Act (CEQA) conclusions section. Every one of these environmental impacts is very serious and needs to be adequately addressed.

**C39-1** How can you justify going ahead with this plan that degrades the air quality and emits greenhouse gases, increases population density, converts important agricultural, forest, and wetlands into urbanized land, adversely affects the habitats of many species, results in insufficient landfill, wastewater, and water capacity, requires the need for expanded facilities, and displaces substantial numbers of the existing population?

**C39-2** Just one of these environmental impacts alone would call into question the legitimacy of this plan. Consider the issue of water, for example. Some water agencies are already projecting water supply shortfalls in dry years, before the large-scale development project is underway. On Table 2.12-4, you mention that water demand for Sonoma County will outpace the supply in the year 2015. Since Sonoma supplies Marin with about one fourth of our water, where will residents in the MMWD water district make up for this water shortage? Will you use water from the Soulajule Reservoir? You have not even discussed water supply/demand projections for second year drought scenarios, nor have you mentioned the water supply for the North Marin Water District. Is this just another excuse for Supervisor Kinsey to try to push through his multimillion dollar, hazardous, energy intensive, unnecessary desalination plant?

**C39-3** I would appreciate it if you would respond to each and every one of the forty-four environmental impacts of the One Bay Area Plan as outlined in the CEQA conclusions sheets and comment on my more specific concerns regarding water.

Best,

Denise Beck

[REDACTED] Corte Madera, CA 94925

## Plan Bay Area 2040 Final Environmental Impact Report

**From:** Glenn Bossow <[REDACTED]>  
**To:** <eircomments@mtc.ca.gov>  
**CC:** <info@OneBayArea.org>  
**Date:** 5/16/2013 4:08 PM  
**Subject:** Draft EIR Comments Plan Bay Area

Dear MTC,

I am writing as a citizen of Marin County and resident of San Rafael to comment on Draft Bay Area Plan Environmental Report (DEIR).

The report is a seriously flawed document. Among the failings are the following:

1. The DEIR assumes that high density transit oriented development reduces green house gases when in fact recent research has discredited TOD as facilitator in reducing GHG. The DEIR also fails to account for technology developments significantly lowering GHG from automobiles and light trucks, such an example would be the development of self driving vehicles which will have the impact of reducing traffic congestion, additionally the plan fails to account for CAFE standards mandating increased mileage for autos.

C40-1

2. The plan fails to account how water will be sourced to serve additional residents living in housing units proposed under the Bay Area Plan; Marin County water supply is realized through gathering rainfall, inevitably there will be future drought years as Marin has experienced in the past. Desalinization plants are discussed as a water source, however, the plan has no references to the GHG such plants would generate; failure to include an estimate of GHGs generated from such activities is a gross oversight in the DEIR and renders it impossible for the public to evaluate the Plan's environmental impact.

C40-2

3. The DEIR relies on population estimates using ABAG's numbers rather than relying on the State Department of Finance number's.

C40-3

ABAG's numbers are not independently derived and significantly skew assumptions in the DEIR. A proper plan would use projections used by the State Department of Finance - the same agency used to promote allocation of state resources. The DEIR to be valid needs to draw upon the State Department of Finance projections on population growth. If the State Department of Finance numbers are used in promoting responsible resource allocation through the state's annual financial plan, which in 2012 amounted to general fund spending of \$95 billion dollars, why are their projections inadequate for this DEIR?

4. The DEIR does not adequately address the health impact of locating housing near freeways- in light of recent medical studies the DEIR requires redrafting to accurately reflect impact of Toxic Air Contaminants upon citizens compelled to live in housing with close proximity to highways.

C40-4

5. The DEIR does not contain alternatives having lower environmental impact to those proposed in the Draft Bay Area Plan.

C40-5

As a result the document fails to meet CEQA standards of fully informing the public regarding the Plan's environmental impact.

As currently written the DEIR is a skewed document with inherent bias and fails provide sufficient information on which to adequately evaluate the Bay Area Plan's environmental impact. A new DEIR which comprehensively evaluating the Bay Area Plan's environmental impact needs to be generated.

Sincerely,

Glenn Bossow  
Marin County Resident

## Plan Bay Area 2040 Final Environmental Impact Report

**From:** CFSF- Carl Fricke <[REDACTED]>  
**To:** "eircomments@mtc.ca.gov" <eircomments@mtc.ca.gov>, "info@onebayarea.org" <info@onebayarea.org>  
**Date:** 5/16/2013 11:43 AM  
**Subject:** Comments on Marin County Plan Bay Area, One Bay Area

May 15, 2013

Carolyn Clevenger, MTC EIR Project Manager,  
Metropolitan Transportation Commission  
MTC-ABAG Plan Bay Area Public Comment  
101 8th Street  
Oakland, California 94607  
eircomments@mtc.ca.gov

Re: Public Comment on Draft Plan Bay Area and Draft Plan Bay Area Draft  
Environmental Impact Report

To Whom It May Concern,

My name is Carl Fricke and am a resident living in Lucas Valley (San Rafael, CA).

I am writing to comment on the Draft Plan Bay Area (the Plan) and Draft Plan Bay Area Draft Environmental Impact Report (DEIR).

**C41-1** I submitted a request for an extension of time to review the Plan and DEIR, which was not granted.

**C41-2** I support truly sustainable land use and development that preserves the qualities of existing neighborhoods. I support additional affordable public transportation that reaches a greater range of areas throughout the Bay Area and operates more frequently with longer hours. I also support a range of housing opportunities, integrated into existing communities that do not adversely affect those communities through expediting environmental and permit review and not contributing a fair share to the tax base. None of these things are supported by this plan and therefore you do not have my support. I ask that you remove Marinwood and Grady Ranch as potential PDA designations.

**C41-3** There are numerous holes and inconsistencies in the Plan Bay Area and DEIR:  
Unrealistic employment growth  
Projected employment growth  
Unrealistic housing numbers  
Local zoning

**C41-4** This plan does not take into consideration accurate travel needs, preferences and behaviors and the fact that for many people the preferred mode of travel is by car

**C41-5** The plan does not adequately consider development at and around Northgate mall, nor the large undeveloped property (posted for sale) north of Lucas Valley Road and east of Las Gallinas.

**C41-6** This lack of specificity means that an undefined amount of public money, via state, county or city, will be used to reach the goals of this plan. The plan does not alert readers to rising taxes needed to raise revenue to cover these subsidies.

**C41-7** The plan does not provide sufficient analysis of impacts to services such as police, fire and schools. In addition, there is no evidence that the expenditures covered by the plan will achieve the stated goals.

**C41-8** Inadequate information re: water supply, sea level rise, and support for infrastructure  
There are 5 significant, irreversible environmental changes, and 39 significant unavoidable impacts of the plan, identified in the DEIR, that should be addressed and mitigated before this plan is accepted. They should not be dismissed with findings of "overriding consideration." If the organizations that are proposing to implement this plan cannot address these serious affects than perhaps that is a sign that this is not the right plan for the Bay Area. The impacts I am referring to include:  
• Insufficient water supply;  
• Exposure to hazardous materials;  
• Inadequate wastewater treatment capacity;  
• Inundation from sea level rise;  
• Direct removal, filling or hydrological interruption of habitat;  
• Interference with the movement of native resident or migratory fish or wildlife species.

**C41-9** The long drive to Grady Ranch (four miles from highway 101) and without is inconsistent with regard to VMT and the generation of additional (and unnecessary) GHG by requiring additional travel by auto, bus and service trucks (express mail, repair and maintenance, other deliveries) from the major 101 corridor. There are no local services and public infrastructure (water, sewer, electric) at or leading to Grady Ranch. Landslides have been mapped upslope of the ranch, there is little flat land (requiring moving large amounts of soil and rock), and development would result in increased flooding and erosion downstream. Development would also inhibit infiltration of rainfall, accelerating runoff and increasing the size of flooding events- rooftops, parking lots, roadways and other impervious surfaces.

**C41-10** Adequate and secured water supply has not been adequately addressed, nor has the risk to and impact of use of that additional amount of water on existing users been assessed. The amount of power required to deliver that water needs to be evaluated.

C41-11

Conclusion

The Draft Plan Bay Area's DEIR is inadequate in numerous instances identified in this comment letter. ABAG must prepare an EIR that adequately analyzes the plans significant impact and meets CEQA guidelines. The conclusions are not supported by substantial evidence. The key assumption regarding population and job growth is inaccurate. A revised EIR should be prepared and circulated for public review and with ample time given to the public to comment.

Thank you,

Carl Fricke

San Rafael, CA 94903

## Plan Bay Area 2040 Final Environmental Impact Report

**From:** Frank Egger <[REDACTED]>  
**To:** <eircomments@mtc.ca.gov>  
**Date:** 5/15/2013 5:30 PM  
**Subject:** Fwd: Public Comment on Draft Bay Area Plan and Draft Bay Area Plan Draft Environmental Impact Report

May 15, 2013, 5 PM  
North Coast Rivers Alliance  
Frank Egger, President  
[REDACTED]  
Fairfax, CA 94930

MTC-ABAG

Plan Bay Area Public Comment  
101 8th Street  
Oakland, California 94607

\*Re\*: Public Comment on Draft Bay Area Plan and Draft Bay Area Plan Draft Environmental Impact Report\*\*

\* \*

\*  
\*This letter is submitted as public comment on the Draft Bay Area Plan and Draft Bay Area Plan Draft Environmental Impact Report (State Clearinghouse No. 2012062029). My name Frank Egger, the President of the North Coast Rivers Alliance. I am also an elected official, the President of the Ross Valley Sanitary District which provides wastewater collection and transport for 50,000 Marin residents and a Commissioner for the Central Marin Sanitation Agency which provides wastewater treatment for approximately 100,000 Marin residents. I previously served seven terms as mayor of Fairfax. I represent myself as an individual elected official and not either the RVSD or the CMSA.

**C42-1** The DEIR is inadequate because it fails to address the vital issue of water and wastewater collection, transport and treatment. One of the major questions when contemplating development in Marin County, or any place in California, is "Where will the water come from and how will the wastewater be collected, transported and treated?" The Plan projects that the San Francisco Bay area will add 2.1 million people, increasing the total regional population from 7.2 to 9.3 million by 2035. To house this projected influx, Plan Bay Area calls for 634,000 new housing units, all of which will require additional water and wastewater treatment.

**C42-2** The massive population growth that ABAG is projecting is equivalent to \*two and a half new cities the size and density of San Francisco\* (2012 estimated population based on 2010 U.S. Census) added to the Bay Area by 2035. To provide adequate water supplies and sewer treatment facilities to such an area would require the \*equivalent of building and operating two and a half new Hetch Hetchy dams\* (if such lands and water rights were available) and new sewer treatment facilities equal to the existing capacity of the East Bay Municipal Utilities District and the City and County of San Francisco combined. However, the draft EIR for the One Bay Area Plan makes \*no\* provision or plans for additional water supplies or sewer collection and treatment facilities, nor does it factor in the green

**C42-3** house gas emissions that would be generated in the construction and operation of mammoth new water supply sources and sewer treatment plants.

**C42-4** Water and sewers are a fundamental and necessary component in actualizing any new planned development scheme. Indeed, S.B. 375, the Sustainable Communities and Climate Protection Act of 2008 -- the legislation giving rise to the Plan Bay Area -- specifically requires a "feasible" Plan Bay Area and defines that term as "...capable of being accomplished in a successful manner within a reasonable period of time, taking into account economic, environmental, legal, social and technological factors". [Sec. 5(b)(2) of S.B. 375]. \*Without an additional, long-term source(s) of water for the projected population growth of 2.1 million people, Plan Bay Area is not feasible. \*

**C42-5** In 2001 our state legislature wisely passed S.B. 610, requiring that in all new developments over 500 units, sources of water must be firmly identified before development may proceed. A second law, S.B. 221 (2001), requires a written verification from the responsible water utility that the proposed project will have a reliable, long-term (20 year) water supply.

The rationale behind these two laws is explained in a Planning and Conservation League publication:

"These 'show me the water' laws are intended to ensure that the existing residents' rights to clean and reliable water supplies are considered when new developments are being evaluated and that new projects will have secure water rights."

**C42-6** What will provide that reliable, long-term water supply and sewer treatment plants in Marin, where 8,810 new units are proposed under Plan Bay Area? Given that periodic water shortages occur and sewer spills and blending up to 50 MGD of wastewater for discharge into San Pablo Bay, even with Marin's current population (which has remained largely static over the last 10 years), the new development proposed under Plan Bay Area will in all likelihood out-strip the water supplied by MMWD's [Marin Municipal Water District] seven reservoirs and water purchase agreement for Russian River water and the capacity of the Novato Sanitary District, Las Gallinas Valley Sanitary District, Central Marin Sanitation Agency and the Southern Marin Sewer Treatment Plant. The most likely water source if Plan Bay Area's massive new development is pushed through is MMWD's proposed 5-15 MGD (million gallons per day) desalination plant, to be located at the foot of the San Rafael Bridge, across the Bay from the Chevron Refinery.

**C42-7** But the proposed San Rafael desalination plant poses significant financial and environmental problems:

- It would be hugely expensive, with construction and initial operating expenses estimated to be \$400 million.

- A bond measure for the \$400 million plant has not yet been approved by the voters.

- Desalination would cause a huge increase in the County's green house gas emissions. MMWD is already the largest energy user in Marin County. If desalination -- which uses up to nine times[1]<[https://mail.google.com/mail/u/0/html/compose/static\\_files/blank\\_quirks.html#\\_ftn1](https://mail.google.com/mail/u/0/html/compose/static_files/blank_quirks.html#_ftn1)>more energy than obtaining water from local surface water sources -- is utilized, local energy consumption and green house gas emissions would sky rocket. [2]<[https://mail.google.com/mail/u/0/html/compose/static\\_files/blank\\_quirks.html#\\_ftn2](https://mail.google.com/mail/u/0/html/compose/static_files/blank_quirks.html#_ftn2)>

- The desalination plant will use as its source water San Francisco Bay -- designated a "\*\*toxic hot spot\*" by the State Water Resource Control Board. The following chemicals and carcinogens are found at significant levels in the toxic soup of San Francisco Bay:

- o Mercury
- o PCB's

- o Arsenic
- o Brominated flame retardants (similar to the infamous and long-banned PCBs)
- o DDT
- o Dioxin
- o Pesticides and herbicides (run-off from farming operations in the Central Valley)

**C42-8** Indeed, in its “Statement of Overriding Considerations”, the draft EIR for Plan Bay Area has acknowledged, when compared to existing conditions, that the proposed plan will “[r]esult in \*insufficient water supplies\* from existing entitlements and resources to serve expected development” and that they [ABAG] considers this to be a “\*significant, unavoidable impact\*”. ABAG reached this startling conclusion without attempting to identify mitigating measures to ensure safe, reliable water sources for the current and future citizens of Marin, and indeed, all of the regional Bay Area.

**C42-9** No-one from PBA, ABAG or MTC has ever contacted the water or sewer agencies regarding their capabilities to provide the potable water necessary or the infrastructure and capacity to transport and treat the new sewerage generated by thousands of living units and thousands of new jobs for all the businesses that will set up shop here.

**C42-10** Nothing in Plan Bay Area limits the size of living units (size=\$s), nothing limits monster homes, nothing stops sprawl, nothing protects existing affordable housing, nothing prevents existing apartments from condo conversions, nothing lowers West Marin density from 1 unit to 60 acres to 1 unit to 200 acres, nothing addresses living wage laws for workers in Marin. The Plan Bay Area will do nothing to stop sprawl or reduce Greenhouse Emissions.

**C42-11** Citizens of Marin should not be forced to forsake their sustainable watershed[3]<[https://mail.google.com/mail/u/0/html/compose/static\\_files/blank\\_quirks.html#\\_ftn3](https://mail.google.com/mail/u/0/html/compose/static_files/blank_quirks.html#_ftn3)>-- with its 7 rain-water filled reservoirs -- and exchange it for a \$400 million, energy-guzzling, green-house gas emitting desalination plant located on toxin-laden San Francisco Bay. The Plan’s draft EIR has not identified a reliable, long-term source of water for the dense development it proposes and hence has not met the requirements of existing state laws S.B. 610 and S.B. 221. Furthermore, ABAG has acknowledged that insufficient water supplies will be a “significant, unavoidable impact” of Plan Bay Area. On the basis of this most crucial issues -- inadequate water supply and sewer treatment capacity for the proposed high-density development and substantially increased population -- the draft EIR for Plan Bay Area should be found deficient, amended and recirculated.

Respectfully submitted,

Frank  
Egger

-----  
[1]<[https://mail.google.com/mail/u/0/html/compose/static\\_files/blank\\_quirks.html#\\_ftnref1](https://mail.google.com/mail/u/0/html/compose/static_files/blank_quirks.html#_ftnref1)>  
Heather  
Cooley and Matthew Heberger, “Key Issues for Seawater Desalination in California: Energy and Greenhouse Gas Emissions”, p. 7, Figure 2.  
“Comparison of the Energy Intensity of California Water Supplies, [Pacific

Institute, May 2013]. “Seawater desalination is considerably more energy intensive than almost every other water supply option available”, Ibid, p. 8.

And see, James Fryer, “An Investigation of the Marginal Cost of Seawater Desalination in California”, [Sponsored by Residents for Responsible Desalination, March 2010].

[2]<[https://mail.google.com/mail/u/0/html/compose/static\\_files/blank\\_quirks.html#\\_ftnref2](https://mail.google.com/mail/u/0/html/compose/static_files/blank_quirks.html#_ftnref2)>  
Water

and energy are inextricably linked in this state. “...[A]bout 19% of the state’s electricity use and 33% of the state’s non-electricity natural gas consumption is water related.”.... “DWR [Department of Water Resources], which operates the State Water Project, a large system of dams, canals, pipelines, and pumps that delivers water to cities and farms in the Central Valley and Southern California, \*is the single largest user of energy in the state\*.” Ibid, p. 17.

[3]<[https://mail.google.com/mail/u/0/html/compose/static\\_files/blank\\_quirks.html#\\_ftnref3](https://mail.google.com/mail/u/0/html/compose/static_files/blank_quirks.html#_ftnref3)>  
See

“Sustaining Our Water Future: A Review of the Marin Municipal Water District’s Alternatives to Improve Water Supply Reliability”, by James Fryer, [Sponsored by Food & Water Watch, June 2009]



## Plan Bay Area 2040 Final Environmental Impact Report

**From:** Adrian Jordan [REDACTED] >  
**To:** <envplanning@marincounty.org>, <info@OneBayArea.org>  
**CC:** <SAdams@marincounty.org>, <skinsey@marincounty.org>, <krice@co.marin.ca.us>, <pekklund@novato.org>, <[REDACTED]>, Judy Schriebman <[REDACTED]>, [REDACTED] >  
**Date:** 5/16/2013 1:03 PM  
**Subject:** Comments on DEIR & SEIR

Re: Plan Bay Area DEIR (Draft Environmental Impact Report) and the Marin County Housing Element SEIR (Supplemental Environmental Impact Report)

C43-1

As residents of Los Ranchitos, we are protesting the inadequate comment period for both the Plan Bay Area DEIR (Draft Environmental Impact Report) and the Marin County Housing Element SEIR (Supplemental Environmental Impact Report).

In addition, spot zoning has been determined illegal in court challenges which may well explain why there has been no notification given to affected property owners or their neighbors. A recent meeting between Supervisor Adams and the LRIA was limited to only 12 invitees, hardly an equitable way to hear from those citizens who will be deeply impacted by this proposal.

Therefore, we demand the comment period be extended for at least 6 months.

Many of our concerns for Los Ranchitos have been detailed in the comment letter sent to you by Richard Grassetti Esq, of Grassetti Environmental Consulting. We expect the county to prepare for public review, a revised SEIR addressing the issues in his letter.

In addition, we have concerns that your plan will turn portions of Marin County into Environmental Justice communities as reflected in the comments and research done by Sharon Rushton and Geoffrey H. Hornek.

Sincerely,

Adrian & Julie Jordan  
[REDACTED]  
San Rafael

# Plan Bay Area 2040 Final Environmental Impact Report

**From:** Katherine Jain <[REDACTED]>  
**To:** "info@onebayarea.org" <info@onebayarea.org>  
**Date:** 5/14/2013 11:51 PM  
**Subject:** Draft EIR

MTC-ABAG  
Plan Bay Area Public Comment  
101 8th Street  
Oakland, California 94607

Re: Public Comment on  
Draft Bay Area Plan and Draft Bay Area Plan Draft Environmental Impact Report

Gentlepeople,

I  
write in staunch objection to the EIR on the Draft Bay Area Plan.

**C44-1** There  
has been insignificant evidence that the proposed increase in housing will  
necessarily result in lowered greenhouse gasses in contrast to the huge  
importance of maintaining green belts throughout Marin County.

**C44-2** Furthermore  
the question of sufficient water has not been adequately addressed. There are many limitations to growth due to  
water limitations and the option of desalination has not been approved by the  
citizens of Marin.

ABAG

itself has acknowledged that insufficient water supplies will be a  
"significant, unavoidable impact" of Plan Bay Area. The issue of inadequate water supply for the proposed  
high-density development and substantially increased population should be enough  
to rule the draft EIR for Plan Bay Area is deficient.

Sincerely,

Katherine  
Da Silva Jain  
5  
[REDACTED]  
San  
Rafael, CA 94903  
May  
14, 2013

## Plan Bay Area 2040 Final Environmental Impact Report

**From:** Marian Johnson [REDACTED] >  
**To:** <eircomments@mtc.ca.gov>  
**CC:** Mark Paretchan <[REDACTED]>  
**Date:** 5/17/2013 1:05 PM  
**Subject:** Marinwood-Terra Linda low-income housing plan

May 17, 2013

Carolyn Clevenger, MTC EIR Project Manager,  
Metropolitan Transportation Commission  
MTC-ABAG Plan Bay Area Public Comment  
101 8th Street  
Oakland, California 94607  
eircomments@mtc.ca.gov .

Re: Public Comment on Draft Plan Bay Area and Draft Plan Bay Area Draft  
Environmental Impact Report

To Whom It May Concern,

The Marinwood, Lucas Valley, Terra Linda area is demographically made up of families with school age children and older retired couples. We have chosen this area because of the lower housing costs, unable to afford Southern Marin. Our neighborhood is a pleasant community area with low crime rates.

**C45-1** What you are proposing may drastically change our community in that you are burdening average income earning homeowner's with:

- a. Substantial new costs
- b. Increased traffic flow
- c. Environmental issues (cows, birds, wild turkeys, deer and nature are found within this area)
- d. Increased Crime Rates

**C45-2** We need more time to review these issues. We attempted to attend a community planning meeting but it had been canceled. We need more information, especially, given the low income "Hamilton" project that was put into place a few years ago and is one exit up from Marinwood. We should at least have time to evaluate if there was an increase in crime and drug activity and if there was a large cost burden to residents after this low-income project was completed.

We all would love to help low income families thrive in this beautiful community but low-income should also equal low crime and low cost to average income earners.

Thank you,

Marian Johnson, Esq.

## Plan Bay Area 2040 Final Environmental Impact Report

**From:** <rldsodak [REDACTED]>  
**To:** <info@OneBayArea.org>  
**Date:** 5/15/2013 4:22 PM  
**Subject:** Draft Bay Area Plan and Draft EIR (State Clearinghouse #2012062029)

Public Comment on the Draft Bay Area Plan and Draft EIR (State Clearinghouse  
#2012062029)

Re: Plan Bay Area – Insufficient Transportation Infrastructure and Usage

**C46-1** This letter is sent on behalf of various residents of Marinwood, including me, who oppose the Draft Bay Area Plan and the Draft EIR. I am in favor of the “No Action Plan” option and insist that the Marinwood potential PDA be removed from the plan in particular. As a resident of Marin County for 48 years I am greatly concerned about how this plan would change the character of our entire neighborhood. Below is just one of the reasons why I oppose implementation of the current Plan Bay Area draft:

**C46-2** Housing has received priority over transportation and traffic improvements. Planning for mass, high-density housing before implementation of sufficient public transportation and infrastructure historically leads to gridlock and higher pollution. A realistic transportation infrastructure needs to be implemented before any mass, high-density housing developments are discussed, much less acted upon.

**C46-3** Ridership is often poor in suburban areas. Large buses are often seen only carrying a small amount of people, which seems to be an extreme waste. Efforts to reduce green house gas emissions should be directed to increasing zero-emission vehicles on the road, since personal transportation will always be needed in suburban/rural areas like Marin. Does ABAG/MTC have proof that public transit will not increase green house gas emissions even higher than the levels that small trucks and cars are producing in Marin County?

**C46-4** The Marinwood potential PDA makes little sense, and has no regard for the long-term financial and social consequences that large scale, high density, affordable housing will have when it is built in a location that doesn't have the infrastructure to support it. I look forward to hearing your response and seeing how the Plan will change to address our concerns.

Sincerely,

Roger L. Duba

[REDACTED]

San Rafael, CA 94903

[REDACTED]

Member: Organized Residents of Marinwood

**From:** Bruce De Benedictis <[REDACTED]>  
**To:** <info@OneBayArea.org>  
**Date:** 5/15/2013 2:15 PM  
**Subject:** Comment on EIR

**C47-1** The Environmental Impact Report does not adequately assess the relative impact of local transportation versus long-distance transportation. Although the difference between local streets is compared to highways and freeways, BART and other intercity services are lumped in with local transit services, mainly buses. This leads to the situation where the public, including public officials, is led to believe that because there is BART, there is no need for buses nearby, a belief that is as absurd as believing that since there are freeways, there is no need for local streets.

**C47-2** Some recognition must be made of the adverse impact of long-distance transportation:

A long-distance project that allows some people to travel farther to work raises the bar so that other people who live as far away are enticed to travel farther to work using less efficient modes of transportation.

Long-distance projects tend to use a lot more land per population capacity, reducing property tax revenue disproportionately to the reduction of the number of people using that land. This is especially severe in areas which were originally fairly high density: a long-distance project could displace more people than it serves.

Increasing the radius that people are expected to travel increases the pool of available labor to the square of the distance, allowing employers to pay less and to discriminate on bases that may be illegal, such as race, merely because there is the larger base of employees that have to commute so far.

The ease of long-distance transportation is a greater incentive for developers to invest in preferred communities, rather than those communities that actually need investment, leading to urban decay.

These issues should be addressed in the EIR.

Bruce De Benedictis  
[REDACTED]  
Oakland, CA 94610-1642  
[REDACTED]

This letter is submitted as public comment on the Draft Bay Area Plan and Draft Bay Area Plan Draft Environmental Impact Report (State Clearinghouse No. 2012062029).

My name is Daniel G. DeBusschere. I reside in Orinda, CA. I have claustrophobia.

I am fearful of transiting underground tunnels such as the BART transbay tunnel. My anxiety is extended by the threat of terrorist groups that have and are still planning more deadly attacks on public transit facilities especially tunnels and subways.

A court recently held that claustrophobia is a disability under the expanded definition of disability under the ADA (defined below). [Feshold v. Clark County](#).

I believe that there are many other people similarly situated. This collective group of people can be designated as a class of similar disabilities ("CLASS").

The American Disabilities Act of 1990 and subsequent amendments such as the ADA Amendments Act of 2008 (collectively the "ADA") require among other things that Public Agencies must make reasonable accommodations to mitigate issues faced by the CLASS. In the case of claustrophobia disabilities, such reasonable accommodation (among others) include the right of the CLASS to own and/or operate surface vehicles. This accommodation requires that the surface streets must be maintained in good repair and are safe for transit. This is analogous to the provision of an elevator to mitigate a set of stairs. Not only is the elevator provided but it must be in good working order and safe for transit.

The ABAG/MTC proposed Draft Bay Area Plan ("PLAN") and the proposed Draft Bay Area Plan Draft Bay Area Plan Draft Environmental Impact Report ("EIR") fail to provide adequate accommodation in at least three situations:

- (1) The PLAN proposes to reallocate highway maintenance funds toward other functions. The PLAN states on page 105, that the "Plan moves in opposite direction from (the MTC) target (of 10 percent distressed state highway lane-miles); (The PLAN proposes that) the percentage of distressed state highway lane-miles in the region will rise to 44 percent of the regional highway system by year 2040". The 44 percent distressed state highway lane-miles is not in keeping with the ADA mandated accommodation for maintaining surface streets in good order and safe for transit. In other words, the PLAN is not maintaining the illustrative elevator as required by the ADA. Therefore any reallocation of surface street maintenance funds to other purposes is specifically prohibited by the ADA for the protection of the CLASS and the proposed PLAN is deficient and maybe illegal. Any future PLAN and/or EIR that proposes to reallocate such funds may be subject to litigation.
- (2) The tenants of the proposed high density transit facilities who are members of the CLASS should not be deprived of the use of private surface street vehicles by the exclusion of adequate parking for such vehicles. The PLAN and EIR are silent


C48-1

on providing adequate accommodation to these members of the CLASS by specifically excluding any planning for parking. The PLAN and EIR are thereby deficient in meeting these important legal requirements. Any future proposed PLAN and EIR must include parking for any members of the CLASS who are tenants of the proposed high density transit facilities. Since it is unknown what percentage of the tenants are members of the CLASS then it is a requirement to assume ALL tenants are members of the CLASS and parking must be accommodated such that no member is deprived of this necessary accommodation. Any future PLAN and/or EIR that does not reflect these requirements may be subject to litigation

- (3) The PLAN and EIR indirectly but clearly specifically state that member cities that do not comply exactly with any adopted PLAN and EIR may be denied funding that was originally purposed for maintaining surface streets in order for member cities to provide adequate accommodation to the CLASS,. ABAG/MTC cannot refuse to properly allocate funds to member cities that have local zoning ordinances and/or other legal rules that differ from those in any adopted PLAN and EIR. Therefore, the PLAN and EIR are deficient in stating these assurances and are deficient in meeting the requirements of the ADA for the CLASS. The proposed PLAN may be planning on additional taxes to mitigate the reallocation of funds for state highway system maintenance. This action damages the CLASS. This would be like requiring the CLASS to pay for the maintenance of the elevator provided as a reasonable accommodation. Members of the CLASS would have to be specifically excluded from any such additional tax or fee adopted to be in compliance with ADA. Any future PLAN and/or EIR that does not reflect these requirements may be subject to litigation

C48-2

Respectfully submitted,

Daniel G. DeBusschere  
  
 Orinda, CA 94563

## Appendix

The Americans with Disabilities Act (ADA) was signed into law on July 26, 1990. Its overall purpose is to make American Society more accessible to people with disabilities. In 2008, the ADA Amendments Act (ADAAA) was passed. Its purpose is to broaden the definition of disability, which had been narrowed by U.S. Supreme Court decisions.

The ADA is divided into five titles:

### 2. Public Services (Title II)

Under Title II, public services (which include state and local government agencies,



1 the National Railroad Passenger Corporation, and other commuter authorities) cannot  
2 deny services to people with disabilities or deny participation in programs or  
3 activities that are available to people without disabilities. In addition, public  
4 transportation systems, such as public transit buses, must be accessible to individuals  
5 with disabilities.

6 On January 1, 2009, the Americans with Disabilities Act Amendments Act (ADAAA) of  
7 2008 went into effect, making some major changes to the way the definition of disability  
8 was interpreted in the past.

9 The ADAAA states that an impairment need only substantially limit one major life  
10 activity to be considered a disability under the ADA. For example, an individual with  
11 diabetes is substantially limited in endocrine function and thus an individual with a  
12 disability under the first prong of the definition. He need not also show that he is  
13 substantially limited in eating to qualify for coverage under the first prong. An individual  
14 whose normal cell growth is substantially limited due to lung cancer need not also show  
15 that she is substantially limited in breathing or respiratory function. And an individual  
16 with HIV infection is substantially limited in the function of the immune system, and  
17 therefore is an individual with a disability without regard to whether his or her HIV  
18 infection substantially limits him or her in reproduction.

Public Comment on the Draft Bay Area Plan and Draft EIR (State Clearinghouse #2012062029) - Raymond Day

Send to: [eircomments@mtc.ca.gov](mailto:eircomments@mtc.ca.gov) and [info@OneBayArea.org](mailto:info@OneBayArea.org)

**C49-1** This letter is submitted on behalf of the more than 400 residents of Marinwood that signed this letter in opposition to the Draft Bay Area Plan and the Draft EIR. We are in favor of the “No Plan” option. As Marin County residents, we oppose implementation of the current Plan Bay Area draft for the following reasons:

**C49-2** 1. Lack of Community Outreach and Transparency: Local officials and ABAG/MTC officials, who are responsible for disseminating information on this Plan to their constituents, have failed in this task. The vast majority of affected residents in our community are unaware of the details of this Plan. This is not the fault of the residents but of the officials who spent years and millions of dollars developing this Plan without community input. Local comment meetings were a formality resulting in the public being frustrated with unresponsive panel members from MTC/ABAG.

Question: Is ABAG/MTC responsible to educate the public on their Plan and allow the public to receive answers to their questions? If yes, when will this occur in an open forum?

**C49-3** 2. The Plan as proposed by ABAG/MTC uses statistics and data that is not current nor provided by several independent sources. Before implementing a plan that radically impacts this community for the next 50 years, it should have been properly vetted by the communities impacted and all financial, environmental and

**C49-4** social aspects discussed with the public. The Plan has not considered the impact on already overburdened infrastructure, e.g., water, sewer, schools and highways.

**C49-5** 3. Housing development is being prioritized over creating jobs: There are negative consequences in promoting housing that is not balanced with local employment opportunities. These mistakes were made by Vallejo, Stockton, Modesto and San Bernardino which all went bankrupt as a result of incorrect job and growth projections. Portland was another city which learned from this mistake.

4. Housing is being given priority over Transportation and Traffic Improvements: Planning for mass housing prior to implementing sufficient public transportation and infrastructure leads to gridlock and higher pollution. A legitimate

Public Comment on the Draft Bay Area Plan and Draft EIR (State Clearinghouse #2012062029) - Raymond Day

transportation infrastructure needs to be accomplished before any housing developments are discussed.

**C49-6** Question: Does ABAG/MTC have proof that public transit and other forms of transit will not increase Green House Gas emissions above the levels that light trucks and cars are producing in Marin County.

**C49-7** 5. A thorough analysis of alternatives to reducing Green House Gasses by high density Transit Oriented Development has not been conducted and current studies have discredited past findings contained in the DEIR.

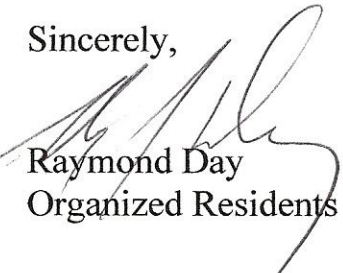
Question: What is ABAG/MTC current proof that high-density transit oriented developments will reduce greenhouse gas emissions sufficiently to offset the impacts of these developments?

**C49-8** 6. Social inequity: Building high-density housing near highways and segregating the poor into those areas is socially unfair. Real integration of housing, e.g., Habitat for Humanity single family home rehabilitation, second units, equity sharing programs, senior housing and others allows the less fortunate to potentially experience the “American Dream” of home ownership. Integration of all income classes in a community provides a diversity which has been the backbone of our country. A development can be successful with a combination of 80% market-rate and 20% affordable housing alternatives that provide starter homes for young couples. This ensures sustainability and a healthy community by providing resources to meet infrastructure needs and other public services.

**C49-9** 7. The Plan does not recognize that residents need to use their vehicles to bring kids to school, sports practices, doctor visits, special events, and trips to Home Depot where they may need to transport lumber and other large supplies. The majority of families in Marin could not use public transit for these activities and public transit would not meet their time constraints to meet those obligations as well. The Plan needs to be based in reality for the lives of those living in the community.

The Draft Plan Bay Area's DEIR is inadequate as expressed in the numerous instances identified in this Comment Letter.

Sincerely,



Raymond Day  
Organized Residents of Marinwood

cc: Marin County Board of Supervisors: [bos@marincounty.org](mailto:bos@marincounty.org)

Proposed Housing Density Re-Zoning in Marinwood/Lucas Valley Letter Signators  
Sponsored by: Organized Residents of Marinwood

| Name                | Address (# and street name) | e-mail | signature |
|---------------------|-----------------------------|--------|-----------|
| Sabine Grande-Left  | 2349 Juniperberry Dr.       |        |           |
| Laura Stanton       | 143 Roundtree Blvd          |        |           |
| Rosalee L. Crooks   | 143 Roundtree Blvd.         |        |           |
| Cordie Trease       | 558 Idylberry               |        |           |
| George V. Trease    | 558 Idylberry Dr.           |        |           |
| E. E. Alta          | 874 Idylberry               |        |           |
| Douglas Anderson    | 586 Loganberry Dr           |        |           |
| ERIC P. ANDERSEN    | 586 LOGANBERRY DR.          |        |           |
| CARIS MORRIS        | 586 IDYLBERRY RD            |        |           |
| EMILY PERCOK        | 586 LOGANBERRY DR.          |        |           |
| Chris Van Buren     | 586 Loganberry Dr.          |        |           |
| DONNA HUBBINS       | 2251 Juniperberry Dr.       |        |           |
| MARK CAHNEY         | 2244 Idylberry              |        |           |
| Allan Palandt       | 2236 Juniperberry           |        |           |
| Stephanie Dzusinski | 2224 Juniperberry           |        |           |
| Angelica Ford       | 2200 Juniperberry           |        |           |
| Cindy McMullen      | 555 Idylberry               |        |           |
| Brendan McMullen    | 555 Idylberry Rd.           |        |           |
| John Farman         | 561 Idylberry Rd.           |        |           |
| ALICE DELOSTEO      | 574 Idylberry Rd.           |        |           |

emails and signatures deleted  
for security purposes

May 15, 2013

Send to: [eircomments@mtc.ca.gov](mailto:eircomments@mtc.ca.gov) and [info@OneBayArea.org](mailto:info@OneBayArea.org)

Public Comment on the Draft Bay Area Plan and Draft EIR (State Clearinghouse #2012062029)

**Re: Plan Bay Area – Living Conditions Hazardous to Health**

**C50-1** This letter is sent on behalf of various residents of Marinwood who oppose the Draft Bay Area Plan and the Draft EIR. We are in favor of the "No Action Plan" option and insist that the Marinwood potential PDA be removed from the plan in particular. As residents of Marin County, below is just one of the reasons why we oppose implementation of the current Plan Bay Area draft:

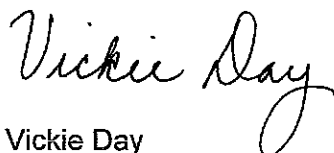
**C50-2** Building high-density developments next to a busy, 6-lane freeway would provide horrible and unhealthy and living conditions for the inhabitants of the building. This proposal is an example of irresponsible land use and it conflicts directly with CEQA. Whenever the inhabitants open their windows they will be breathing in dangerous particulate matter.

The EPA states, "Exposure to such particles can affect both your lungs and your heart. Small particles of concern include 'inhalable coarse particles' (such as those found near roadways and dusty industries), which are larger than 2.5 micrometers and smaller than 10 micrometers in diameter; and 'fine particles' (such as those found in smoke and haze), which are 2.5 micrometers in diameter and smaller." The EPA also says that particle pollution can cause serious health problems such as premature death in people with heart or lung disease, nonfatal heart attacks, irregular heartbeat, aggravated asthma, decreased lung function, and increased respiratory symptoms, such as irritation of the airways, coughing or difficulty breathing. ([source](#))

Question: How does Plan Bay Area plan to remedy such hazardous living conditions, if that is even possible? It's not possible, isn't it clear that these plans don't do any good for the community or the people it's claiming to help?

The Marinwood potential PDA makes little sense, and has no regard for the long-term financial and social consequences that large scale, high density, affordable housing will have when it is built in a location that doesn't have the infrastructure to support it. We look forward to hearing your response and seeing how the Plan will change to address our concerns.

Sincerely,



Vickie Day  
Organized Residents of Marinwood

cc: Marin County Board of Supervisors: [bos@marincounty.org](mailto:bos@marincounty.org)

Proposed Housing Density Re-Zoning in Marinwood/Lucas Valley Letter Signators  
Sponsored by: Organized Residents of Marinwood

| Name               | Address (# and street name)            | e-mail | signature |
|--------------------|----------------------------------------|--------|-----------|
| Sharon Johnson     | 215 Johnson Dr S.R.                    |        |           |
| Steven Johnson     | 215 Johnson Dr S.R.                    |        |           |
| Debra Ross         | 374 Blackstone Dr. SK                  |        |           |
| Bjorn Stumen       | 374 Blackstone Dr. SK.                 |        |           |
| Carl Fricke        | 76 Bairdsgate Dr.                      |        |           |
| Jessica Freilich   | 86 Mt. Muir Ct. SR 94403               |        |           |
| Roy Lutz           | 79 Canyon Oak Street                   |        |           |
| CHRIS MORRIS       | 586 IDYLLBERRY RD 94503                |        |           |
| Robert SEEVO       | 613-IDDYDEN 94403                      |        |           |
| Colin Green        | 385 Las Colindas Rd 94403              |        |           |
| Boubara Lutz       | 79 Canyon Oak Dr 944                   |        |           |
| Eiko Staudier      | 485 Glendwood Rd                       |        |           |
| Naiko Gardier-Elko | 400 Mills Creek Rd. San Rafael, CA 944 |        |           |
| Paul Frenzel       | 7 Lutz Ct. S.R. 94403                  |        |           |
| AL SPARKS          | 1823 LAS GALLINAS AVE.                 |        |           |
| Robin Sparks       | 2823 Las Gallinas Ave                  |        |           |
| 44 WATKINS         | 87 MT LAMIER DR                        |        |           |
| PAUL WITHERSPOON   | 52 Oak Mountain Ct.                    |        |           |
| STAN WITHERSPOON   | 52 OAK MOUNTAIN CT                     |        |           |
| MICHAEL GRAVELLE   | 5 Mt. Folsom Ct                        |        |           |

emails and signatures withheld  
for security purposes



**From:** Sidney Dent [REDACTED]  
**To:** <eircomments@mtc.ca.gov>  
**Date:** 5/16/2013 9:28 AM  
**Subject:** Comment on One Bay area plan EIR

- C51-1** I would like to express my concern that the plan is charging ahead without considering its affect on the bay environment.
- C51-2** The increase in traffic and greenhouse gases will be increased as well as the water supply needs.
- C51-3** At this stage when the ocean waters are warming we should be concerned with decreasing in any way possible the gases we are responsible for.

Water supplies are limited and desalination touted as the answer is deleterious to the bay and marine life.  
Thank you, Susan Dent



## Plan Bay Area 2040 Final Environmental Impact Report

**From:** Sidney Dent [REDACTED] >  
**To:** "info@onebayarea.org" <info@onebayarea.org>  
**Date:** 5/15/2013 8:48 AM  
**Subject:** Fw: 5-15-2013 Comment on draft EIR for One Bay Plan.

C52-1

I would like to express my concern that the plan is charging ahead without considering its affect on the bay environment. The increase in traffic and greenhouse gases will be increased as well as the water supply needs. At this stage when the ocean waters are warming we should be concerned with decreasing in any way possible the gases we are responsible for. Water supplies are limited and desalination toted as the answer is deleterious to the bay and marine life.  
Thank you, Sidney Dent

**From:** Eric Egan [mailto: [REDACTED]]  
**Sent:** Thursday, May 16, 2013 3:46 PM  
**To:** EnvPlanning  
**Subject:** The Housing Element Final SEIR comments

Attn:  
Jeremy Tejirian  
Planning Manager

To whom it may concern,

My name is Eric Egan. I am a resident of Lucas Valley, located in unincorporated Marin County.

I am writing to comment on the Draft Plan Bay Area (The plan) and Draft Plan Bay Area Draft Environmental Impact Report (DEIR).

**C53-1** I would like to request an extension of time to review the Plan and DEIR. An extension has not been granted and I think it is not garnering support from the community by quickly trying to pass the SEIR.

**C53-2** I do not support having Marinwood designated as Planned Development Area.  
I do not support changing the zoning rules to the Countywide Plan for the different properties in our neighborhoods and within the county as being proposed by the planning commission. Thirty units per acre is ridiculous.

I watched the discussion at Dominican College that happened a few days ago and it was clear in the response from the panel that there were many issues that were not properly addressed in the plan. If there are concerns and estimates and figures that are inaccurate in the plan and we are going to put this to a vote, I can only see that the board of supervisors would have to reject the plan. However, with the proper extensions of time to review, these concerns that the public has brought forward could be properly address and amended to the plan.

I would also point you to the problems with the SEIR that were pointed out by a consultant firm (attached). I would think that with more and more residents finally becoming aware of this major change to our community, there will be time for more adequate review and input regarding the plan.

I fear that if more time to review is not provided and a vote is taken, there will be a great division among the community which will lead to recalls and more discontent with elected officials.

I also support the research that one of our neighbors, Alissa Chacko, has done in regards to the Plan Bay Area and specifically the current Housing Element:

There are several land use issues now being decided by the County that will greatly impact Marin and our community. I have spent time researching the current plans, and I thought I would share some of the information with you. No matter what side of the issue you advocate, I believe it is important to be informed. So pass it along to your neighbors and friends.

Bear with me, this is a long post, but nothing compared to the voluminous documents produced by the

government to support the current proposals.

## HOUSING ELEMENT

The Housing Element is one of the seven mandated elements of the County's local general plan, in this case the 2007 County Wide Plan (CWP). Housing Element law requires each city and County to identify and designate "inventory sites" that will allow for the development of high density affordable housing.

In accordance with state law requirements, the Association of Bay Area Governments (ABAG) recently completed the Regional Housing Needs Allocation (RHNA) process for the fourth revision of the Housing Elements. ABAG is not a representative body; members are appointed by the state. As part of this process, ABAG worked with regional and local governments to develop a methodology for distributing the nine-county Bay Area's housing need (as determined by California's Department of Housing and Community Development (HCD)) to all local governments in the region.

The allocation to each city and county identifies the number of housing units, by income category, for which that jurisdiction must plan in its Housing Element. The planning period for this version of the Housing Element is 2007-2014. The next planning period is 2014-2022.

The Housing Element must detail a concrete "program of actions" the local government commits to carry out so that its fair share of new housing affordable at all income levels can be built. These actions include designation of "inventory sites" and implementing programs (re-zoning, ministerial review, California Environmental Quality Act (CEQA) streamlining).

The current proposed Housing Element calls for the rezoning of several properties in Lucas Valley, Marinwood and St. Vincent's to allow for high density affordable housing. The identified sites are as follows:

St. Vincent's: 221 units  
Marinwood Plaza: 85 units  
Grady Ranch: 240 units

Other sites that have also been identified, and may be included in the next planning period 2014-2022 are:

Rotary Village: 60 units  
Big Rock: 80 units  
Los Ranchitos/Santa Venetia: 292 units

In addition, the San Rafael General plan provides for 620 additional units of housing by 2020 (3-5 story affordable housing along Merrydale and in the space over the parking lot between Embassy Suites and the Pension building at McInnis/Civic Center Dr. and also replacing both public storage sites at the end of Merrydale). Additional density is also planned at the CVS commercial site "should that area become redeveloped." These sites are all to be developed at 30 – 45 units/acre.

As mentioned above, not only are “inventory sites” identified and re-zoned if necessary, but other actions are incorporated into the Housing Element to facilitate development of the inventory sites. These implementing programs include, but are not limited to: (i) ministerial review (“[p]ermit affordable housing projects ministerially or through a streamlined process of discretionary design review”), (ii) CEQA streamlining (“consider an area-wide Environmental Assessment or Program EIR assessing area-wide infrastructure and other potential off-site impacts to expedite the processing of subsequent affordable housing development proposals”), (iii) development of multi-family design guidelines (“develop clear design criteria to help expedite the permit review process for developers....Develop standards to facilitate ministerial permit review”), and (iv) codifying affordable housing incentives identified in the community development element (“allow housing for low and very low income households to exceed the FAR” (30 units/acre, essentially allowing for a 10% increase density for such income designations)).

See: [http://www.co.marin.ca.us/depts/cd/main/housing/docs/2012\\_Draft\\_Marin\\_County\\_Housing\\_Element.pdf](http://www.co.marin.ca.us/depts/cd/main/housing/docs/2012_Draft_Marin_County_Housing_Element.pdf)

These implementing programs facilitate quick development with little, if any, community input. With less stringent environmental requirements, development is both cheaper and easier and far more profitable due to higher densities. Comments on the Housing Element Final Supplement Environmental Impact Report are due this Friday, May 17. The Housing Element is set to be approved by the Board of Supervisors sometime mid summer 2013.

## PLAN BAY AREA

“Plan Bay Area is an integrated long-range transportation and land-use/housing plan.... [B]y law (Senate Bill 375), all regions in California must complete these plans. The law requires California’s 18 metro areas to plan jointly for transportation, land-use and housing as part of a “Sustainable Communities Strategy.” “The law gives joint responsibility for Plan Bay Area to the Association of Bay Area Governments (ABAG) and to the Metropolitan Transportation Commission (MTC).” <http://onebayarea.org/about/faq.html>

State law requires Plan Bay Area to:

- Identify possible “areas within the region sufficient to house all the population of the region” — where people will live, including all income groups, for at least the next 25 years; and
- Develop a regional transportation plan that meets the needs of the region.

Under Plan Bay Area, MARINWOOD, California Park, Strawberry, Marin City, Tamalpais Valley and Almonte, all neighborhoods adjacent to Highway 101 in unincorporated Marin County, have been identified as one potential priority development area (PDA). PDA’s are areas that have been identified for intensified job and housing growth. The six areas are considered only potential because they currently lack appropriate general plan policies and zoning regulations.

If, however, current proposed general plan policies and zoning regulations are put in place, those neighborhoods included in the potential PDA, “could receive the same treatment as two areas of San Rafael, which have already officially been designated “priority development areas” in Plan Bay Area. A section of Larkspur, where a Sonoma-Marín Area Rail Transit station is slated to be built, could also join the ranks of Marin County’s Planned Development Areas, or PDAs.”

See: [http://www.marinij.com/sausalito/ci\\_23160104/regional-development-plans-spark-unrest-throughout-marin?IADID=Search-www.marinij.com-www.marinij.com](http://www.marinij.com/sausalito/ci_23160104/regional-development-plans-spark-unrest-throughout-marin?IADID=Search-www.marinij.com-www.marinij.com)

"PDAs are sites that have been identified voluntarily by cities or counties as areas for future growth. They typically provide access to mass transit, jobs, shopping and other services....." The Board of Supervisors unilaterally created the potential PDA described above. A description of the potential PDA can be found at: <http://www.bayareavision.org/pda/marin-county/101-corridor/description/>

"Over the next four years....Marin jurisdictions will be eligible for a total of \$5 million in PDA-earmarked grants. The city of San Rafael has already received \$528,000 to assist it in planning for its two PDAs."

See: [http://www.marinij.com/sausalito/ci\\_23160104/regional-development-plans-spark-unrest-throughout-marin?IADID=Search-www.marinij.com-www.marinij.com](http://www.marinij.com/sausalito/ci_23160104/regional-development-plans-spark-unrest-throughout-marin?IADID=Search-www.marinij.com-www.marinij.com)

"Plan Bay Area along with SB375 allows for streamlined environmental review and in many cases projects could be completely exempt from California Environmental Quality Act (CEQA) review."

"Brian Crawford, director of Marin County's Community Development Agency, said, SB 375... "contains provisions for streamlining the CEQA process for projects that are located within PDAs and are consistent with Plan Bay Area." That means some development projects within PDAs may not require a standard environmental impact report, he said, "if they meet the criteria. Instead of doing a full EIR, you may have to do a less extensive environmental analysis," or no environmental analysis at all.

See: [http://www.marinij.com/sausalito/ci\\_23160104/regional-development-plans-spark-unrest-throughout-marin?IADID=Search-www.marinij.com-www.marinij.com](http://www.marinij.com/sausalito/ci_23160104/regional-development-plans-spark-unrest-throughout-marin?IADID=Search-www.marinij.com-www.marinij.com)

The potential PDA designation of Marinwood was unilaterally entered into by the County with no public input. Plan Bay Area is set to be approved by the County mid-summer 2013.

#### SENATE BILL 375—CEQA Streamlining

Senate Bill 375 (SB375) provides several CEQA reform provisions. These include streamlined review and analysis of residential or mixed-use projects consistent with the sustainable communities strategy (SCS) ; .....and a complete CEQA exemption for Transit Priority Projects (TPPs) that are consistent with the SCS and meet a specific list of other requirements.

A Transit Priority Project (TPP) is a new type of project created by SB 375. As with Residential or Mixed-Use Residential Projects, a TPP must be consistent with the general use designations, density, building intensity, and applicable policies specified for the project area in a SCS. [I]n addition, a TPP must meet the following requirements: (1) the project must contain at least 50 percent residential use based on total building square footage; (2) the project must have a minimum net density of 20 dwelling units per acre; and (3) the project must be located within one-half mile of a major transit stop or high quality transit corridor included in the regional transportation plan (Pub. Res. Code, § 21155, subd. (b).).

A TPP that meets additional requirements may qualify as a sustainable communities project, a category of project that is eligible for CEQA exemption. The additional requirements can be found at: <http://www.sacog.org/2035/the-plan/sustainable-communities-strategy/ceqa-375/>

Marinwood Plaza, despite known environmental contamination on the site, most likely meets the TPP and sustainable communities project requirements and thus would be exempt from CEQA review.

## CONCLUSION

A lot to digest, and this doesn't even touch on the U.S. Department of Housing and Urban Development (HUD) agreement entered into in 2011 by the County to facilitate the development of affordable low income housing in "above average" ... school

districts." <http://www.heritage.org/research/reports/2012/01/huds-mandatory-minority-relocation-program>

The Housing Element, Plan Bay Area and SB375 have the potential to greatly urbanize Marin, San Rafael and our small community of Marinwood/Lucas Valley. The urbanization can occur with little, if any, community input and at a much quicker pace given CEQA streamlining and general plan exemptions.

The Housing Element will require Marinwood and Lucas Valley to incorporate at least 546 units of high density affordable housing, with no general plan to incorporate such mass development into the community. All 546 units are in our one Dixie School District. Given the large number of additional units in San Rafael, Terra Linda High School will also be greatly impacted. Other services, the environment, traffic, safety, etc. will also be affected, yet there is no plan for implementation.

Our planners and Supervisor Adams are saying that the Housing Element is simply a planning exercise and that the units will never be built. As noted above, however, the Housing Element makes development much easier and a lot more profitable due to the increased densities and streamlined review. If the properties are not meant to be developed, they should not be rezoned and included in the Housing Element.

Nothing is being done to curb the imposition of over 70% of the county's unincorporated allotment on Marinwood/Lucas Valley (all within District one of the County), and nothing is being done to stop Marinwood from becoming a full PDA, and thus further urbanized. The only source of true factual information is found by laborious self education, community concerns have not been addressed and no action is being taken to defend our community and represent its interests within the County.

Thank you,

Eric Egan

[REDACTED]

[REDACTED]

Email Disclaimer: <http://marincounty.org/nav/misc/EmailDisclaimer.cfm>

May 15, 2013

Send to: [eircomments@mtc.ca.gov](mailto:eircomments@mtc.ca.gov) and [info@OneBayArea.org](mailto:info@OneBayArea.org)

Public Comment on the Draft Bay Area Plan and Draft EIR (State Clearinghouse #2012062029)

**Re: Plan Bay Area – Unfair Advantage for Nonprofit Developers**

C54-1

This letter is sent on behalf of various residents of Marinwood who oppose the Draft Bay Area Plan and the Draft EIR. We are in favor of the "No Action Plan" option and insist that the Marinwood potential PDA be removed from the plan in particular. As residents of Marin County, below is just one of the reasons why we oppose implementation of the current Plan Bay Area draft:

The Plan Bay Area solution gives nonprofit developers an unfair advantage over for profit developers with financial incentives such as waivers of development fees, exemption from ad valorem taxes, fast track processing of permits and environmental review, limited parcel taxes in comparison to single family homes, etc.

There is no incentive for private developers to compete with their alternative combination of 80% market rate and 20% affordable housing – a combo that would provide opportunities for those in need and provide a better distribution of financial diversity. The Plan's solution is completely stacked against private developers from the very start.

Question: Why does the Plan offer an unfair advantage to nonprofit developers in comparison to for profit developers? Where are the incentives for a for profit developer in the Plan?

The Marinwood potential PDA makes little sense, and has no regard for the long-term financial and social consequences that large scale, high density, affordable housing will have when it is built in a location that doesn't have the infrastructure to support it. We look forward to hearing your response and seeing how the Plan will change to address our concerns.

Sincerely,



Stephen Einhaus  
Organized Residents of Marinwood

cc: Marin County Board of Supervisors: [bos@marincounty.org](mailto:bos@marincounty.org)



Proposed Housing Density Re-Zoning in Marinwood/Lucas Valley Letter Signators  
Sponsored by: Organized Residents of Marinwood

| Name                | Address (# and street name)     | e-mail | signature |
|---------------------|---------------------------------|--------|-----------|
| DEWIS M. PAE        | 200 ADOBESTONE CT SAN RAFAEL    |        |           |
| Jennifer L Faulk    | 210 Adobestone Ct San Rafael 94 |        |           |
| Lance Ellen Swanson | 214 Adobestone Ct San Rafael    |        |           |
| JOHN FAYE           | 232 Adobestone C.S.C. Ct        |        |           |
| Kathie Gienhofer    | 201 Adobestone Ct. San Rafael   |        |           |
| Katherine Teoh      | 210 Blackstone Dr San Rafael    |        |           |
| Andi Elbarz         | 217 Blackstone Drive S.F.       |        |           |
| Jim McEwen          | 189 Blackstone Dr               |        |           |
| Hilborn Hamblen     | 132 Blackstone Dr.              |        |           |
| T. KENT WATSON      | 144 Blackstone Dr               |        |           |
| Scott Asbley        | 150 Blackstone Dr.              |        |           |
| KNOXSON             | 172 Blackstone Dr               |        |           |
| Bel Rimes           | 195 Blackstone Dr               |        |           |
| Lissa L. Repoport   | 55 Miller Ranch Ct              |        |           |
| Harold T Fuller     | 445 Pinewood Dr                 |        |           |
| John Cresteuer      | 140 Blackstone                  |        |           |
| Walter R. R.        | 139 Blackstone Dr.              |        |           |
| Joe McBride         | 110 Blackstone Dr.              |        |           |
| Kenneth Side        | 116 Blackstone Dr               |        |           |
| Kelly Albrecht      | 104 Blackstone Dr               |        |           |

emails and signatures withheld  
for security purposes

May 16, 2013, San Francisco

RE: Plan Bay Area 2013 EIR comments

To Whom It May Concern:

Below are a few brief comments on various aspects of the draft EIR and process. Thank you for your consideration of them.

Charles Cagnon

**C55-1** SUMMARY: The draft EIR omits consideration of price elasticity in assessing the nature of the 2040 housing market and thereby draws unreliable conclusions. This omission made the planning process conceptual, not economically based. Additionally, while third party reference sources indicate that generational and ethnic factors may drive a desire for density, internal numbers of the Plan contradict that.

Socially, the Plan is likely to drive a cultural change in the population mix as different people are known to prefer multi-unit housing vs. detached. This will disadvantage minority and disadvantaged populations who strive to earn their way out of poverty, jeopardizing equity goals. Finally, procedurally, the planning process invited many groups to the table from environmental, social justice, business etc. quarters, but never invited homeowner and citizen groups to discussions—persons comprising at least one half of Bay Area residents. This disparity of inclusion undermined the integrity of the process and thus the substance of the Plan itself.

PRICE ELASTICITY: The Bay Area is a desirable place to live due to natural and cultural factors, and as such might normally reflect a price premium for the benefits of living here. This has been exacerbated by strict land use restrictions that have limited habitation options, driving prices to very high levels.

The recent real estate panic shut down that market nationally, and prices plummeted and foreclosures ensued. However, once the panic passed, buyers noticed the reduced real estate prices and bargain hunters piled into the market, driving up sales and prices dramatically in the Bay Area over the past two years.

The Plan forecasts that 2.1 million new residents will move into the Bay Area during the planning period, an increase of 30%. Importantly, the Plan asserts that the nature of demand for housing will shift due to generational and demographic factors. It is asserted that today's young people will want to live permanently in cities, old people will want group retirement homes and Latinos and Asians will want to live in multi-generational clusters and thus will want multifamily residences to stay close to one another.

C55-2

According to these, concentration of habitation is structurally predestined, resulting in a surplus of approximately 160,000 single family residences by 2040.

Without even contesting those drivers, the problem with this conclusion is that it makes no consideration of price. It is simply unsupportable to assert that there will be such a surplus, and as such, the Plan's depiction of the 2040 real estate market and the footprint of life on Bay Area land is unjustified.

What is supportable is that there could be relative price shifts for different types of housing in different markets. Given the huge price premia for housing in the Bay Area, and the price sensitivity that buyers have demonstrated recently, one must consider that even with a relative reduction in demand, housing prices would reflect relative attractiveness. In other words, if demand fell, prices would fall, new categories of buyers could come in and the homes would be purchased. The Plan infers that 160,000 homes could be surplus with unknown disposition. This can't be substantiated. If the drivers are true, prices would simply fall. The core notion that habitation will naturally concentrate such that less dense areas will be undesirable or forsaken is unsupportable. Policy makers should not approve the Plan/EIR as being descriptive of the way people will actually live. The picture the Plan/EIR draws is unreliable and the consequences for jobs and transit follows suit.

Importantly, price elasticity should really have been part of the planning process. Since policy-driven price distortions are such a central factor in Bay Area housing (and thus living) costs, elasticity must be observed and scenario-planned in order to understand housing uptake, jobs, transit, and the like. The fact that it wasn't makes the Plan and EIR conceptual and economically unreliable.

**PLAN FORECASTS CONTRADICT DENSITY:** Today, housing in in the Bay Area is 56% single family, detached, essentially suburban dwellings. This has enabled the Bay area to have an attractive blend of high technology industry, and suburbs for resting away from the job.

The no-project case of the Plan assumes that households, left to their own choices, will slightly disperse by 2040. That is, the percentages of new households in the densest areas (i.e., the PDAs) will be lower than the percentages of households currently living within the PDAs. (see EIR Table 3.1-5, page 3.1-15, Chapter 3.) 26% of households are in the PDAs today; 24% of new households would reside within them freely by 2040. The Plan forecasts that people will choose less density, but are generally happy with the footprint that's been organically created by today's options.

The case for jobs is even more in favor of lower density. Today, 39% of jobs are within the PDAs. The no-project scenario estimates that only 20% of new jobs would choose to locate within the PDAs by 2040. (EIR Table 3.1-6, page 3.1-16, Chapter 3.)

The Plan makes a central case for the intrinsic desirability of population and job concentration within the PDAs, but the Plan's forecasts under the no-project scenario

don't seem to bear that out. The people seem to want more breathing room than concentration.

C55-3

**DENSITY CHANGES POPULATION MIX AND ASSETS:** The goal of increasing the percentage of multi-family housing would correspondingly change the composition of the Bay area residents towards renters and away from owner-occupied homeowners. Is this desirable for equity and to what degree? The Plan/EIR is silent on this.

According to table B25032 of the American Community Survey, for the US as a whole, 84.2% of single-family detached homes were owner-occupied (2011), while only 13.5% of occupied multi-family homes were owner occupied. In the Bay area, the numbers are slightly less: 79.6% single family detached were owned, and 11.9% multi-family. Town homes are about 2/3 owner-occupied. (data source: Randal O'Toole, Cato Institute)

So, if the Plan/EIR targets 20 housing units per acre, then it may be estimated that two of those units will be owner-occupied, while 18 will not be. (In instances where there are townhomes, the owner number will be higher.) The Bay Area under the Plan/EIR is destined to become more urban and renter-constituted.

Further, this also changes access to real property assets and financial security. The Plan/EIR will exacerbate the differences between people who own land and those who don't, and the wealth and financial security of those who own land and those who don't.

Traditionally, home ownership in America was a way to build wealth over time. That is why there is a home mortgage interest tax deduction—to encourage home ownership. Governments subsidize the purchase of homes through the tax deduction. In contrast to governmental home-ownership goals, the Plan/EIR restricts access to land and concentrates habitation in PDAs in structures that are typically suited for renters, so the percentage of people without land will grow.

The consequences of this will fall heaviest on minority and disadvantaged people, and provide the most benefit to existing suburban landowners. Given the restrictions on land, the smallest, cheapest properties will face the risk of being bid up and priced out of reach for the poorest entry level buyer. In a Plan whose expressed purpose is to provide “equity” to minorities and the disadvantaged, it is unfortunate that the normal, proven way of earning one's way out of poverty through home ownership will be jeopardized through restrictions on access to land.

C55-4

**HOMEOWNERS LEFT OUT OF THE PROCESS:** The Plan/EIR development process consisted of two parts: retained private consultants and negotiations with interest groups, and public visioning sessions and telephone surveys. The consultants and negotiations included environmental groups and planners, social justice groups, business constituencies, along with others. The core groups that were left out of the insider dealings were homeowner and citizen groups. The latter constitute the majority of people in the Bay Area, are people whose interests are most threatened by the Plan's proposals, and yet were not included to the degree that would reflect their stake in the outcome.

The visioning sessions exposed their doubts about the Plan, and, a 1,000 person petition was submitted in favor of a “no project” outcome. The disparity of inclusion between different constituencies rendered the process defective, and the Plan does not fairly reflect the perspectives of one of the most crucial stakeholder groups in the Bay area.

PERSONAL QUALIFICATIONS: My professional background has been in corporate and business planning and strategy for large telecommunications firms, private and individual investments, and, strategy for nonprofits. I hold an MBA from Stanford and a BA from Antioch University. I am a (lay) member of the San Francisco chapter of the National Association of Business Economists.

Charles Cagnon

[REDACTED]

San Francisco, CA 94115

[REDACTED]

## Plan Bay Area 2040 Final Environmental Impact Report

**From:** Bob Cohen [REDACTED] >  
**To:** "eircomments@mtc.ca.gov" <eircomments@mtc.ca.gov>  
**Date:** 5/16/2013 12:56 PM  
**Subject:** Comments on the draft EIR for One Bay Area

I have read the relevant portions of the Draft DEIR Bay Area Environmental Impact Report dated April 2013, hereinafter called "the DEIR", and as a scientist and long term resident of the Bay Area, I feel it is necessary to call to attention a number of errors and inconsistencies in the DEIR. As a physical oceanographer and Certified Consulting Meteorologist, I have focused my expertise primarily on discussions on Climate Change and Greenhouse Gases.

C56-1

The initial mention of climate change in the body of the DEIR is found in Chapter 2.4, page 8: "Scientists and climatologists have produced evidence that the burning of fossil fuels by vehicles, power plants, industrial facilities, residences and commercial facilities have led to an increase of the earth's temperature."

Temperatures have warmed approximately 0.7C from about 1970 until approximately 2000, while carbon dioxide (CO2) has increased from 320 parts per million (ppm) to approximately 400 ppm today. This relationship of warming temperatures during a period of increasing CO2 does not imply or prove a causal relationship. While greenhouse gas theory predicts an increase in temperature with increasing CO2, the direct increase in temperature due to the observed increase in CO2 is minor compared to the forecast feedback temperature increase predicted by models. Herein lies one of several major inconsistencies in the DEIR.

In order for models to be accepted as valid predictors of temperatures well into the future, they must be able to accurately predict the past historical temperature patterns. While some periods of the past century are modeled sufficiently, there are two major features which have not been accurately depicted in climate models, specifically, the heat waves of the 1930's in the U.S., and the recent flat (i.e. no longer warming) global temperatures observed since approximately 2000. The only conclusion can be that there are phenomena which affect global temperature which are not accounted for correctly, or at all, in the climate models. A discussion of the phenomena is beyond the limits of these comments. However, to continue to use these climate models to develop environmental policy in the face of incontrovertible errors is a huge mistake.

C56-2

The DEIR notes that "The IPCC [Intergovernmental Panel on Climate Change] predicts that the global mean temperature increase between 1990 and 2100 could range from 2.0 to 11.5 degrees Fahrenheit. They project a sea level rise of seven to 23 inches (0.2 to 0.6 meters) by the end of the century" (Chapter 2.5, page 1).

This temperature increase, as a result of increasing CO2, is based on the same models that cannot predict historical temperatures, and should therefore not be considered as valid predictors. In fact, in Figure 1-4 in the leaked IPCC report, to be published in 2014 (and presently available on the internet), indicates a slight COOLING of global temperatures since approximately 2001. It is also important to note in this figure that the global temperatures in 2011 (the last year available in the report) fall outside (i.e. below) the 95% confidence limits of the climate models, confirming the lack of validity of these models in predicting future global temperatures.

It is critical to realize that this decade-long period of cooling temperatures occurred during a period of continuing increases in CO2, and was not predicted by IPCC models. The only conclusion that can result is that the models are incorrect in their attribution of rising temperature on the increase in CO2. These models therefore cannot be used to predict future temperatures, nor can they be considered to develop policy based on the assumption of rising CO2 producing global warming.

The rising surface temperatures predicted by the IPCC global climate models are a primary cause of the rise in global sea level forecast above. Temperatures have been, on average, rising (with periods of warming and cooling) since the Little Ice Age (LIA) ended in about 1850, and there was significant warming in the years 1970 to about 2000. While global sea level has been rising slowly

at a fairly constant rate since the LIA, there has been no observed increase in the rate of sea level rise during the period 1970-2000. This is readily confirmed by plotting the actual sea level observations at San Francisco (available at the NOAA web site) which indicates a rising sea level rate of 2.01mm/yr +/-0.21mm/yr. This rate of increase, also quoted in the DEIR, corresponds to an increase in San Francisco sea level of 7-8 inches by 2100, using the high end of the uncertainty limits. It must be noted that the rate held constant not only during the warming of 1970-2000 but also during the corresponding period of significant increases of CO2. The conclusion here must be that sea level is not dependent on changes in CO2..

**C56-3** However, the DEIR then decrees "For estimates beyond one or two decades, linear extrapolation of sea level rise based on historic observations is considered inadequate and would likely underestimate the actual sea level rise because of expected non-linear increases in global temperature and the unpredictability of complex natural system." There is no evidence in the observations of San Francisco sea level that any change in the rate of increase occurred during previous periods of warming (or cooling). Combined with the assumption of "non-linear increases in global temperature" in the face of flat observed global temperature for the past decade (i.e. there is no nonlinear increase in temperatures, in fact there is no increase at all!), must lead to the conclusion that the prediction of extreme sea level rise in the DEIR are wrong.

**C56-4** Another glaring inconsistency is the statement on Page 1, in discussing climate modeling capabilities, "However, there are limitations to representing the anticipated changes at a downscaled or regional level." The DEIR then goes on to discuss, in some detail, the regional effects predicted by the climate models, including the water supply, infrastructure and wild fires.

The initial statement was correct in that regional climate models have shown no skill in accurately predicting long term effects of climate change on a regional scale. Therefore, any conclusions reached by using regional models are also wrong, and have no place in this report.

**C56-5** The DEIR blames CO2 for both increasing global temperatures and sea level, and then concludes that taking extreme measures to reduce CO2 will solve problems with both warming and higher sea level. However, the above analysis that using historical temperature and sea level observations, not unvalidated model output, proves that the warmer temperatures previously observed (prior to 2000) and the constant sea level rate of increase are both independent of any increase (or decrease) of CO2.. Therefore any decreases in CO2. which might result from the DEIR will have little, if any, effect on either temperature or the rate of sea level rise.

**C56-6** I urge you in the strongest possible terms to delay any implementation of this plan until models can be developed and validated against historical observations of temperature and sea level. To accept this DEIR as is presently written would be irresponsible, and would not be serving the public which you serve.

Signed  
Robert Cohen, Oceanographer  
and Certified Consulting Meteorologist  
Menlo Park

Summary of statements referenced from the Draft Environmental Impact Report

2.4-8

Energy

Use and Global Warming

Scientists and climatologists have produced evidence that the burning of fossil fuels by vehicles, power plants, industrial facilities, residences and commercial facilities have led to an increase of the earth's

temperature. For an

analysis of greenhouse gas production and proposed Plan impacts on climate change,

please see Chapter

## 2.5: Climate Change and Greenhouse Gases.

### 2.5-1

#### PHYSICAL SETTING

##### Global

##### Climate Change

Climate is defined as the average statistics of weather, which include temperature, precipitation, and seasonal patterns such as storms and wind, in a particular region. Global climate change refers to the long term and irrevocable shift in these weather related patterns. Using ice cores and geological records, baseline temperature and CO<sub>2</sub> data extends back to previous ice ages thousands of years ago. Over the last 10,000 years, the rate of temperature change has typically been incremental, with warming and cooling occurring over the course of thousands of years. However, scientists have observed an unprecedented increase in the rate of warming over the past 150 years, roughly coinciding with the global industrial revolution, which has introduced tremendous amounts of greenhouse gases (defined below) into the atmosphere.

Climate modeling capabilities have been greatly enhanced in recent years allowing for the future range of climate change effects to be better understood. However, there are limitations to representing the anticipated changes at a downscaled or regional level. What is certain is that, even if specifics are unknown, the global forecasted future trends will still apply at a local level.

The world's leading climate scientists—the IPCC1—have reached consensus that global climate change is “very likely” caused by humans, and that hotter temperatures and rising sea levels will continue for centuries. The rate at which these changes occur will be affected by current and future anthropogenic emissions. In particular, human influences have:

- ☐ Very likely contributed to sea level rise and increased storm surge during the latter half of the 20th century;
- ☐ Likely contributed to changes in wind patterns, affecting extra-tropical storm tracks and temperature patterns;
- ☐ Likely increased temperatures of extreme hot nights, cold nights and cold days; and
- ☐ More likely than not increased risk of heat waves, area affected by drought since the 1970s, and frequency of heavy precipitation events.

The IPCC predicts that the global mean temperature increase between 1990 and 2100 could range from 2.0 to 11.5 degrees Fahrenheit. They project a sea level rise of seven to 23 inches (0.2 to 0.6 meters) by the end of the century, with a greater rise possible depending on the rate of polar ice sheet melting.

According to the California Energy Commission (CEC), accelerating GCC has the potential to cause adverse impacts in the Bay Area3, including but not limited to:

- ☐ Water Supply: Changes in local rainfall, salt water intrusion, sea water flooding the delta, and a reduced



Sierra snowpack can all threaten the Bay Area's water supply.  
☐ Infrastructure: Increased risks of flooding due to sea level rise, coastal erosion, more frequent and extreme storms, and stronger precipitation events may lead to damage, inoperability, or impairment of critical infrastructure such as wastewater treatment plants, sewage, power plants, and transportation. This would affect not only daily commutes and activities, but also emergency response.

2.5-7

Sea  
 Level Rise  
 Historical  
 Data

Sea levels began rising globally at the end of the last ice age more than 10,000 years ago. Data on ocean water levels is collected continuously from a worldwide network of more than 1,750 tidal gages, and new satellite-based sensors are extending these measurements. The data indicates that the global mean sea level is rising at an increasing rate, and sea level rise is already affecting much of California's coastal region, including the San Francisco Bay and its upper estuary (the Sacramento-San Joaquin Delta). Water level measurements from the San Francisco Presidio gage (CA Station ID: 9414290), indicate that mean sea level rose by an average of  $0.08 \pm 0.008$  inches per year (reported as  $2.01 \pm 0.21$  millimeters per year) from 1897 to 2006, equivalent to a change of about eight inches in the last century.<sup>14</sup>

According to California's Ocean Protection Council Science Advisory Team, future sea level rise projections should not be based on linear extrapolation of historic sea level observations. For estimates beyond one or two decades, linear extrapolation of sea level rise based on historic observations is considered inadequate and would likely underestimate the actual sea level rise because of expected non-linear increases in global temperature and the unpredictability of complex natural systems.<sup>15</sup>

Projected  
 Climate Conditions

Global and regional climate models can be used to project the range of estimated sea level rise rates based on emission scenarios and climate simulations. Global climate models are based on well-established physical principles and have been demonstrated to reproduce observed features of recent climate and past climate changes.<sup>16</sup> Global models provide information about climate response to various scenarios, but usually at a low resolution that does not provide the level of detail needed to make planning decisions at a local level. A regional-based model can provide an evaluation of climate processes that are unresolved at the global model scale. There is a broad range of regional-based climate models from the sub-continental scale with a resolution of approximately 50 kilometers, to a local-scale with resolution of approximately

2.5-9

Sea  
 Level Rise Projections  
 The 2007 IPCC reports estimated that global mean sea levels were projected to rise by 0.2 meters (m) to

0.6 m by 2100, relative to a 1980 to 2000 baseline, depending on future GHG emissions.<sup>18</sup> However, these projections were found to under-predict sea level rise primarily because of the limited ability of global climate models to simulate the dynamics of ice sheets and glaciers.<sup>19</sup> The sea level rise projections associated with the IPCC emission scenarios were subsequently updated to include the dynamics of ice sheets and glaciers, as shown in Table 2.5-2.<sup>20</sup>

#### 2.5-9 Sea Level Rise in San Francisco Bay

Table 2.5-2 presents the sea level projections adopted in the California Sea Level Rise Interim Guidance Document.<sup>21</sup> Additional research regarding global and regional sea level rise has occurred since this guidance document was adopted. A 2012 report by the National Research Council (NRC) assessed historic and projected sea level rise for specific locations along the open Pacific coasts of California, Oregon, and Washington. Table 2.5-3 presents the study findings for local sea level rise near San Francisco.<sup>22</sup> In general, the sea level rise projections presented for San Francisco in Table 2.5-3 are similar to the projections adopted by the State of California presented in Table 2.5-2.

2.5-19  
Wildfires  
Climate change is expected to increase the frequency and severity of wildfires in California by altering precipitation and wind patterns, changing the timing of snowmelt, and inducing longer periods of drought. In addition to the direct threat to human life and property, wildfires emit huge quantities of fine particles such as black carbon, and can cause dramatic short-term spikes in pollution levels, greatly increasing population exposure to PM and other harmful pollutants.

2.5-21  
Urban Heat Islands  
The high concentration of buildings, parking lots and roadways in urban areas create dry, hot microclimates, or “heat islands,” which absorb more of the sun’s heat than surrounding rural areas. As urban areas develop, paved and dark surfaces and impermeable structures replace natural vegetation and open spaces. According to the US EPA, on hot, sunny summer days, the sun can heat dry, exposed urban surfaces, such as roofs and pavement, to temperatures of 50 to 90 degrees Fahrenheit (27 to 50 degrees Celsius) hotter than the surrounding air, while more shaded and open surfaces—often in more rural surroundings—remain close to air temperatures.<sup>34</sup> These impermeable, dark manmade surfaces also tend to retain heat longer after the sun goes down, thus limiting the ability of urban areas to cool off during periods of heat waves.

2.5-25

California

Global Warming Solutions Act of 2006 (AB 32) Assembly Bill (AB) 32, the California Global Warming Solutions Act (Health and Safety Code Section 38500 et seq.), was signed in September 2006. The Act requires the reduction of statewide GHG emissions to 1990 levels by the year 2020. This change, which is estimated to be a 25 to 35 percent reduction from current emission levels, will be accomplished through an enforceable statewide cap on GHG emissions that will be phased in starting in 2012. The Act also directs the ARB to develop and implement regulations to reduce statewide GHG emissions from stationary sources and address GHG emissions from vehicles. The ARB has stated that the regulatory requirements for stationary sources will be first applied to electricity power generation and utilities, petrochemical refining, cement manufacturing, and industrial/commercial combustion. The second group of target industries will include oil and gas production/distribution, transportation, landfills and other GHG-intensive industrial processes.

On December 11, 2008, ARB adopted its Climate Change Scoping Plan (Scoping Plan), which functions as a roadmap of the ARB's plans to achieve GHG reductions in California required by AB 32 through subsequently enacted regulations. The Scoping Plan contains the main strategies California will implement to reduce CO<sub>2</sub>e emissions by 174 MMT, or approximately 30 percent, from the State's projected 2020 emissions level of 596 MMT CO<sub>2</sub>e under a "business-as-usual" scenario. The Scoping Plan also breaks down the amount of GHG emissions reductions the ARB recommends for each emissions sector of the State's GHG inventory. The Scoping Plan's recommended measures were developed to reduce GHG emissions from key sources and activities while improving public health, promoting a cleaner environment, preserving natural resources, and ensuring that the impacts of the reductions are equitable and do not disproportionately impact low-income and minority communities. These measures also put the State on a path to meet the long-term goal of reducing California's GHG emissions by 2050 to 80 percent below 1990 levels.

2.5-26

Local governments retain control of land use planning authority; however, SB 375 amended the California Environmental Quality Act (Pub. Resources Code § 21000 et seq.) to ease environmental review of specific types of developments that are anticipated to reduce emissions. Plan Bay Area is the integrated SCS and RTP for the San Francisco Bay Area, consistent with SB 375.

2.5-27

California

Sea Level Rise Interim Guidance Document EO S-13-08 directs the California Natural Resources Agency, in coordination with other state agencies and the National Academy of Sciences, to assess sea level rise for the Pacific Coast and create official

sea level rise estimates for state agencies in California, Oregon and Washington. The assessment and official estimates are expected in 2012—in the interim, the California Ocean Protection Council convened the Sea Level Rise Task Force, comprised of representatives from 16 state agencies, to provide guidance to state agencies on incorporating sea level rise into planning decisions. The California Sea Level Rise Interim Guidance Document, released in October 2010, seeks to enhance consistency across agencies as each develops its respective approach to planning for sea level rise.

The California Sea Level Rise Interim Guidance Document contains seven recommendations for incorporating sea level rise into project planning:

- ☐ Use sea level rise projections from the December 2009 Proceedings of National Academy of Sciences, along with agency- and context-specific considerations of risk tolerance and adaptive capacity;
  - ☐ Consider timeframes, adaptive capacity, and risk tolerance when selecting estimates of sea level rise;
  - ☐ Coordinate with other state agencies when selecting sea level rise projections, and use the same projections, where feasible;
  - ☐ Do not base future sea level rise projections on linear extrapolation of historic sea level observations;
  - ☐ Consider trends in relative local mean sea level;
  - ☐ Consider storms and extreme events; and
  - ☐ Consider changing shorelines.
- The interim guidance document is expected to be updated regularly, to keep pace with scientific advances associated with sea level rise.

#### 2.5-29

Caltrans directs projects with a life that extends to 2030 or earlier not to assume impacts from sea level rise.

Public Comment on the Draft Bay Area Plan and Draft EIR (State Clearinghouse #2012062029) – Anne Cole

Send to: [eircomments@mtc.ca.gov](mailto:eircomments@mtc.ca.gov) and [info@OneBayArea.org](mailto:info@OneBayArea.org)

This letter is submitted on behalf of the more than 400 residents of Marinwood that signed this letter in opposition to the Draft Bay Area Plan and the Draft EIR. We are in favor of the “No Plan” option. As Marin County residents, we oppose implementation of the current Plan Bay Area draft for the following reasons:

C57-1

1. Open Forum Meetings and Transparency: Local County officials and ABAG/MTC officials, who are responsible for conducting public forums to discuss Plan details and answer questions concerning the Plan for their Marin County constituents, have failed in this task. The majority of our community residents are unaware of the details of this Plan. This is not their fault but the fault of the officials that spent years and millions of dollars developing this Plan without gathering a broad spectrum of community input. Local comment meetings were just a formality with the public expressing their frustration at a group of unresponsive panel members from MTC/ABAG.

Question: Is ABAG/MTC responsible to educate the public on their Plan and allow the public to receive answers to their questions? If yes, when will this occur in an open forum?

C57-3

2. The Plan as proposed by ABAG/MTC uses statistics and data that is not current nor provided by several independent sources. Before implementing a plan that radically impacts this community for the next 50 years it should have been properly vetted by the communities affected and all financial, environmental and social aspects discussed with the public. The Plan has not considered the impact on already overburdened infrastructure, e.g., water, sewer, schools and highways.

C57-4

3. Housing development is being prioritized over building jobs: There are negative consequences in promoting housing that is not balanced with local employment opportunities. These mistakes were made by Vallejo, Stockton, Modesto and San Bernardino which all went bankrupt as a result of incorrect job and growth projections. Portland was another City that learned from this mistake.

4. The Plan Bay Area solution to meeting housing needs is skewed towards non-profit developers that will gain the most advantage from financial incentives to include waivers of development fees, limited parcel taxes in comparison to single family homes, exemptions from basic ad valorem taxes, low interest loans and

## Public Comment on the Draft Bay Area Plan and Draft EIR (State Clearinghouse #2012062029) – Anne Cole

grants from the State of California, federal agencies, ABAG and MTC, as well as fast track processing of permits and environmental review. In addition, the county with the Housing Overlay and the state with the Housing Bonus programs offer no incentive for a private developer to compete with their alternative combination market rate and affordable plan (80% market rate and 20% affordable). The game is stacked against private development from the start.

Question: Why does the Plan provide an unfair advantage to non-profit developers in comparison with for-profit developers? What incentives does a for-profit developer have to compete with the way the Plan is designed? Is this the free enterprise system at work under the Plan Bay Area?

5. Housing is being given priority over Transportation and Traffic Improvements: Planning for mass housing prior to implementing sufficient public transportation and infrastructure leads to grid lock and higher pollution. A legitimate transportation infrastructure needs to be effectuated before any housing developments are discussed.

C57-5

Question: Does ABAG/MTC have proof that public transit and other forms of transit will not increase Green House Gas emissions above the levels that light trucks and cars are producing in Marin County?

C57-6

6. A thorough analysis of alternatives to reducing Green House Gasses by high density Transit Oriented Development has not been conducted and current studies have discredited past findings contained in the DEIR.

Question: What current proof does ABAG/MTC have that high density transit oriented developments will reduce greenhouse gas emissions sufficiently to offset the impacts of these developments?

C57-7

7. Affordable Housing: The community has been outspoken about the need to have affordable housing. Residents have supported market rate housing proposals in the past where the for-profit builder proposed townhouses and condos with an 80% market rate and 20% affordable housing component. This ensures sustainability and a healthy community by providing resources to meet infrastructure needs and other public services.

C57-8

8. The contribution of public transit alternatives to CO<sub>2</sub> and diesel particulate emissions have not been adequately investigated in comparison to auto and light

truck emissions currently used by the public. The Plan does not address the impact that the 2025 fuel standards (54.5 mpg) will have on emissions in Marin County.

The Draft Plan Bay Area's DEIR is inadequate in numerous instances, as identified in this Comment Letter.

Sincerely,

A handwritten signature in cursive script that reads "Anne Cole".

Anne Cole

Organized Residents of Marinwood

cc: Marin County Board of Supervisors: [bos@marincounty.org](mailto:bos@marincounty.org)

*Shine*  
 Proposed Housing Density Re-Zoning in Marinwood/Lucas Valley Letter Signators  
 Sponsored by: Organized Residents of Marinwood

| Name              | Address (# and street name) | e-mail | signature |
|-------------------|-----------------------------|--------|-----------|
| BETH PAINTER      | 636 KERBERY DRIVE           |        |           |
| LOUIS PAINTER     | 637 KERBERY DRIVE           |        |           |
| Steve Painter     | 637 KERBERY DRIVE           |        |           |
| SIGRID PAINTER    | 637 KERBERY DRIVE           |        |           |
| ANTHONY SHAFER    | 6504 WALNUTBURY DR.         |        |           |
| TOM KUNKEL        | 651 KERBERY DR.             |        |           |
| Rich Tullgren     | 518 MILLER CREEK            |        |           |
| Dore Rosenberg    | 651 Edithway Rd.            |        |           |
| Norme Deasy       | 2200 Hudson Terrace         |        |           |
| DAVID GONDLEY     | 2300 Mulberry Ter.          |        |           |
| Julian Newman     | 2201 Mulberry Ter.          |        |           |
| Catherine Nielsen | 618 Miller Creek Rd         |        |           |
| James Nielsen     | "                           |        |           |
| Mary Nielsen      | "                           |        |           |
| Kathy Shumaker    | 610 Miller Creek Rd         |        |           |
| Maei Ward         | 590 Miller Creek Rd         |        |           |
| GAM SAMMILLER     | 578 MILLER CREEK RD         |        |           |
| Joel Sammiel      | 578 MILLER CR RD            |        |           |
| Bill Buckner      | 564 MILLER CR RD            |        |           |
| Derinda Lindstrom | 571 MILLER CREEK RD         |        |           |

emails and signatures deleted  
 for security purposes



May 1, 2013

MTC  
 Plan Bay Area Public Comment  
 101 Eighth Street  
 Oakland, CA 94607

## RE: COMMENTS ON DRAFT EIR – BAY AREA PLAN

*The following comments are respectfully submitted regarding the Draft Environmental Impact report (DEIR) for the Bay Area Plan.*

C58-1

**LAND USE PATTERNS** – The DEIR allows communities to “build out” into within their respective current boundaries. Given the fact that many of the out-lying communities of the Bay Area have not yet fully expanded into their existing boundaries, this would allow approximately 25% increase in suburban-type develop that would be predominately served by automobile transportation modes. Many cities in the Bay Area have expanded their boundaries but have not yet developed these lands. This is particularly true in outlying communities of the Bay Area. To continue to develop into these yet to be developed areas will only exacerbate transportation densities, particularly automobile traffic.

- Curtail Expansion Into Undeveloped Areas – The DEIR needs to look at the alternative of curtailing such further expansion of automobile-centric development as opposed to increasing the urban density within the existing built areas of each city.
- Compare Expansion versus Internal Development – The DEIR needs to compare the effects of compact internal development within current built boundary inside each city’s city limits, to instead filling out into undeveloped areas of each city.

**OVERRIDING CURRENT GENERAL PLANS** – The DEIR needs to analyze the difference in density and its potential affects on transportation between the allowed lower density of many cities’ general plans as opposed to higher densities in each city’s urban core. The DEIR takes each city’s general plan as a given, where instead the alternative of higher density needs to be addressed. The lower density zoning of many cities has a potential adverse impact on traffic, the potential for increase in pollution and travel times.

- Analyze higher density urban cores of cities – The potential for increasing the internal density of each city’s urban core – particularly those served by existing public transportation systems – over the existing density in their current general plan; disregarding the limitations imposed by cities on their own density.

**ALTERNATIVE INTRA-URBAN SUBWAY SYSTEMS** – The DEIR needs to investigate the potential impact of a system of intra-urban subways in each community – interconnected throughout the Bay Area – that supplants and supports greater density along urban corridors. Except for minor increase in bus and BART services, with highway widening, the DEIR completely ignores the potential of intra-urban subway systems.

To: MTC/ABAG

Subject: Plan Bay Area Draft EIR Comment

Date: 5/15/13

## **One Bay Area Plan: Show Us The Water**

Climate change and global warming have arrived.

While the debate continues as to cause---be it natural periodicity or global civilization's unchecked spewing of greenhouse gases---there is little disagreement as to the effects.

And those effects increasingly are coming home to roost.

"The Arctic is getting hotter faster than any part of the globe. Experts predict the region will be free of sea ice during the summer within about 20 years. Sea ice is important because it keeps the rest of the world cooler, and some scientific studies suggest that its melting may be indirectly connected to the extreme weather in the United States and elsewhere in the past few years, changing global weather patterns, including the track of Hurricane Sandy." (Associated Press, 5/12/13).

Against this background, enter Plan Bay Area, AKA the One Bay Area Plan.

C59-1

### **PBA Lacks Foresight Relative To Water**

Given increasing variability in weather patterns, superstorms in some places and droughts in others, one would hope that Plan Bay Area would be a wise plan---especially in regard to scarce regional water resources. Unfortunately, this is not the case.

The two state super agencies that have authored this plan have chosen, incomprehensibly, to lull all stakeholders to sleep in regard the amount of additional water resources necessary to support the expansion of the Bay Area population from its current 7.1 million to 9.3 million by 2040.

"Does California Have The Water To Support Population Growth?" is a two-page brief by prestigious the Public Policy Institute of California. Available for online viewing, the brief summarizes a report by Ellen Hanak, 2005, titled "Water for Growth: California's New Frontier". The report says state population is supposed to hit 48 million by 2030, putting pressure on for 40 per cent more water delivery to people alone. The report states, perhaps over optimistically, that the situation is not as dire as it seems because future supply shortfall could be made up by capturing groundwater in storage tanks, recycling water and deploying other conservation methods. It further states that big projects, under SB 610 & 221 known as the "show me the water bills", need to show adequate long term supply before moving forward. Additionally, the Urban Water Management Planning Act of 1983 requires large municipalities every five years to submit a comprehensive supply and demand document. But in 2000 one sixth did not do so at all and many other municipalities submitted reports lacking details. This led to the conclusion that a lot of municipalities were banking on "paper water"---or water being used by other agencies within the system.

## **PBA Relies Heavily On Paper Water**

“Paper water” is a term in the water industry for a lapse of concrete thinking. Paper water is that which by historical “water rights” may belong already to other users in the state system. It also can be an envisioned future supply that may never materialize.

In the end, both amount to the same: zero. Plan Bay Area, as it has been presented to a populace largely unschooled on water issues, banks far too heavily on present wishes in regard to future water.

Certainly, many thousands of state bureaucrat hours were dedicated to the creation of this over-arching plan that purports to mesh regional housing growth with environmental stewardship through the year 2040. The Plan Bay Area Draft online fills 166 laboriously worked pages. But this centerpiece document is a gruel-starved midget relative to the Draft EIR, which lumbers in at a full-figured 1300 plus.

## **On Water Supply, Plan Bay Area Leaves Many Unanswered Questions**

The big question for us in the nine-county region is what water might or might not be present in the system---including watersheds, pipelines and aqueducts---to support a tide of newcomers, projected at 2.1 million by 2040.

However, that is the very question that the EIR dances around.

One has to go hunting for water supply in the section titled “Public Utilities & Facilities”. Plowing through a confusing maze of charts and graphs, one is left not with reassurance but rather disquieting questions as to future supply.

**C59-2** ---“Reducing water demand through conservation is a key component of improving water supply reliability in the Bay Area (p. 14).” Question: Given that we in the Bay Area have already become fairly adept conservers, is it realistic to think that demand per capita will keep falling as population rises?

**C59-3** --- “In general, demand management strategies should allow Bay Area water agencies to continue to meet projected demand through 2030 in average years (p. 19).” Question: what happens in a period of major climate change when nature herself decides to play the wild card and all bets are off on “average”?

**C59-4** ---“The greatest proportion of Bay Area water is imported from Sierra Nevada and Delta sources, comprising approximately 66 percent of supply (p. 13).” Question: What do thirsty utilities do in the event of back to back dry years similar to this one when end of March 2013 measurements of the Northern Sierra snow pack showed 52 per cent of normal?

**C59-5** ---A graph on p. 22 show the 2035 “projected service area population” of Marin Municipal Water District at 207,000 but neglects to say what that service population is currently, thus depriving readers of a realistic assessment of growth under PBA. This is a serious omission considering the fact that Marin is in a deficit position in regard to water and imports 25 per cent on average annually from Sonoma County.

## **PBA Does Not Provide Credible Water Supply Assessment**

True, the PBA staff writers have labored mightily. But they have missed the mark in two major areas of concern.

C59-6

Firstly, they have not furnished a credible 20-year Water Supply Assessment plan---factoring in possible **multiple dry years**---as is required of big development projects under CEQA, State Water Code #10910.3 and also SB 610/221, two bills passed in 2001. It was SB 610 that established a 500-unit thresh hold for new residential projects, passing beyond which a developer would have to supply a water supply assessment plan.

State Water Code #10910.3 states the following:

“If the projected water demand associated with the proposed project was not accounted for in the most recently adopted urban water management plan, or the public water system has no urban water management plan, the water supply assessment for the project shall include a discussion with regard to whether the public water system's total projected water supplies available during normal, single dry, and **multiple dry water years** during a 20-year projection will meet the projected water demand associated with the proposed project, in addition to the public water system's existing and planned future uses, including agricultural and manufacturing uses.”

The need for a water supply assessment which factors multiple dry years also is cross-referenced in the state's Urban Water Management Plan Guidebook 2010. That document cites an additional, corroborating section of the Water Code, 10631 c-1:

“Each (local) water supplier shall describe the reliability of the water supply and vulnerability to seasonal or climatic shortage, to the extent practicable, and provide data for each of the following (A) An average water year, (B) a single dry water year, (C) **Multiple dry water years.**”

Yet the Plan Bay Area EIR inexplicably focuses on the impacts associated with a single dry year shared by the nine county water suppliers, noting in summary on Page 48:

“More locally, land development through 2040 served by the Marin Municipal Water District, San Francisco Public Utilities Commission, Santa Clara Valley Water District, or Zone 7 Water Agency should have adequate water supplies in both regular and single dry years. Therefore, development in those areas should have impacts that are less than significant (LS).”

The reader is left to wonder: why then this glaring omission in furnishing comprehensive water supply projection data? Have the PBA planners just overlooked it? Or, have they simply chosen to ignore their obligations as a guiding entity? If the later is true, why is PBA hiding the facts on **multiple dry year** projections? Is it because planners well realize that they are on very dangerous ground if, down the road, nature decides not to cooperate with PBA and institutes her own regime of multiple dry water years?

We in the Bay Area have endured water rationing before. Add with the massive population growth foreseen by PBA, water rationing in the future undoubtedly would be even more severe than in the past.

**C59-7** There is still another possibility also to explain the Draft EIR's silence on this issue. Perhaps MTC/ABAG planners simply think they don't have to supply a full set of water supply assessment figures.

In the annals of state government, it is truly unprecedented that a regional agency like MTC/ABAG should exert such powerful control over local agencies and municipalities. What has evolved is a bizarre, tiered system of command and control where MTC/ABAG works all the levers from up above but then offer disclaimers as to ultimate responsibility for the land use decisions imposed on the locals.

Witness the caveat that accompanies each mitigation measure proposed in the EIR:

"MTC/ABAG cannot require local implementing agencies to adopt the above mitigation measures, and it is ultimately the responsibility of a lead agency to determine and adopt mitigation..."

Perhaps MTC/ABAG will say they cannot be held responsible for impacts or adverse affects on the environment because, after all, they are not developers but rather just regional planners, therefore removed from serious scrutiny. They likely will argue that their overarching plan in general and non-specific in nature.

I would argue that Plan Bay Area is NOT EXEMPT from comprehensive water supply analysis since its population growth projections are intended and will be used as a baseline from which to assign specific Regional Housing Needs Analysis (RHNA) numbers to local municipalities. Further, Plan Bay Area has designated numerous and quite specific Priority Development Areas in which it will concentrate future population growth. State agencies typically use the threat of withdrawal of transportation improvement funds from local municipalities who refuse to rezone local neighborhoods to be both RHNA and PDA compliant.

Further, local housing advocates in the past have sued successfully over local municipalities' refusal to rezone to meet RHNA numbers.

Thus, PBA planners use a sort of carrot and stick coercion, call it soft force if you will, to produce their desired outcomes.

As such PBA planners are really fully committed developers and should be subject to the same state provisions---codes, laws and legislative directives---as normally apply to big developers.

Do I quibble here?

Not at all, considering that Plan Bay Area sets the stage for assigning to local municipalities the responsibility for zoning for 634,000 new housing units to be created 2035...Let me repeat: 634,000!...That's 1268 times 500 thresh hold mentioned above.

What is being proposed here is massive development on an unprecedented scale. The figure of 634,000 comes from page 21 of the Plan Bay Area Draft report.

## **C59-8 On Water Supply PBA Misses The Picture Of The Larger Ecosystem**

But, wait, there is another big sinkhole in the Draft EIR!

The second major drawback is that the EIR excludes the big water needs of the larger ecosystem. That is to say our drier and ever expanding neighbors to the South, our

Central Valley farmers who let fields go fallow for reduced supply and also our Delta's aquatic species that find their very liquid lifeline shrinking.

As state population expands will we choose to share more with Southern California neighbors? Or will our own mounting needs force us to try and out compete? The EIR offers no crystal ball.

Modern environmental thinking sees the environment as one interconnected whole. But PBA Draft EIR chooses, inexplicably, to forgo this larger vision.

"Water In California" (Wikipedia) brings up an online discussion of the different kinds of state water "rights" and how they've been exercised over the years, including the historic water wars that have occurred in dry periods between competing user groups. The site's graphic map also shows major supply lines, including aqueducts, that link North and South.

It is well to keep in the mind the State Water Project is the largest water supplier in the state. The SWP removes water from the Oroville Dam as it flows into the Sacramento Delta and directs that water towards the south end of the San Joaquin Valley, where it then has to be pumped over the Tehachapi Mountains. Beyond the Tehachapis, the California Aqueduct splits---with water being stored in a series of reservoirs to be drawn down by users in the southern part of the state. Because of the vast amount of energy required to pump water over the rugged Techachapis, the SWA (State Water Project) is the largest consumer of energy in the state.

We in the Bay Area also have our own intricate series aqueducts and canals that link the nine counties. That graphic is shown on page 17 of PBA Draft EIR, "Utilities and Public Facilities". Some counties, by virtue of location and topography, are more water rich than others. From these "Peters" are extracted the supplies to nourish the more meagerly endowed "Pauls". But it all takes energy, massive pumps at the points of origin, to divert water to neighboring county reservoirs. Energy output under SB 375 that we are committed to lessening if we hope to achieve a cumulative reduction of greenhouse gases.

For us, in the nine counties, future seeing and speculation breeds uncomfortable scenarios.

For example, what would happen in a future major dry period, when all counties are hurting, and Peter opines, "No more will I be robbed of water to pay Paul!"?

Does Peter then take a tighter grip on what he considers to be local and his "own"? And what then of Paul?

Surely Paul is miffed. But the argument also could possibly evolve well beyond that.

Historically, as a mass, human beings don't show their best behavior when they are either (A) hungry or (B) thirsty. They do at times get mighty angry. They manifest in periods of social unrest.

C59-9

It is well for regional planners to think more deeply about these highly important water supply issues. So far they have not demonstrated the deep thinking necessary to allay concerns over Plan Bay Area and regional water supply.

And it is also appropriate that the 29 local elected officials from nine counties who hold the vote on Plan Bay Area should vote "No Project" on this very deficient document.

That is after all, just a way of being true to the best interests of their constituencies.

It also is a way of sending a terse message to over reaching state planners:

## **Show Us The Water!**

Submitted By:

Peter Hensel



Corte Madera, CA 94925



To:MTC/ABAG

Plan Bay Area Public Comment  
101 8<sup>th</sup> Street  
Oakland, CA 94607

Date: May 15, 2013

## **In Violation of CEQA, PBA And Its PDA's Will Destroy Established Neighborhoods**

C60-1

### **PUBLIC RESOURCES CODE**

#### **SECTION 21000-21006**

21000. The Legislature finds and declares as follows:

(a) The maintenance of a quality environment for the people of this state now and in the future is a matter of statewide concern.

(b) It is necessary to provide a high-quality environment that at all times is healthful and pleasing to the senses and intellect of man.

(c) There is a need to understand the relationship between the maintenance of high-quality ecological systems and the general welfare of the people of the state, including their enjoyment of the natural resources of the state.

(d) The capacity of the environment is limited, and it is the intent of the Legislature that the government of the state take immediate steps to identify any critical thresholds for the health and safety of the people of the state and take all coordinated actions necessary to prevent such thresholds being reached.

(e) Every citizen has a responsibility to contribute to the preservation and enhancement of the environment.

(f) The interrelationship of policies and practices in the management of natural resources and waste disposal requires systematic and concerted efforts by public and private interests to enhance environmental quality and to control environmental pollution.

(g) It is the intent of the Legislature that all agencies of the state government which regulate activities of private individuals, corporations, and public agencies which are found to affect the quality of the environment, shall regulate such activities so that major consideration is given to preventing environmental damage, while providing a decent home and satisfying living environment for every Californian.

21001. The Legislature further finds and declares that it is the policy of the state to:



(a) Develop and maintain a high-quality environment now and in the future, and take all action necessary to protect, rehabilitate, and enhance the environmental quality of the state.

(b) Take all action necessary to provide the people of this state with clean air and water, enjoyment of aesthetic, natural, scenic, and historic environmental qualities, and freedom from excessive noise.

## **Hello, State Planners, You Intend To Willfully Violate CA Public Resource Code 21001(b)**

Dear State Planners, are you awake this morning?

I wonder.

It seems that you all went to sleep for the many months that it took to draft Plan Bay Area and its accompanying EIR.

That's why I begin my letter this morning citing the preamble and beginning articles of CEQA---all of which admirably demonstrate the spirit and intent of this landmark legislation passed in 1970.

The lawmakers who wrote the California Environmental Quality Control Act, now embedded in the State Public Resource Code, would perhaps shudder at much of which is being proposed today and touted as an improvement of quality of life for all.

I'm speaking particularly about One Bay Area Plan and your intention to identify Priority Density Areas near transit and put the muscle on local municipalities to rezone accordingly---regardless of whether your new high-density construction would disrupt the tranquil atmosphere of established single-family neighborhoods.

You entirely forget, it seems, that many of the homeowners---who are also, by the way, are stakeholders---bought their properties so that they could live a quiet life separate from the urban style congestion that you state planners now so zealously want to reinsert.

Oh yes, I use the word "zealously" because it's entirely descriptive of your actions.

"21001. The Legislature further finds and declares that it is the policy of the state to:

(b) Take all action necessary to provide the people of this state with clean air and water, enjoyment of aesthetic, natural, scenic, and historic environmental qualities, and freedom from excessive noise."

So, what about this section 21001 (b) of the Public Resource Code?

In your rush to institute top down command and control planning "for the good of all" you completely ignore the protection offered by 21001 (b). Make no mistake, quality of life will be affected, quite negatively, by increased density forced upon neighborhoods who do not see this One Bay Area Plan as a social panacea.

And panacea definitely it is not.

## **Reality Check: The Truth About High Density Living**

I am not a NIMBY.

I have a single-family house in an historic neighborhood in Corte Madera. The neighborhood is a mix of single-family homes and apartments. About 50-50 in terms of balance. Here is my situation: directly across the street, there is a duplex; next door to the east, I have a five-unit apartment building; same on the west side, five units of apartments; behind my property, to the south, are town houses.

So you see I am, so to say, a AIMBY---translated as It, meaning High Density, is “Already In My Back Yard.”

I have lived in my present location for 40 years and intend to stay for quite a few more mainly because of my greenspace---a big piece of property that actually has the type of yard that used to be more prevalent 45 years ago. The deer come and go. So do the night creatures, raccoons and opossums. And birds, also, lots and lots of birds.

Why am I telling you all this? Because I have the experience---the “street cred”---to speak on the subject of NIMBYism.

Let me tell you this: One has to be a diplomat to live in a neighborhood like mine because people are, after all, just people. The larger the group coming and going as a transient population of renters, the larger statistical sampling---AND VARIATION---you get as to social outlook and orientation, morality and what I call just plain old fashioned manners. Put simply, in regard to the kinds of people I’ve seen passing through my neighborhood, there are some very good people, some overall good, many in between, some sketchy and finally some just plain bad. That last category is the kind of person that is a disaster that has already happened. Their personal life is a mess. They are angry at life. And they inflict their attitude and lack of consideration on neighbors.

So what are the chief annoyances of high-density living? They are what I call the Big Four: excessive noise, dropped trash, parking in front of driveways, dog poop.

So tell me, dear planners, how does high-density living---AKA diversity---improve the quality of life for all?

It does not.

Nor should “social justice” be the rationale for foisting this ideology on quiet neighborhoods doing their level best to remain free of the Big Four Disturbances.

## **Stop Using The Pejorative “NIMBY” In State Publications**

Actually, I’ve come to detest the word NIMBY. It’s actually a smug kind of slam. It carries the connotation of moral superiority, namely that “we know better than backward you what’s best for you and yours” NIMBY has become a cover and an excuse for pushing the agendas concocted mostly by state planning zealots and developers. The word has been so overused of late that it literally makes me sick and also quite angry. NIMBY, regrettably, has even found its way into official state publications.

It strikes me that state planners, tasked with setting what should be forward-looking public policy, have not done a perfect 180-degree turn from the environmental thinking prevalent when CEQA was written.

How bad has it gotten, this slide into a backward development-oriented mindset?

Two years ago, it would have seemed scarcely believable to imagine state bureaucrats employing name calling in order to push their ambitious plans for regional growth.

Yet astonishingly, there it is---the N\_\_ word---embedded twice in an official state publication.

“NIMBYism can be prevented.”

“Good Design Beats NIMBYism In Irvine.”

Oh, but it’s true. These quotes are to be found in a publication titled “Myths And Facts About Affordable And High Density Housing” published by the California Department of Housing and Community Development. Simply go online, type the title in the search box---which brings up the state-sponsored brochure---and then scroll down to Page 7. Up for further amazement? Drop to the end and view the credits, citing a galaxy of state sponsored studies and experts---some 54 references in all.

The point is that the bureaucrats of the state’s alphabet agencies (ABAB, MTC, BAAQCB, BCDC, et al) now think they no longer need or want to hear dissenting views on their proclamation that “Density....at between 20 and 50 units per acre can be designed to fit in most California communities.” (See page 6.)

Apparently, if you raise a democratic voice in opposition, you just haven’t correctly understood. You simply have failed to recognize the benefits of what futuristic state planners envision as a multitude of perfectly designed, perfectly dense, perfectly diverse and socially equitable multi-story developments located near transit. Quite possibly coming, sooner rather than later, to a suburban neighborhood near you.

### **What Kind Of EIR Is This That Ignores Existing Residents, I.E, People?**

C60-2

The Bay Area Plan Draft EIR is a marvel in the care and attention given to possible impacts on flora and fauna. The section on “Biological Resources” fills 80 pages of the 1300+ page EIR. Predictably, state planners foresee no impacts on sensitive species once ample mitigation measures are deployed to potential construction sites.

Consider breeding raptors. The state proposes to establish a “no-disturbance buffer zone around active nests during the breeding season until the young have fledged and are self-sufficient....” For raptors, that buffer is a minimum of 250 feet. (Page 66).

The state has good reason to tread cautiously here.

“‘Take,’ as defined in Section 9 of the FESA (Federal Endangered Species Act), is broadly defined to include intentional or accidental ‘harassment’ or ‘harm’ to wildlife.” (Page 39, PBA Draft EIR.)

### **In The State’s View, People Apparently Are Less Significant Than Breeding Raptors**

Yet, in all 80 pages, state report writers make zero (0) mention of possible impacts to the human ecosystem and human “nesting” sites once single-family neighborhoods are designated Priority Development Areas, rezoned accordingly and dense multi-story development goes forward. How very odd considering that many in suburbia bought their homes to escape the very urban noise and congestion that state planners now want to re-insert. Do state report writers tacitly assume that human beings are less biologically significant than breeding raptors? How about the “take” of human quality of life?

Add NIMBY name-calling and you’ve got a serious case of STATE BAD MANNERS.

C60-3

In closing, let me say that both the Plan Bay Area Draft and its Draft EIR clearly violate the spirit and intent of State Resource Code 21000-c:

"(c) There is a need to understand the relationship between the maintenance of high-quality ecological systems and the general welfare of the people of the state, including their enjoyment of the natural resources of the state."

Yes, there is a need to understand the relationship of people, as well as flora and fauna, to the environment. All require their comfortable living space and their buffer, to some extent, from annoyance and distraction. The buffer cannot be the same for all. That is why some people actually choose the urban environment as their preferred home. Fine, let them. And god bless.

But, dear planners, I suggest that you let cities be cities and towns be towns. It is a very ill-conceived plan that wants to urbanize the suburbs. By definition, the people who chose to live there, in the suburbs, do not want to be urban or become part of the urban environment.

### **Freedom Of Choice IS American**

And freedom of choice is the very essence of being American, is it not? If I've succeeded in waking you up, you must surely agree. That above-mentioned need to understand the relationship people-to-environment (21000-b) has not been met by you. Therefore, I ask you to scrap the ill-conceived One Bay Area Plan that elevates ideology and interests of developers high above those of the environment and living human beings. Go back to your drawing boards and write a new plan that is fair to all types and classes of people and does not wish to "Streamline CEQA" out of its very existence.

Sincerely,



A 94925

***Eleanor S. Hansen***

**Sunnyvale, CA 94087-1505**

May 14, 2013

MTC-ABAG  
EIR Comments  
101 8<sup>th</sup> Street  
Oakland, CA 94607

Re: Plan Bay Area Draft Environmental Impact Report (DEIR)  
(SC #2012062029)

Dear Ladies and Gentlemen:

I submit this letter on behalf of the Livable Neighborhoods League of the South Bay (a 501(c)(3) organization) and myself, a business owner whose business location is in San Francisco and whose residence is in Sunnyvale. I object to the failure of MTC and ABAG to prepare and consider a full disclosure of the environmental impacts of the Plan Bay Area proposed projects prior to considering approval of the said Plan Bay Area if approval is based only on the information presented in the referred to DEIR.

C61-1

C61-2

Any objective review of the Draft Environmental Impact Report (DEIR) prepared allegedly pursuant to the California Environmental Quality Act (CEQA), Public Resources Code Section 21000 et seq. for the Plan Bay Area discloses that it does not contain a most needed “baseline” for any adequate environmental analysis, thereby leading to a failure to disclose the need for necessary mitigation measures required by law. Also, it does not discuss any of the even short-term

C61-3

traffic increases in traffic due to implementation of Plan Bay Area. In addition,

C61-4

and at least partly because it does not contain the current and existing “baseline” study, it is not clear that the traffic effects of a clearly expected adjunct of the proposed projects, namely, those expected to use “CEQA streamlining” are disclosed and again a failure to disclose the need for necessary mitigation measures required by law occurs.

C61-5

**Importance of Study of Effect of Plan(s) on Current and Existing Conditions.**

The choice of alternatives chosen to review (see Executive Summary ES-7 and ES-8) while, appearing exhaustive, are in fact not at all in compliance with CEQA. This is because Alternative 1, No project, is not an allowable substitute

for the generally most important “baseline,” namely current and existing conditions.

As discussed by Judge Kevin Murphy in his opinion in *Sunnyvale West Neighborhood Association et al vs. the City of Sunnyvale* (attached; yes, I know it cannot be cited, but it is brief),

An EIR must describe the environmental setting where the project will take place as it existed at the time the notice of preparation was published, or if no notice was published, at the time the environmental analysis was commenced. *Save Our Peninsula Committee v. Monterey County Bd. Of Supervisors* (2001) 87 Cal App 4th 1999. The present environmental setting normally constitutes the baseline by which a lead agency determines whether a proposed project's impacts are significant. CEQA Guidelines §15125(a).

While the inclusion of "normally)" in the Guideline makes clear that deviation from present conditions as a baseline is possible, the very decisions expressly relied on by Respondent, *Fairview Neighbors v. County O/Ventura* (1999) 70 Cal App 4th 238; *Save Our Peninsula Committee v. Monterey County Board o/Supervisors* (2001) 87 Cal App 4th 99, and; *Fat v. County o/Sacramento* (2002) 97 Cal App 4th 1270, make clear that such deviation is meant for unusual circumstances properly documented in an administrative record.

The inappropriateness of using “no project” as a substitute for “current and existing” was also discussed by Judge Murphy in his analysis of *Woodward Park Homeowners Association, Inc. v. City of Fresno* (2007) 150 Cal App 4th 683. In this case

the City of Fresno also claimed to have properly evaluated both present conditions and estimated future conditions. As the Court of Appeal there noted "[i]f the EIR actually did this, its treatment of the baseline would be legally correct. " The 'two-baselines' approach only works if the EIR actually carries out both comparisons. That did not happen in this case. Instead, the EIR had a dominant theme of comparing the proposed project with buildout under existing zoning, combined with a scattered, partial discussion of some of the project's impacts relative to vacant land. " the EIR's bottom-line conclusions on the major impacts at issue emphasized the marginally increased impacts of the proposed project over buildout under existing zoning. ... The upshot of all this is that the EIR never presented a clear or complete description of the project's impacts compared with leaving the land in its existing state. Readers who have been told that the air pollution impact is slight and that the traffic generated will be less than the given benchmark should not have to stop and puzzle it out that these conclusions are based on a comparison with a large office park that is not, in fact, there." *Id.* at 707-709, internal citations omitted.

The situation here is similar to Woodward Park Homeowners Association. There is no comparison of the effects of the proposed plan to current and existing only to the what would be there if all currently approved prior plans were built out. None of us, in the public, can conceive of what that would be like, not tangibly, and thus none of us can know the true environmental impacts of the proposed plan.

**C61-6 Lack of discussion of traffic stimulating impacts of Plan Bay Area.**

The Guide to CEQA <sup>1</sup> under Sec 15126: Consideration and discussion of Environmental Impacts, states the following

All phases of the project must be considered when considering its impact on the environment; planning, acquisition, development and operations. The subjects listed below shall be discussed as directed in Sections 15126.2, 15126.4 and 15126.6, preferably in separate sections or paragraphs of the EIR. If they are not discussed separately, The EIR shall include a table showing where each of the subjects is discussed.

- a) Significant Environmental impacts of the Proposed Project,
- b) Significant Environmental Effects which Cannot be Avoided if the Proposed Project is Implemented,
- c) Significant Irreversible Environmental Changes which would be Involved in the Proposed Project Should it be Implemented,
- d) Growth-Inducing Impact of the Proposed Project.
- e) The Mitigation Measures Proposed to Minimize the Significant Risks,
- f) Alternatives of the Proposed Project.

**C61-7** Given the absence of the use of the appropriate “baseline,” the discussion in the DEIR of these items is meaningless but the absence of any discussion of growth-inducing impacts is particularly troubling. The lack of any discussion of the traffic stimulating impacts leaves a reader with the impression that it is being alleged that there will be no traffic stimulation or induction from the projects of Plan Bay Area, and indeed the summary

**C61-8** starting at ES-13 leads to that conclusion. This is clearly fallacious. And we need a presentation of the estimate of the location and the estimated amount of such traffic increase using a “baseline” of current and existing conditions.

<sup>1</sup> Remey, M.H., T.A. Thomas, J.G. Moose and W.F. Manley, 1999, Guide to California Environmental Quality Act (CEQA). Solano Press, Point Arena, Calif.

C61-9

The assertion that traffic capacity increases do not cause increases in traffic was rejected by the Court in *City of Antioch v. City Council of the City of Pittsburgh* (1986) 187 Cal.App.3d 1325, 1337. The Plan Bay Area DEIR persistently refuses to acknowledge that construction of increased roadway capacity will "permit", "cause", "facilitate", "accommodate", an increase in traffic in the bay area merely due to its implementation. See also *Friends of "B" Street v. City of Hayward* (1980) 106 Cal.App.3d 988, 1003 where the Court found substantial evidence that long term effect of increase in roadway capacity was increased traffic.

### **Lack of discussion of traffic effects (including noise and air pollution) from implementation of CEQA Streamlining.**

C61-10

Streamlined Environmental Review is discussed in the Guide to CEQA (same book as cited above) under Chapter 4.5 and the Guide discusses the subject generally:

Sec 21156: Legislative intent.

It is the intent of the legislature in enacting this chapter that a master environmental report shall evaluate the cumulative impacts, growth inducing impacts and irreversible significant effects on the environment of subsequent projects to the greatest extent feasible. The legislature further intends that the environmental review of the subsequent projects be substantially reduced to the extent that the project impacts have been reviewed and appropriate mitigation measures re set forth in a certified master environmental impact report.

The guide goes on in Sec 21157 (b) Where a lead agency prepares a master environmental impact report, the document shall include all of the following:

- 1) A detailed statement as required by Sec 21100,
- 2) A description of the anticipated subsequent projects that would be within the scope of the master environmental impact report, and contains sufficient information with regard to the kind, size, intensity, and location of subsequent projects, including, but not limited to, all of the following:
  - A. The specific type of project anticipated to be undertaken,
  - B. The maximum and minimum intensity of any anticipated subsequent project, such as the number of residences in a residential development, and with regard to a public works facility, its anticipated capacity and service area.
  - C. The anticipated location and alternative locations for any development projects.



- D. A capital outlay or capital improvement program, or other scheduling or implementing device that governs the submission and approval of subsequent projects.
- 3) A description of potential impacts of anticipated subsequent projects for which there is not sufficient information reasonably available to support a full assessment of potential impacts in the master environment impact report. This description shall not be construed as a limitation on the impacts which may be considered in a focused environmental impact report.

You all (consider this said with a southern accent and not meaning any denigration) appear to be trying to have your cake and eat it too. You are providing no discussion (or at least none easily discernable given that you are not using a current and existing “baseline.”) of the likely projects to use CEQA streamlining, although I find it difficult to believe that you do not know of several likely candidates, but when it comes for review of these projects, I strongly suspect the lead agency having jurisdiction will argue that a full CEQA review is unnecessary because they were covered by Plan Bay Area DEIR.

This is not adequate disclosure.

#### Restatement and Summary

**C61-11** Any objective review of the Draft Environmental Impact Report (DEIR) prepared allegedly pursuant to the California Environmental Quality Act (CEQA), Public Resources Code Section 21000 et seq. for the Plan Bay Area discloses that it does not contain a most needed “baseline” for any adequate environmental analysis, thereby leading to a failure to disclose the need for necessary mitigation measures required by law. Also, it does not discuss any of the even short-term traffic increases in traffic due to implementation of Plan Bay Area. In addition, and at least partly because it does not contain the current and existing “baseline” study, it is not clear that the traffic effects of a clearly expected adjunct of the proposed projects, namely, those expected to use “CEQA streamlining” are disclosed and again a failure to disclose the need for necessary mitigation measures required by law occurs.

Very truly yours,



Eleanor S. Hansen

Enc.

## Plan Bay Area 2040 Final Environmental Impact Report

**From:** Lorri Leard [REDACTED]  
**To:** <info@OneBayArea.org>  
**Date:** 5/15/2013 4:49 PM  
**Subject:** Plan Bay Area

To Whom It May Concern:

C62-1

I am writing to express my strong concern regarding the proposed Plan Bay Area. I am most concerned about how the proposed plan would impact the environment and the health of the residents in the planned development areas.

I have been a resident of Tamalpais Valley in Mill Valley for the past 7 years. I am increasingly concerned about the worsening traffic and congestion. I am concerned about the health of the community and the impact on the environment. A new housing development would worsen the traffic and living conditions, which already seems to become worse on a weekly basis.

I respectfully request that you remove Tam Valley from the proposed sites for future developments, and obtain additional information regarding the impact that the overall plan might have on the environment before proceeding with the approval of the plan.

Thank you for your time and consideration.  
Lorriana Leard

[REDACTED]  
Mill Valley, CA 94941

May 15, 2013

Send to: [eircomments@mtc.ca.gov](mailto:eircomments@mtc.ca.gov) and [info@OneBayArea.org](mailto:info@OneBayArea.org)

Public Comment on the Draft Bay Area Plan and Draft EIR (State Clearinghouse #2012062029)

**Re: Plan Bay Area – No Reduction in Number of Cars**

This letter is sent on behalf of various residents of Marinwood who oppose the Draft Bay Area Plan and the Draft EIR. We are in favor of the "No Action Plan" option and insist that the Marinwood potential PDA be removed from the plan in particular. As residents of Marin County, below is just one of the reasons why we oppose implementation of the current Plan Bay Area draft:

C63-1

High density housing near the freeway/transit will not reduce the number of cars in Marin County. People need vehicles for so much more than going to and from work. They need to take their kids to school, sporting events, field trips, etc. They need to make trips to Home Depot and Target for home supplies that are too large to walk with and carry on a bus. They will want to go out to restaurants, and have nights out after the transportation hours have become less convenient. In theory public transportation is great, but in practice it is not functional in rural/suburban areas like Marin. The Plan needs to be based on reality, not on best-case scenarios.

C63-2

Question: With residents having to cover a more spread out region, how does Plan Bay Area hope to realistically replace the needs that only personal transportation can provide in a rural/suburban county like Marin? Can Plan Bay Area truly provide transportation to every location that residents need to go to, or will residents more realistically be left stranded disconnectedly trying to get from one destination to another?

The Marinwood potential PDA makes little sense, and has no regard for the long-term financial and social consequences that large scale, high density, affordable housing will have when it is built in a location that doesn't have the infrastructure to support it. We look forward to hearing your response and seeing how the Plan will change to address our concerns.

Sincerely,



Jill Kai  
Organized Residents of Marinwood

cc: Marin County Board of Supervisors: [bos@marincounty.org](mailto:bos@marincounty.org)

Proposed Housing Density Re-Zoning in Marinwood/Lucas Valley Letter Signators  
Sponsored by: Organized Residents of Marinwood

| Name                           | Address (# and street name) | e-mail | signature |
|--------------------------------|-----------------------------|--------|-----------|
| Frank & Jan, 350 Quietwood Dr. | 350 Quietwood Dr.           |        |           |
| Dee Davis                      | 350 Quietwood Dr.           |        |           |
| David Wimer's                  | 347 Quietwood Dr.           |        |           |
| Susan Witting                  | 347 Quietwood Dr.           |        |           |
| STEVEN BOYCE                   | 353 QUIETWOOD DR            |        |           |
| Kathy Newman                   | 371 Quietwood Dr            |        |           |
| KEITH NEWMAN                   | 371 Quietwood Dr            |        |           |
| TOK STRONG                     | 379 QUIETWOOD DR.           |        |           |
| Kevin T. Ohe                   | 2716 Heatherston Dr         |        |           |
| Paul Kolowski                  | 380 Quietwood Dr            |        |           |
| Michael Samson                 | 391 Quietwood Dr            |        |           |
| BRADRA JAMES                   | 613 ARTERBERY DR            |        |           |
| Mair Thelker                   | 4 Let Rose Ct               |        |           |
| Bert Thelker                   | " "                         |        |           |
| Elie ASERAD                    | 2175 Danberg Ln             |        |           |
| Deirdre O'Brien                | 1994 Las Gallinas Ave.      |        |           |
| David O'Brien                  | 1994 Las Gallinas Ave.      |        |           |
| Julie Gravelle                 | 5 Mt-Folkner Ct             |        |           |
| Jennifer-Thomson               | 40 Oak Mountain Court       |        |           |

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for security purposes

May 15, 2013

Send to: [eircomments@mtc.ca.gov](mailto:eircomments@mtc.ca.gov) and [info@OneBayArea.org](mailto:info@OneBayArea.org)

Public Comment on the Draft Bay Area Plan and Draft EIR (State Clearinghouse #2012062029)

**Re: Plan Bay Area – Socially Unfair**

This letter is sent on behalf of various residents of Marinwood who oppose the Draft Bay Area Plan and the Draft EIR. We are in favor of the “No Action Plan” option and insist that the Marinwood potential PDA be removed from the plan in particular. As residents of Marin County, below is just one of the reasons why we oppose implementation of the current Plan Bay Area draft:

C64-1

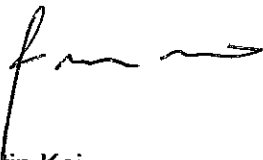
Placing all of the affordable housing in one area, with less desirable living conditions (next to the freeway, high density buildings, etc.) would effectively segregate those with lower income from the rest of the community. This would be a socially unfair practice. Providing housing via home rehabilitation, second units, equity sharing programs, and other programs would allow those with lower incomes to integrate into the community in a much more natural and fair way. New developments will be successful with 20% affordable housing and 80% market rate – allowing for a real diversity of income levels while providing opportunity for those who need it. This also ensures that the community will stay healthy and sustainable by providing the necessary financial resources to maintain our infrastructure and other public services.

C64-2

Question: Since history tends to show that concentrations of high density, predominantly affordable housing developments negatively affect the communities they are placed in, what proof does Plan Bay Area have to claim that such development is contrary to this and is a good idea?

The Marinwood potential PDA makes little sense, and has no regard for the long-term financial and social consequences that large scale, high density, affordable housing will have when it is built in a location that doesn't have the infrastructure to support it. We look forward to hearing your response and seeing how the Plan will change to address our concerns.

Sincerely,



Justin Kai  
Organized Residents of Marinwood

cc: Marin County Board of Supervisors: [bos@marincounty.org](mailto:bos@marincounty.org)

Proposed Housing Density Re-Zoning in Marinwood/Lucas Valley Letter Signators  
Sponsored by: Organized Residents of Marinwood

| Name              | Address (# and street name) | e-mail | signature |
|-------------------|-----------------------------|--------|-----------|
| Becky O'Connor    | 498 Blackstone              |        |           |
| Tove Bauer        | 510 Blackstone Dr.          |        |           |
| Wendy Beach       | 688 Blackstone Dr.          |        |           |
| Jeff Enghard      | 626 Blackstone Dr.          |        |           |
| Mick McEwen       | 555 Blackstone Dr.          |        |           |
| Kyle Hurrell      | 515 Blackstone Dr.          |        |           |
| Robert Stegloff   | 264 Cobblestone Dr.         |        |           |
| Mark Olson        | 263 Cobblestone Dr.         |        |           |
| Stephanie Benson  | 280 Cobblestone Dr.         |        |           |
| Deann Halber      | 294 Cobblestone Dr.         |        |           |
| Paul Comerford    | 251 Cobblestone Dr.         |        |           |
| Michael Weibel    | 252 Cobblestone Dr.         |        |           |
| Alexandra Weibel  | 252 Cobblestone Dr.         |        |           |
| Deanne E. Taylor  | 237 Cobblestone Dr.         |        |           |
| Deanne E. Taylor  | 237 Cobblestone Dr.         |        |           |
| Caroline Johnson  | 251 Blackstone Dr.          |        |           |
| Kim Mollenauer    | 178 Cobblestone Dr.         |        |           |
| Walter Matok      | 178 Cobblestone Dr.         |        |           |
| Debra Olson-Swara | 184 Cobblestone Dr.         |        |           |

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11  
RD/ JK

## Plan Bay Area 2040 Final Environmental Impact Report

**From:** <JLucas1099[REDACTED]>  
**To:** <info@onebayarea.org>  
**Date:** 5/14/2013 10:19 PM  
**Subject:** Draft EIR Plan Bay Area - April 2013 - SCH #2012062029 - comment continued

Association of Bay Area Governments  
May 14, 2013  
Metropolitan Transportation Commission

RE: SCH #2012062029 DEIR Plan Bay Area

Dear Commissioners,

To continue my comment of earlier today, I would like to make one correction in the fifth paragraph, after "ABAG and MTC do 'not' devise land use plans" etc. a 'not' was omitted in comment so do please add it in.

**C65-1** Mentioned earlier was concern about melding of wetland impacts of projects into assessment in linear miles in some cases and acres of wetland impacts in others, without sufficient project details to assess rationale, or even to correlate estimated stream impacts with project number. This makes it quite impossible to assess environmental impacts on wetlands either by project or by stream, and results in a process of 'streamlining' that eliminates meaningful review.

In many cases one can imagine that wetlands loss occurs in both categories, that is in linear loss of SRA and riparian corridor continuity as well as in cumulative acreage of buffer wetlands riverbank vegetation. However, find am at a loss as to how to proceed with evaluation of DEIR when basic wetlands data, with which I am most concerned, is presented in series of unrelated tables that defy analysis, at least by me.

As have been called out of town am not sure that I will be able to get lucid response to you on this matter by Thursday deadline, and understand that no time extension is to be allowed.

In closing, then, would like to make a few points.

~ It is a deficiency in this plan, if I read it properly, that there is no light rail planned to be extended along old route to Santa Cruz as supplement to constrained Route #17 corridor.

~ Vasona extension perhaps needs to connect to a wider public, and could eventually loop to Permanente Quarry line and development in hills behind Cupertino.

~ MTC might consider commute cycling element in this same corridor. Safe commuter cycling routes are decades overdue and can more safely be incorporated with light rail right of way than with automobile traffic.

~ High expenditure on Palo Alto bus terminal seems excessive, as level of bus ridership is never that great. Rail station can provide enough facility for combined transit hub with CalTrain and possibly High Speed Rail.

**C65-2** ~ Numerous ramp extensions and expansions proposed at #280 and Foothill Expressway might negatively impact sensitive area of railroad underpass in Heney Creek ravine and Cal Water drinking water wells, some seventeen of which lie just north of intersection. Please conduct extensive geologic review of any such work.

**C65-3** ~ SFPUC has set caps on water allocations for San Francisco residents as well as Peninsula city clients so regional planning of housing quotas needs to be realistic and respect critical constraints on basic resources.

**C65-4** ~ In consideration of 40 year scope of this regional planning effort, believe you must obtain upgraded maps from FEMA on '100 year' floodplains as to be anticipated under climate change/global warming conditions.

Thank you again for consideration of these concerns and in hopes that eventually will grasp wetlands data.

Libby Lucas

## Plan Bay Area 2040 Final Environmental Impact Report

**From:** Patty Moore [REDACTED] >  
**To:** <info@OneBayArea.org>  
**Date:** 5/15/2013 11:30 PM  
**Subject:** My Opposition to Plan Bay Area and the EIR for Plan Bay Area

To: MTC and ABAG

101 8th Street  
Oakland, CA 94607

I OPPOSE PLAN BAY AREA.

I am submitting my opposition, comments and concerns for both my City of Orinda, California and the other 100+ Bay Area cities that will be changed by Plan Bay Area.

I oppose Plan Bay Area because it eliminates local control of my city, Orinda, CA. Plan Bay Area tells people where they will live, the type of buildings in which they shall live, and the way they must travel. I oppose Plan Bay Area which tells us we should live in densely packed multi-story units in urban centers rather than single family homes; cars should be discouraged in favor of transit; cities should be demographically uniform.

**C66-1** I, therefore, urge Plan Bay Area to select the No Project option for Orinda and ABAG and MTC voters select the No Project option. .

I oppose the Plan Bay Area mandates for high density, low-income housing units (20 units to an acre, incorporating stack and pack.) Documented studies have shown Plan Bay Area stack and pack housing will cost \$300,000 to \$500,000 per unit.

I oppose Plan Bay Area because it requires my city to comply with the Plan in order to receive state or federal transportation funds.

I oppose the Plan Bay Area's impact on property rights which will change real estate and housing markets. There has been no analysis by Plan Bay Area of the impact of high density housing and how it will impact the property values of surrounding properties. The stack and pack housing will often replace existing land uses where the owners will not want to sell. I oppose the use of eminent domain to obtain these properties. I understand the stack and pack housing will have to be subsidized, and therefore the housing will not be economical.

I oppose Plan Bay Area because it doesn't address the impact affordable housing will have on our schools, police department, fire department, traffic, crime and pollution.

I oppose the Plan Bay Area's two unelected and unaccountable agencies--ABAG and MTC. It is reprehensible that a non-elected board dictates the type of housing and where it should exist. I strongly believe Mayor Worth, Chair of MTC, has a conflict of interest and, therefore, she does not represent the City of Orinda.

I oppose the designation of Orinda as a PDA or "Potential PDA". The PDA and Plan Bay Area require 80% of new housing/construction to be within the PDA. This will limit the areas outside the PDA by not allowing construction of new housing and commercial development.

**C66-2** I oppose the Plan Bay Area for its 160 pages and the Draft EIR's 1,300 pages. The public does not have enough time to understand what is in the



Plan or EIR to file comments by May 16, 2013. I am opposed to the complexity of the Plan and EIR.

I oppose the EIR for Plan Bay Area because it may violate local and other environmental codes, laws, and restrictions which were implemented by local and other governments to protect citizens of the Bay Area and the environment.

I oppose Plan Bay Area for not adequately informing the public. The few citizens who are informed about the Plan have expressed grave concerns, and none of these concerns have been addressed in the Plan itself. I am angry that Plan Bay Area's Public Meetings did not address the Draft Plan and how it will affect the citizens of Orinda and the 100+ cities. I attended the Public Meeting on April 22, 2013, and the two Plan Bay Area representatives did not speak to the Public about the Plan.

**C66-3** I oppose Plan Bay Area's CEQA waivers for eligible projects, with reduced parking for these projects. Also, if the plan wants to reduce greenhouse gases, why will discussions of future potential vehicle miles traveled taxes be waived for people living in low-income high-density communities?

I oppose ABAG's designated reduction of cars with the wording--"reduce vehicle traffic". Orinda citizens live in an area where the automobile is a necessity, and parking is a necessity to utilize the commercial businesses located in downtown Orinda.

I oppose my City Council's vote to implement the Plan Bay Area.

I say "NO" to Plan Bay Area,

Patricia Moore  
Orinda, CA Resident

May 15, 2013

Send to: [eircomments@mtc.ca.gov](mailto:eircomments@mtc.ca.gov) and [info@OneBayArea.org](mailto:info@OneBayArea.org)

Public Comment on the Draft Bay Area Plan and Draft EIR (State Clearinghouse #2012062029)

**Re: Plan Bay Area – Lack of Research into Alternative Solutions for Reducing Green House Gasses**

This letter is sent on behalf of various residents of Marinwood who oppose the Draft Bay Area Plan and the Draft EIR. We are in favor of the "No Action Plan" option and insist that the Marinwood potential PDA be removed from the plan in particular. As residents of Marin County, below is just one of the reasons why we oppose implementation of the current Plan Bay Area draft:

C67-1

There are alternatives to reducing green house gasses that have yet to be explored. No decisions to build high-density developments should be made without first conducting a thorough analysis of alternative solutions. There needs to be record of proven, and impactful environmental benefits before the decision to build high-density developments is made. There also needs to be research done to prove that the investment wouldn't be better placed in alternative plans.

C67-2

Question: Where is the proof that high-density developments near the freeway/transit will reduce green house gas emissions? Where is the proof that the reduction in green house gas emissions will be large enough to offset the environmental impact that these transit plans and high-density developments will have?

The Marinwood potential PDA makes little sense, and has no regard for the long-term financial and social consequences that large scale, high density, affordable housing will have when it is built in a location that doesn't have the infrastructure to support it. We look forward to hearing your response and seeing how the Plan will change to address our concerns.

Sincerely,



Hilary Mize  
Organized Residents of Marinwood

cc: Marin County Board of Supervisors: [bos@marincounty.org](mailto:bos@marincounty.org)

Proposed Housing Density Re-Zoning in Marinwood/Lucas Valley Letter Signators  
Sponsored by: Organized Residents of Marinwood

| Name             | Address (# and street name)           | e-mail | signature |
|------------------|---------------------------------------|--------|-----------|
| Thomas Cole      | 2001 Huckleberry Rd. San Rafael 94903 |        |           |
| Wendy Blanton    | 269 Blackstone Dr. San Rafael 94903   |        |           |
| Ruby Basser      | 269 Blackstone Dr. 94903              |        |           |
| Diane Basser     | 2679 Heatherstone Dr. 94903           |        |           |
| Scott Bassen     | 2679 Heatherstone Dr. 94903           |        |           |
| Jason Starr      | 2615 Heatherstone Dr. 94903           |        |           |
| Amy Shive        | 2615 Heatherstone Dr. 94903           |        |           |
| Annie Harding    | 296 Deepstone Dr 94903                |        |           |
| Sharon Losee     | 276 Deepstone Dr. 94903               |        |           |
| Don Losee        | 276 Deepstone Dr. 94903               |        |           |
| Nell Beeman      | 280 Cambridge Dr. 94903               |        |           |
| Lyndie Park      | 135 Blackstone Dr 94903               |        |           |
| Janet Williams   | 322 Blackstone Dr. 94903              |        |           |
| Katherine Lorber | 16 Boxin, San Rafael CA 94913         |        |           |
| Newton Starbuck  | 50 Rhinestone Ter. CA 94903           |        |           |
| Steven Phelps    | 7 Heatherstone Lane, CA 94903         |        |           |
| Jay Scholist     | 226 Deepstone Dr.                     |        |           |
| Mary Colombo     | 181 Deepstone Dr                      |        |           |
| Christina Croce  | 169 Deepstone Dr.                     |        |           |
| Gordon Shifts    | 143 Deepstone Dr.                     |        |           |

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May 15, 2013

Send to: [eircomments@mtc.ca.gov](mailto:eircomments@mtc.ca.gov) and [info@OneBayArea.org](mailto:info@OneBayArea.org)

Public Comment on the Draft Bay Area Plan and Draft EIR (State Clearinghouse #2012062029)

**Re: Plan Bay Area – Insufficient Transportation Infrastructure and Usage**

This letter is sent on behalf of various residents of Marinwood who oppose the Draft Bay Area Plan and the Draft EIR. We are in favor of the "No Action Plan" option and insist that the Marinwood potential PDA be removed from the plan in particular. As residents of Marin County, below is just one of the reasons why we oppose implementation of the current Plan Bay Area draft:

C68-1

Housing has received priority over transportation and traffic improvements. Planning for mass, high-density housing before implementation of sufficient public transportation and infrastructure historically leads to gridlock and higher pollution. A realistic transportation infrastructure needs to be implemented before any mass, high-density housing developments are discussed, much less acted upon.


C68-2

Ridership is often poor in suburban areas. Large buses are often seen only carrying a small amount of people, which seems to be an extreme waste. Efforts to reduce greenhouse gas emissions should be directed to increasing zero-emission vehicles on the road, since personal transportation will always be needed in suburban/rural areas like Marin.

Question: Does ABAG/MTC have proof that public transit will not increase greenhouse gas emissions even higher than the levels that small trucks and cars are producing in Marin County?

The Marinwood potential PDA makes little sense, and has no regard for the long-term financial and social consequences that large scale, high density, affordable housing will have when it is built in a location that doesn't have the infrastructure to support it. We look forward to hearing your response and seeing how the Plan will change to address our concerns.

Sincerely,



Ryan Mize  
Organized Residents of Marinwood

cc: Marin County Board of Supervisors: [bos@marincounty.org](mailto:bos@marincounty.org)

Proposed Housing Density Re-Zoning in Marinwood/Lucas Valley Letter Signators  
Sponsored by: Organized Residents of Marinwood

| Name               | Address (# and street name) | e-mail | signature |
|--------------------|-----------------------------|--------|-----------|
| Kayward Day        | 2663 Heatherstone Drive     |        |           |
| Vickie Day         | 2663 Heatherstone Dr.       |        |           |
| Leann Young        | 201 Cobblestone Dr          |        |           |
| Laura Myers        | 204 Cobblestone             |        |           |
| Patrick Whisler    | 259 Cobblestone             |        |           |
| SESTER SIDENING    | 172 DEEPSTONE DR            |        |           |
| Leslie Kyrnhahn    | 295 Playstone               |        |           |
| Verano V.          | 307 BUCKSTONE               |        |           |
| Cheryl Spitt       | 296 Blackstone Dr           |        |           |
| Todd Stengel       | 2675 Heatherstone Dr.       |        |           |
| Greg Berlin        | 2690 Heatherstone dr        |        |           |
| Kim Berlin         | 2690 Heatherstone           |        |           |
| John Kearns        | 2631 Heatherstone           |        |           |
| Gregory S. Dula    | 2802 Las Gallinas Ave.      |        |           |
| Brendy Williams    | 2970 William Terrace        |        |           |
| Patricia L. Mize   | 417 Blackstone Dr.          |        |           |
| Ken Starr          | 382 Blackston Dr            |        |           |
| Eric Erlandson     | 2580 Heatherstone           |        |           |
| Charles Kellman    | 2742 Heatherstone DR        |        |           |
| Benjamin Truesdell | 12 LUNNET Cr                |        |           |

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for security purposes

## Plan Bay Area 2040 Final Environmental Impact Report

**From:** Paul McDermott <[REDACTED]>  
**To:** <eircomments@mtc.ca.gov>  
**Date:** 5/16/2013 10:05 PM  
**Subject:** Draft Plan Bay Area (The plan) and Draft Plan Bay Area Draft Environmental Impact Report (DEIR)

>> To whom it may concern,

>>

Regarding: Draft Plan Bay Area (The plan) and Draft Plan Bay Area Draft Environmental Impact Report (DEIR)

My wife and I oppose:

>

>> 1. Development that fails to provide adequate financial support for our schools.

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>> 2. Allocating 70% of Unincorporated Marin's housing/affordable housing to our community.

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>> 3. Rezoning our density to 30 units per acre.

>>

>> 4. A concentration of 100% affordable housing for new developments.

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>> 5. Any impact report that is non-cumulative, and limited to one specific development site. | C69-1

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>> 6. Construction without remediating hazardous waste. | C69-2

>>

>> 7. Any construction without a water supply assessment plan.

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>> 8. Construction without identifying the impact to our sewer and storm water lines and treatment facilities. | C69-3

>>

>> 9. Housing that is not balanced with employment opportunities.

>>

>> 10. The change from the 2006 proposal for Marinwood Plaza.

>>

>> Thank you,

Paul and Elizabeth McDermott

[REDACTED]  
San Rafael, Ca. 94903

>>

Public Comment on the Draft Bay Area Plan and Draft EIR (State Clearinghouse #2012062029) – Joe McBride

Send to: [eircomments@mtc.ca.gov](mailto:eircomments@mtc.ca.gov) and [info@OneBayArea.org](mailto:info@OneBayArea.org)

C70-1

This letter is submitted on behalf of the more than 400 residents of Marinwood that signed this letter in opposition to the Draft Bay Area Plan and the Draft EIR. We are in favor of the “No Plan” option. As Marin County residents, we oppose implementation of the current Plan Bay Area draft for the following reasons:

1. Candid and Open Dialogue with the Community: The local and ABAG/MTC officials who are responsible for broadcasting information in this plan to the citizens of Marin have failed in this task. Most residents in our community are unaware of the details of this Plan. This is not the fault of the community but that of the officials who spent years and millions of dollars developing this Plan. Their intent seems clear because it appeared the meetings were simply a formality. The MTC/ABAG panel members at these public comment meetings were unresponsive to the questions and concerns expressed by the residents of the community.

Question: Is it ABAG/MTC’s responsibility to educate the public on their Plan and allow the public to receive answers to their questions? If yes, when will this occur in an open forum?

C70-1.5

2. The Plan as proposed by ABAG/MTC uses statistics and data that are neither current nor vetted by several independent sources. A plan like this that will radically impact the population of the entire County for the next 50 years should have been properly examined by the communities affected and all financial, environmental and social aspects discussed with the public. The infrastructure of the entire County will be severely impacted since our sewer, water, schools and highways are already overburdened.

C70-2

3. The DEIR in 2.12 finds that insufficient water supplies could exist to meet proposed housing developments. Among the Plan’s mitigation measures are conservation measures to use less water to include using drought tolerant plants for landscaping, water conserving fixtures in homes, etc. Marin County has always been a community that has demonstrated conservation practices with our water. The MMWD has had to increase rates to maintain revenues for operations because our conservation measures have exceeded expectations. They also propose that residences reuse water for landscaping and install separate water supply lines for this purpose.

Public Comment on the Draft Bay Area Plan and Draft EIR (State Clearinghouse #2012062029) – Joe McBride

Question: What is the financial impact to our community and water infrastructure to accommodate this mitigation measure?

**C70-3** 4. Housing development is being prioritized over building jobs: There are negative consequences in promoting housing that is not balanced with local employment opportunities. These mistakes were made by Vallejo, Stockton, Modesto and San Bernardino which all went bankrupt as a result of incorrect job and growth projections. Portland was another City which learned from this mistake.

5. Housing is being given priority over Transportation and Traffic Improvements: Planning for mass housing prior to implementing sufficient public transportation and infrastructure leads to grid lock and higher pollution. A legitimate transportation infrastructure needs to be undertaken before any housing developments are implemented.

Question: Does ABAG/MTC have proof that public transit and other forms of transit will not increase Green House Gas emissions above the levels that light trucks and cars are producing in Marin County?

**C70-4** 6. A thorough analysis of alternatives to reducing Green House Gasses by high density Transit Oriented Development has not been conducted and current studies have discredited past findings contained in the DEIR.

Question: What is ABAG/MTC's current proof that high density transit oriented developments will reduce greenhouse gas emissions sufficiently to offset the impacts of these developments?

**C70-5** 7. Building High Density Housing Adjacent to Highways: Segregating the poor into areas close to pollution is socially unfair. Real integration of housing, e.g., Habitat for Humanity single family home rehabilitation, second units, equity sharing programs, senior housing, and others is a more realistic approach for integration with the community. The ability to own a home has always been a dream for everyone. Integration of all income classes in a community provides a diversity which has been the backbone of our Country. There should be a goal of providing starter homes for young families. This ensures sustainability and a healthy community by providing financial resources to meet infrastructure needs and other public services.



C70-6

8. The Plan does not recognize the transportation priorities of the residents. The majority of families in Marin cannot use public transit for daily activities, which include transporting children to and from school, doctor's appointments, sporting events, etc., because public transit is not flexible enough to meet the required timeframes to fulfill those obligations. Also, it is impossible to transport sacks of cement from Home Depot on a bus.

The Draft Plan Bay Area's DEIR is inadequate in numerous instances, as identified in this Comment Letter.

Sincerely

A handwritten signature in blue ink, appearing to read "Joe McBride", with a stylized flourish at the end.

Joe McBride  
Organized Residents of Marinwood

cc: Marin County Board of Supervisors: [bos@marincounty.org](mailto:bos@marincounty.org)

*Delvia*  
 Proposed Housing Density Re-Zoning in Marinwood/Lucas Valley Letter Signators  
 Sponsored by: Organized Residents of Marinwood

| Name                | Address (# and street name)      | e-mail | signature |
|---------------------|----------------------------------|--------|-----------|
| Carla Bey           | 435 Pine Wood Drive              |        |           |
| Lara Paliziani      | "                                |        |           |
| RTA GIBBS           | 633 MILBURN AVE                  |        |           |
| Francine Buckhead   | 446 Miller Creek                 |        |           |
| Ken Miller          | 513 Tully Way                    |        |           |
| Mark Warner         | 2258 Juniperbush Ln.             |        |           |
| Robert Kaufman      | 562 LOS AVENUES DR               |        |           |
| Barbara S. Phillips | 562 Tullyberry Dr.               |        |           |
| JANICE WALKER       | 675 Tullyberry Rd.               |        |           |
| CHRIS SARTER        | 10 JEANETTE ROAD #1705           |        |           |
| Carol Dimmick       | 762 Tullyberry Rd                |        |           |
| GAYLE NELSON        | 883 IDYLBERRY RD                 |        |           |
| JOHN NELSON         | 823 IDYLBERRY RD                 |        |           |
| Fernanda Fuchs      | 35 Fin Court San Rafael          |        |           |
| Jason Robert        | 800 Tullyberry Rd                |        |           |
| Zoe Ballard         | 151 Deepstone Dr.                |        |           |
| NOAH RUILAND        | 151 Deepstone Dr.                |        |           |
| Carol O'Leary       | 7858 Washington St San Francisco |        |           |
| Rebecca Fowler      | 62 Downing Fairfax CA            |        |           |
| Kirsten Burke       | 584 Miller Creek Rd              |        |           |

emails and signatures deleted  
 for security purposes



May 16, 2013

Carolyn Clevenger, MTC EIR Project Manager,  
Metropolitan Transportation Commission  
MTC-ABAG Plan Bay Area Public Comment  
101 8th Street  
Oakland, California 94607  
[eircomments@mtc.ca.gov](mailto:eircomments@mtc.ca.gov)

Re: Public Comment on Draft Plan Bay Area and Draft Plan Bay Area Draft  
Environmental Impact Report

To Whom It May Concern,

My name is Jessica Middleton

I am a resident of Lucas Valley, located in unincorporated Marin County.

I am writing to comment on the Draft Plan Bay Area (The plan) and Draft Plan Bay Area Draft  
Environmental Impact Report (DEIR).

There are major admitted flaws with this plan involving water supply, sea level rise, and  
infrastructure.

**C71-1** There are 5 significant, irreversible environmental changes, and 39 significant unavoidable impacts  
of the plan, identified in the DEIR, that should be addressed and mitigated before this plan is  
accepted. They should not be dismissed with findings of "overriding consideration." The impacts I  
am referring to include:

- C71-2** • Insufficient water supply;
- C71-3** • Exposure to hazardous materials;
- C71-4** • Inadequate wastewater treatment capacity;
- C71-5** • Net Increase in Sensitive Receptors located in Transit Priority Project corridors where there are  
high concentrations of cancer causing Toxic Air Contaminants and fine particulate matter emissions;
- C71-6** • Inundation from sea level rise;
- C71-7** • Direct removal, filling or hydrological interruption of habitat;
- C71-8** • Interference with the movement of native resident or migratory fish or wildlife species.

Conclusion

**C71-9** The Draft Plan Bay Area's DEIR is inadequate. ABAG must prepare an EIR that adequately  
analyzes the plans significant impact and meets CEQA guidelines. The conclusions are not  
supported by substantial evidence. The key assumption regarding population and job growth is  
inaccurate. A revised EIR should be prepared and circulated for public review and with ample time  
given to the public to comment.

Thank you,

Jessica Middleton  
Lucas Valley Resident

Signature

[Signature]



## Comments for Plan Bay Area and the Draft Environmental Impact Report

The following comments are directed at both documents since the flaws of the Plan carry over into the DEIR. The majority of problems appear to be with ABAG rather than MTC.

### Population Growth

**C72-1** The ABAG population estimate for Marin in 2040 is 25,774 more than that of the Department of Finance. Since ABAG does not provide any methodology to evaluate their estimate, the number is meaningless. This alone should invalidate the DEIR. Also disturbing is the use of consultants. Since one of ABAG's primary responsibilities is to estimate population growth, it is reasonable to expect that someone on staff should have the capacity to produce these estimates or at a minimum explain the methodology used.

### Jobs Growth

Here again it would be useful to have methodology and a discussion of the nature of jobs in relation to unemployment, underemployment, technology and climate change

### Infrastructure and Climate Change

**C72-2** Plan Bay Area is supposed to be "Strategy for a Sustainable Region", but only population, jobs, and housing are quantified and addressed. Both the Plan and DEIR ignore the capacity of infrastructure. The effects of climate change on the region are completely ignored. In Marin during 1976-77 severe drought forced water rationing. Since that time efforts to conserve water have allowed for slow population growth. Subsequent periods of drought have not been as severe. Climate change is expected to cause more droughts that are also more severe. At some point population will reach the tipping point so that either a desalination plant or damming another valley to create a reservoir will be necessary. Either option will cost hundreds of millions of dollars, or as the plan described: "costly." At the same time, sea level rise will endanger low areas. Many of these are targeted in the Plan for development. Protecting the existing shoreline of the bay is expected to cost billions. There are several wastewater treatment plants that lie near the bay margins. At this time numerous locations around the bay flood with road closures due to high tides and rain. The Manzanita Park and Ride and connection to the 101 North on ramp in Tam Valley already flood at 6.8 tides without rain. This will get worse with more severe storms. None of this is adequately addressed in the Plan or DEIR.


### Transportation

**C72-3** While many of the MTC projects are laudable for their efforts to curb greenhouse gases, the use of planning dollars to force ABAG's large scale housing development next to hubs seems like extortion. Current residents are right fully concerned about changing the character of their communities and being left with paying for ABAG's bad planning. Once infrastructure capacity is included in the Plan, MTC can evaluate means of improving areas that can handle additional second units or housing infill, but cannot add those units due to gridlock. Higher housing density near transportation is a logical choice, but the volume and costs such as schools and infrastructure need to be adequately assessed before making these decisions.

### DEIR

**C72-4** Due to the inadequacies for Plan Bay Area, both the Plan and DEIR need extensive revision. More disturbing is the arrogance displayed by ABAG in thinking that either document is adequate. Hopefully, this is due to the ignorance of current staffers and can be corrected. If ABAG is not able or willing to make these revisions, MTC, due to their revenue, and ultimately

the public will end up paying the cost. At this time the only reasonable option is No Project, leaving cities and counties to make these decisions on their own.

  
Woodacre, CA  
94973-0419  
May 16, 2013

MTC-ABAG  
Plan Bay Area Public Comment  
101 8th Street  
Oakland, California 94607

*Re: Public Comment on Draft Bay Area Plan and Draft Bay Area Plan Draft Environmental Impact Report*

This letter is submitted as public comment on the Draft Bay Area Plan and Draft Bay Area Plan Draft Environmental Impact Report (State Clearinghouse No. 2012062029). My name is Cindy Miracle, a resident of Marin County for 24 years.

**C73-1** The DEIR is inadequate because it fails to address the vital issue of water. One of the major questions when contemplating development in Marin County, or any place in California, is “Where will the water come from?” The Plan projects that the San Francisco Bay area will add 2.1 million people, increasing the total regional population from 7.2 to 9.3 million by 2035. To house this projected influx, Plan Bay Area calls for 634,000 new housing units, all of which will require additional water.

**C73-2** The massive population growth that ABAG is projecting is equivalent to **two and a half new cities the size and density of San Francisco** (2012 estimated population based on 2010 U.S. Census) added to the Bay Area by 2035. To provide adequate water supplies to such an area would require the **equivalent of building and operating two and a half new Hetch Hetchy dams** (if such lands and water rights were available). However, the draft EIR for the One Bay Area Plan makes no provision or plans for additional water supplies, nor does it factor in the green house gas emissions that would be generated in the construction and operation of mammoth new water supply sources.

Water is a fundamental and necessary component in actualizing any new planned development scheme. Indeed, S.B. 375, the Sustainable Communities and Climate Protection Act of 2008 -- the legislation giving rise to the Plan Bay Area -- specifically requires a “feasible” Plan Bay Area and defines that term as “...capable of being accomplished in a successful manner within a reasonable period of time, taking into account economic, environmental, legal, social and technological factors”. [Sec. 5(b)(2) of S.B. 375]. *Without an additional, long-term source(s) of water for the projected population growth of 2.1 million people, Plan Bay Area is not feasible.*

C73-3

In 2001 our state legislature wisely passed S.B. 610, requiring that in all new developments over 500 units, sources of water must be firmly identified before development may proceed. A second law, S.B. 221 (2001), requires a written verification from the responsible water utility that the proposed project will have a reliable, long-term (20 year) water supply.

The rationale behind these two laws is explained in a Planning and Conservation League publication:

“These ‘show me the water’ laws are intended to ensure that the existing residents’ rights to clean and reliable water supplies are considered when new developments are being evaluated and that new projects will have secure water rights.”

What will provide that reliable, long-term water supply in Marin, where 8,810 new units are proposed under Plan Bay Area? Given that periodic water shortages occur, even with Marin’s current population (which has remained largely static over the last 10 years), the new development proposed under Plan Bay Area will in all likelihood out-strip the water supplied by MMWD’s [Marin Municipal Water District] seven reservoirs and water purchase agreement for Russian River water. The most likely water source if Plan Bay Area’s massive new development is pushed through is MMWD’s proposed 5-15 MGD (million gallons per day) desalination plant, to be located at the foot of the San Rafael Bridge, across the Bay from the Chevron Refinery.

But the proposed San Rafael desalination plant poses significant financial and environmental problems:

- It would be hugely expensive, with construction and initial operating expenses estimated to be \$400 million.
- A bond measure for the \$400 million plant has not yet been approved by the voters.
- Desalination would cause a huge increase in the County’s green house gas emissions. MMWD is already the largest energy user in Marin County. If desalination – which uses up to nine times<sup>1</sup> more energy than obtaining water from local surface water sources -- is utilized, local energy consumption and green house gas emissions would sky rocket.<sup>2</sup>

<sup>1</sup> Heather Cooley and Matthew Heberger, “Key Issues for Seawater Desalination in California: Energy and Greenhouse Gas Emissions”, p. 7, Figure 2. “Comparison of the Energy Intensity of California Water Supplies, [Pacific Institute, May 2013]. “Seawater desalination is considerably more energy intensive than almost every other water supply option available”, Ibid, p. 8. And see, James Fryer, “An Investigation of the Marginal Cost of Seawater Desalination in California”, [Sponsored by Residents for Responsible Desalination, March 2010].

<sup>2</sup> Water and energy are inextricably linked in this state. “...[A]bout 19% of the state’s electricity use and 33% of the state’s non-electricity natural gas consumption is water related.”.... “DWR [Department of Water Resources], which operates the State Water  
3.6-201

- The desalination plant will use as its source water San Francisco Bay – designated a “*toxic hot spot*” by the State Water Resource Control Board. The following chemicals and carcinogens are found at significant levels in the toxic soup of San Francisco Bay:
  - Mercury
  - PCB’s
  - Arsenic
  - Brominated flame retardants (similar to the infamous and long-banned PCBs)
  - DDT
  - Dioxin
  - Pesticides and herbicides (run-off from farming operations in the Central Valley)

Indeed, in its “Statement of Overriding Considerations”, the draft EIR for Plan Bay Area has acknowledged, when compared to existing conditions, that the proposed plan will “[r]esult in **insufficient water supplies** from existing entitlements and resources to serve expected development” and that they [ABAG] considers this to be a “**significant, unavoidable impact**” . ABAG reached this startling conclusion without attempting to identify mitigating measures to ensure safe, reliable water sources for the current and future citizens of Marin, and indeed, all of the regional Bay Area.

**Citizens of Marin should not be forced to forsake their sustainable watershed<sup>3</sup> -- with its 7 rain-water filled reservoirs -- and exchange it for a \$400 million, energy-guzzling, green-house gas emitting desalination plant located on toxin-laden San Francisco Bay.** The Plan’s draft EIR has not identified a reliable, long-term source of water for the dense development it proposes and hence has not met the requirements of existing state laws S.B. 610 and S.B. 221. Furthermore, ABAG has acknowledged that insufficient water supplies will be a “significant, unavoidable impact” of Plan Bay Area. On the basis of this most crucial issue -- inadequate water supply for the proposed high-density development and substantially increased population -- the draft EIR for Plan Bay Area should be found deficient.

Respectfully submitted,

Cindy Miracle

Concerned Long term Marin County Resident

Project, a large system of dams, canals, pipelines, and pumps that delivers water to cities and farms in the Central Valley and Southern California, **is the single largest user of energy in the state.**” Ibid, p. 17.

<sup>3</sup> See “Sustaining Our Water Future: A Review of the Marin Municipal Water District’s Alternatives to Improve Water Supply Reliability”, by James Fryer, [Sponsored by Food & Water Watch, June 2009]



**From:** Pamela Macknight <[REDACTED]>  
**To:** "eircomments@mtc.ca.gov" <eircomments@mtc.ca.gov>  
**Date:** 5/14/2013 6:56 PM  
**Subject:** Comments on the Draft EIR

The estimates for Marin County's water supply and sanitation capacity are NOT realistic. The data used does not accurately account and plan for the financial impact on our schools. The promised money for improved transportation is way too small to merit any action different than what Marin County is already doing.

The Planned Development Areas will be under water from global warming. There is no plan to mitigate this!

**C74-1** The most important problems are the 5 significant, irreversible environmental changes and the 39 significant unavoidable impacts of the plan as identified in the EIR. These cannot be dismissed!

With appreciation,  
Pamela Macknight  
San Rafael, CA

Paul D Magginetti

Page 1 of 6

MTC-ABAG  
Plan Bay Area Public Comment  
101 8<sup>th</sup> Street  
Oakland, California 94607

May 16<sup>th</sup>, 2013

*re:* Public Comment on Draft Bay Area Plan and Draft Bay Area Plan Draft Environmental Impact Report

This letter is submitted as public comment on the Draft Bay Area Plan and Draft Bay Area Plan Draft Environmental Impact Report (State Clearinghouse No. 2012062029)."

My name is Paul Magginetti. I was born and raised on the Peninsula, have lived in the Bay Area all my life and currently reside in San Carlos, where I am on the Board of the Greater East San Carlos Neighborhood Association (GESC). I have a degree in Biochemistry and I am a professional in the Medical Device Industry. I consider myself an Environmentalist; in high school I was the President of the Hillsdale High class of '77 Sierra Club, helping to clean up a devastated environment and was instrumental in safeguarding San Bruno Mountain, Sweeney Ridge and the Fitzgerald Marine Reserve from inappropriate development by unethical developers. You can imagine my horror when the Sierra Club lobbied the City of San Carlos to re-zone my 65 year old single family neighborhood as high density housing. They now want the same type of "luxury" housing to be built on Caltrain land shoehorned in between the El Camino Real and the train tracks. I have since learned that, by encouraging "Priority Development Areas", the Sierra Club hopes to prevent development of open spaces; forgetting that it is people that vote to keep these spaces open and, that given the chance, developers will build there too. It seems to me very unwise to ask people to choose between their homes and the environment. We have all worked very hard to afford a single family home in the Bay Area and will defend our quality of life against those who would sacrifice our rights in shortsighted attempts to further a dogmatic political ideology that gives right to those who do not yet live here.

This current housing project, the San Carlos Transit Village (SCTV), located adjacent to our community has been advertised as "luxury housing" but is really simply high density rental apartments with no yards next to a noisy smelly train on extremely toxic soil, poisoned after 100 years use as a railroad. It is the antithesis of our quiet neighborhood where we live and play in safety, all knowing and looking out for each other. It will not provide sufficient funds to pay for the burdens it will put safety, parks, roads and utility infrastructures. It will, however, provide an income stream to help keep Caltrain out of bankruptcy. It uses public grants and CALPERS investment to fund this otherwise financially untenable project. Caltrain officials, and some local politicians, have pointed to this housing project as a shining example of what the One Bay Area Plan is all about. Perhaps reading these endorsements as permission, the developer and Caltrain have refused to address our concerns and we have even had local city staff members intercept our internal GESC communications and passed them on to the developer and Caltrain while keeping us in the dark. Such denial of honest services is reminiscent of the IRS scandal and has had a similar poisonous effect on our trust in government with real repercussions on local politics. If this is an example of the One Bay Area Plan, then you need to realize that these "Areas of Known Controversy" will negatively affect your constituents and that they deserve proper consideration. You disregard them at your peril.

Regarding the DEIR itself, there are several areas where the mitigations are insufficient and inadequate much in the same way as the San Carlos Transit Village EIR:

ES-6, Transportation:

**C75-1** It is stated that \$289 million in revenues are available for Plan Bay Area. Will this money be used for transportation only, or will some of it be used to subsidize housing? If used for housing, how much?

ES-7, Alternative 2: Proposed Plan

**C75-2** It is stated that 90 percent of future revenues will be used to operate and maintain existing roads and transit system. What will the other 10 percent of future revenues be used for? How much of the overall revenues be used for salaries and pensions respectively?

ES-8, Key EIR Assumptions

**C75-3** It is stated that the ABAG forecast shows that between 2010 and 2040, the nine-county San Francisco Bay Area is projected to add 1.1 million jobs, 2.1 million people and 660,000 homes, for a total of 4.5 million jobs, 9.3 million people and 3.4 million homes. Past forecasts have fallen far short of such predictions. Currently there has been a net loss in population while housing vacancy rates have increased. All of this is shown in the referenced in the link in the EIR. How will this plan be adjusted for actual population and vacancy levels? How many of these 2 million residents are expected to use public transportation?

ES-9, Environmentally Superior Alternative

**C75-4** In Transportation it is implied that No Project is tied with Alternative 3 for the least environmental impact. Is this the case? Please show a table for clarity.

ES-10, In Noise there is a reference to a 66dBA threshold.

**C75-5** Why is this level significant? Many of the PDAs are shown adjacent to rail use where these levels are already exceeded. How will this be mitigated in such instances? How will this be mitigated to prevent hearing damage and stress to inhabitants of this previously industrial land? What are the circumstances under which residential use would be proscribed?

## ES-11, Historic Resources and Land use

**C75-6** It is stated that impacts related to community disruption or displacement and alteration and separation would be highly localized. What data do you have to support this claim? What objective criteria of community disruption or displacement and alteration and separation are applied? At what levels do these changes to existing communities exceed what is acceptable and development proscribed?

## ES-11, Historic Resources and Land use

**C75-7** It is implied that it is desirable to minimize the conversion of agricultural and open space. Why is this an important attribute? Is this attribute more important than existing community conversion? What objective criteria are used to make this determination?

## ES-11, Historic Resources and Land use

**C75-7.5** There is an allusion to growth in areas that local jurisdictions are unlikely to implement. Has this been taken into account in the growth assumption in ES-8 above? If not, will ABAG enforce growth despite local wishes? What legal authority would be used to enforce such growth? Will growth be forced to match predicted levels?

## ES-11, Historic Resources and Land use

**C75-8** There is discussion of required legislative approval by a super majority for Alternative 5. What required legislative approval by a super majority is required for Alternative 2? Why is an EIR being performed before legislative approval?

## ES-12, Issues to be resolved

**C75-8.5** There is mention of MTC and ABAG providing incentives for implementation of changes to land use policy. By “incentives”, does this mean money? Where does this money come from? Will voters have any role in approving the “changes” this money (their money) will incentivize? If from other sources, what other programs will suffer from this shifting of funds? If from new sources, who will pay for these incentives?

## ES-12, Issues to be Resolved

**C75-9** There is mention of MTC and ABAG deciding whether economic, legal, social, technological or other benefits outweigh environmental impacts. From where do MTC or ABAG derive this authority? Will this determination be made in front of the public? What objective standards will be used to determine the worth of a social benefit? Will the voters participate in determining such a benefit?

## ES-14, Air Quality

**C75-10** Many of the PDAs have a history of heavy industrial use incompatible with residential use. How will toxic dusts and fumes from these disturbed lands be mitigated to prevent acute and chronic exposure to people (and the environment) from exposure to these hazardous inhalants?

## ES-42, Biological Resources, 2.9-1a

**C75-11** In protecting habitats and species, support of NEPA is referenced. Why are we doing a CEQA review rather than applying NEPA standards to the whole plan? Will not many of the funds used be federal? If so, why is a NEPA evaluation not being done where people are looked at as part of the environment? If NEPA standards are to be applied in only chosen areas, how will projects be piecemealed to avoid NEPA requirements?

## ES-59, Cultural Resources, 2.11-1

**C75-12** As mitigation, a requirement is listed of structures greater than 45 years of age. What professional criteria will be used to determine eligibility for historic preservation status? Please reference these professional standards. How does SB375 CEQA streamlining affect application of these professional standards?

## ES-65, Public Utilities and Facilities

**C75-13** Insufficient water supplies, wastewater treatment, storm water drainage and landfill are listed as significantly impacted and unavoidable. Why are power utilities, such as gas and electrical, not included? See Hazards below. Expanding all of the above will have second order environmental effects as well. Will these utility and facility deficiencies be addressed before project implementation? If not, what is the plan for the timing of these infrastructure deficiencies? Many of the PDAs will be on lands that will continue to be owned by public agencies and are not subject to taxation. Who will pay for these unfunded infrastructure demands? Of special concern is the natural gas pipeline infrastructure, why was this aspect omitted? Added development will mean higher operating pressures, possibly resulting in another disaster as happened in San Bruno. What measures will be taken to assure public safety in such cases? How will CEQA streamlining implementation and timing affect such risk assessments? Will these utility deficiencies be addressed before project implementation?

**C75-14**

ES-69, Development under the proposed Plan could exceed wastewater treatment requirements of the RWQCBs.

**C75-15** Why is it assumed that there will be unavoidable difficulties meeting RWQCB wastewater treatment requirements and yet claim that public service providers will be responsible? Cities have already been sued (and lost) for discharging improperly treated wastewater into the bay. Why would any community agree to add to this overstrained infrastructure? This plan will certainly strain already insufficient and aging water treatment facilities and yet takes no ownership in helping to solve the problem. How much of the “incentives” money in ES-12 above will be used to provide funds to improve infrastructure? See my comments on ES-65, Public Utilities and Facilities regarding this matter. Again, who will pay for these unfunded infrastructure demands on lands owned by untaxable public agencies?

ES-72, Hazards, 2.13(d)

**C75-16** Many of these PDA lands are on sites where a person can reasonably assume toxic waste exist based on past use yet have gone unreported (see ES-10) and may not show up on the list of hazardous material sites. This has been the case in the SCTV project where those preparing the EIR report ignored their own findings and never tested for hazardous material contamination in areas where they are sure to be. In order to keep costs down, developers typically do not dig very deeply in testing for such contamination. This was the case for a PAMF hospital built on former Varian property. I had to resort to complaining to the RWQCB that the closure report data showed PCB levels that still exceeded current limits before the developer would go back and truck away all of the contaminated soil. This may be our one and only chance to remove this toxic legacy from PDAs that will then be used for residential use. Aside from the risk to residents, these hazardous materials will eventually find their way into the Bay. Isn't this precisely what the CEQA act was intended to prevent? Since this is a regional plan, what regional body will review that the Phase I and Phase II ESAs are properly implemented? What oversight will construction contractors be subject to when encountering “suspected asbestos”? Why is asbestos being singled out? How can contractors know when they encounter other hazardous wastes that are odorless, colorless and tasteless and deadly at the same time? This subject goes to the very heart of CEQA and is only insignificant with proper mitigation. Past industrial practices put generations at risk; while the impacts are significant they are not unavoidable unless we choose to let them be. How does CEQA streamlining under SB375 affect the process of implementing Phase I and Phase II ESAs? How does SB375 change standards, reviews, public comment and oversight when it comes to hazardous materials on sites with PDA designation?

Paul D Magginetti

Page 6 of 6

ES-75, Public Services and Recreation

**C75-17** Expansion of services will be needed in order to maintain adequate schools, emergency services, police, fire, and park and recreation services. How will these be paid for, especially on land owned by public agencies that generate no revenue for these requirements? How will CEQA streamlining under SB375 affect the requirement criteria for projects in PDA areas? How will the timing of these service expansions be determined? Will the timing be affected with CEQA streamlining?

Thank you for the opportunity to comment on this plan of unprecedented size and scope. I hope that you will actively seed public input, especially from the large segment of the residents of the Bay Area who have no idea this plan is in the works.

Sincerely,

Paul D Magginetti

Board Member, Greater East San Carlos Neighborhood Association

**From:** Krystal [REDACTED]  
**To:** <eircomments@mtc.ca.gov>  
**Date:** 5/15/2013 3:22 PM  
**Subject:** Comments on EIR

The estimates for Marin County's water supply and sanitation capacity are NOT realistic. The data used does not accurately account and plan for the financial impact on our schools. The promised money for improved transportation is way too small to merit any action different than what Marin County is already doing.

C76-1

The Planned Development Areas will be under water from global warming. There is no plan to mitigate this!

C76-2

The most important problems are the 5 significant, irreversible environmental changes and the 39 significant unavoidable impacts of the plan as identified in the EIR. These cannot be dismissed!

C76-3

--

\*Krystal Lynn MacKnight\*  
Nickelodeon\*|"Big Time Rush"\*  
\*

\*Paramount Studios\*

[REDACTED]  
Los Angeles, CA 90038

|\*



Public Comment on the Draft Bay Area Plan and Draft EIR (State Clearinghouse #2012062029) – Stephen Nestel

Send to: [eircomments@mtc.ca.gov](mailto:eircomments@mtc.ca.gov) and [info@OneBayArea.org](mailto:info@OneBayArea.org)

This letter is submitted on behalf of the more than 400 residents of Marinwood that signed this letter in opposition to the Draft Bay Area Plan and the Draft EIR. We are in favor of the “No Plan” option. As Marin County residents, we oppose implementation of the current Plan Bay Area draft for the following reasons:

C77-1

1. Public Education and Outreach: Local public officials and ABAG/MTC staff, who are responsible for disseminating information in this Plan to the residents of Marin, have failed in this task. The vast majority of residents in our community are unaware of the details of this Plan.

Local comment meetings were a formality with the public expressing their anger at unresponsive panel members from MTC/ABAG.

Question: Is ABAG/MTC responsible to educate the public on their Plan and allow the public to receive answers to their questions? If yes, when will this occur in an open forum?

C77-1.3

2. Plan Bay Area’s proposal to target residential development along highly traveled and congested freeways in Marin County where mobile and stationary sources of toxic air contaminants and primary PM-2.5 particulate matter is nothing short of irresponsible land use planning and conflicts with CEQA. These toxic materials are known to cause cancer and other health risks. The designation of low income housing PDAs in these transit corridors is irresponsible.

C77-1.5

3. The Plan as proposed by ABAG/MTC uses statistics and data that is not current nor provided by several independent sources. Before implementing a plan that radically impacts this community for the next 50 years, it should have been properly vetted by the communities affected and all financial, environmental and social aspects discussed with the public. The Plan has not considered the impact on already overburdened infrastructure, e.g., water, sewer, schools and highways.

C77-2

4. Housing development is being prioritized over building jobs: There are negative consequences in promoting housing that is not balanced with local employment opportunities. These mistakes were made by Vallejo, Stockton, Modesto and San Bernardino, which all went bankrupt as a result of incorrect job and growth projections. Portland was another city which learned from this mistake.

Public Comment on the Draft Bay Area Plan and Draft EIR (State Clearinghouse #2012062029) – Stephen Nestel

5. Housing is being given priority over Transportation and Traffic Improvements: Planning for mass housing prior to implementing sufficient public transportation and infrastructure leads to grid lock and higher pollution. A legitimate transportation infrastructure needs to be effectuated before any housing developments are discussed.

Question: Does ABAG/MTC have proof that public transit and other forms of transit will not increase Green House Gas emissions above the levels that light trucks and cars are producing in Marin County.

C77-3

6. A thorough analysis of alternatives to reducing Green House Gasses by high density Transit Oriented Development has not been conducted and current studies have discredited past findings contained in the DEIR.

Question: What is ABAG/MTC's current proof that high density transit oriented developments will reduce greenhouse gas emissions sufficiently to offset the impacts of these developments?

C77-4

Question: Why does the Plan not address the CO2 emissions of all existing public transit systems in Marin (Golden Gate Transit buses and ferries) in comparison to ridership?

C77-5

7. The "American Dream" for low and moderate income households is on life support with this Plan. The focus on high density rental housing near highways and relegating the poor into those areas is socially unfair. Real integration of housing, e.g., Habitat for Humanity single family home rehabilitation, second units, equity sharing programs, senior housing, and others allows the less fortunate to experience home ownership. Integration of all income classes in a community provides a diversity which has been the backbone of our country. A development can be successful with a combination of 80% market-rate and 20% affordable housing alternatives that provide starter homes for young couples. This ensures sustainability and a healthy community by providing resources to meet infrastructure needs and other public services.

C77-6

8. The Plan does not recognize that residents need to use their vehicles to bring kids to school, sports practices, and trips to Home Depot where they might need to carry lumber and other supplies, doctor visits, and special events. The majority of

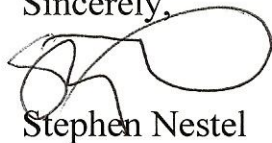
families in Marin could not use public transit for these activities and public transit would not meet their rigid timetables for family obligations as well.

C77-7

Question: What studies have been done to confirm that Green House Gas emissions would be reduced by using public transit alternatives in comparison to light trucks and cars in view of the increased use of hybrid vehicles, later model high mileage gas vehicles, and other forms of transportation in Marin County?

The Draft Plan Bay Area's DEIR is inadequate in numerous instances, as identified in this Comment Letter.

Sincerely,



Stephen Nestel  
Organized Residents of Marinwood

cc: Marin County Board of Supervisors: [bos@marincounty.org](mailto:bos@marincounty.org)

Seline

Proposed Housing Density Re-Zoning in Marinwood/Lucas Valley Letter Signators  
Sponsored by: Organized Residents of Marinwood

MS School

| Name               | Address (# and street name) | e-mail | signature |
|--------------------|-----------------------------|--------|-----------|
| Corinna Reeves     | 734 Del Ganado Road,        |        |           |
| Alicia Hairston    | 2800 Heatherstone Dr.       |        |           |
| Miki Terachi       | 348 Sterling Way            |        |           |
| Deborah Robinson   | 1032 Los Ceros Rd Apt C     |        |           |
| Blanca Lopez       | 310 Channing Way #104       |        |           |
| Jeanne Phean       | 61 Yosemite San Rafael      |        |           |
| JODI KOHLER        | 512 DUBLIN RD SAN RAFAEL    |        |           |
| DANAD DAVIS        | 525 DYCKBERG RD SR          |        |           |
| Marta Malik        | 546 DUBLIN RD SR            |        |           |
| Mike Malik         | 546 DUBLIN RD SR            |        |           |
| LOBI SPARRON       | 2223 DUNELBERG SAN          |        |           |
| Lana McInnis       | 555 Kernberg Dr             |        |           |
| Joey Guyoma        | 598 Kernberg Dr.            |        |           |
| Chingme            | 585 Kernberg                |        |           |
| Sylvia B. Stephens | 585 Kernberg Dr             |        |           |
| Roy Golic          | 601 Kernberg                |        |           |
| Lynn Gubel         | 601 Kernberg Dr             |        |           |
| MICHAEL MEETAN     | 625 Kernberg Dr             |        |           |
| Sharon Jackson     | 613 Kernberg Dr             |        |           |
| Angela Jackson     | 613 Kernberg Dr             |        |           |

emails and signatures deleted  
for security purposes

## Plan Bay Area 2040 Final Environmental Impact Report

**From:** nancy okada [REDACTED]  
**To:** <info@OneBayArea.org>, <eircomments@mtc.ca.gov>  
**CC:** Nancy [REDACTED]  
**Date:** 5/16/2013 3:54 PM  
**Subject:** PlanBayArea/draftEIR

Hi Plan Bay Area/One Bay Area:

I just realized the comment period is about to close (see pasted schedule below)I just want to say:NO, NO, NO!No one in the entire Bay Area wants this "plan", except the CBOs you have paid to do your publicity work.

Others have commented far more eloquently than I.

C78-1

Thank you for adding my voice to the NO PROJECT/NO PLAN list.

Nancy Okada

Document Release Date Close of Comments

Draft Plan Bay Area Friday, March 22, 2013 4 p.m., Thursday, May 16, 2013

Draft EIR Friday, March 29, 2013 4 p.m., Thursday, May 16, 2013

Draft 2013 TIP Friday, March 29, 2013 4 p.m., Friday, May 3, 2013

Draft Air Quality Conformity Analysis Friday, March 29, 2013 4 p.m., Friday, May 3, 2013

May 15, 2013

Send to: [eircomments@mtc.ca.gov](mailto:eircomments@mtc.ca.gov) and [info@OneBayArea.org](mailto:info@OneBayArea.org)

Public Comment on the Draft Bay Area Plan and Draft EIR (State Clearinghouse #2012062029)

**Re: Plan Bay Area - Insufficient Community Outreach and Transparency**

C79-1

This letter is sent on behalf of various residents of Marinwood who oppose the Draft Bay Area Plan and the Draft EIR. We are in favor of the "No Action Plan" option and insist that the Marinwood potential PDA be removed from the plan in particular. As residents of Marin County, below is just one of the reasons why we oppose implementation of the current Plan Bay Area draft:

There has been a total lack of community outreach and transparency. The local officials and ABAG/MTC officials who are responsible for informing the affected public in regards to this plan have failed in this task to their constituents. Most of the affected residents in our community are completely unaware of any details regarding this plan. This is not the residents' fault, but it is the fault of the officials that have spent years and millions of dollars developing such a plan without input from the community. Local meetings for comment have been only for posturing, with the public being frustrated due to unresponsive panel members from ABAG and MTC.

To date, there have only been comment forums, vs discussion forums. The measures that have been taken to inform the public are woefully inadequate for such a large scale, long term plan.

C79-2

Question: Doesn't ABAG/MTC have a duty to inform the public of their Plan and then allow for the public to receive answers to their questions? If yes, when will this occur in an open forum?

The Marinwood potential PDA makes little sense, and has no regard for the long-term financial and social consequences that large scale, high density, affordable housing will have when it is built in a location that doesn't have the infrastructure to support it. We look forward to hearing your response and seeing how the Plan will change to address our concerns.

Sincerely,



Joseph Orr  
Organized Residents of Marinwood

cc: Marin County Board of Supervisors: [bos@marincounty.org](mailto:bos@marincounty.org)



Proposed housing Density Re-Zoning in Marinwood/Lucas Valley Letter Signators  
Sponsored by: Organized Residents of Marinwood

3/21/12

| Name             | Address (# and street name) | e-mail | signature |
|------------------|-----------------------------|--------|-----------|
| Kelly Wright     | 520 Appleberry Dr.          |        |           |
| Joseph N. Ives   | 521 Appleberry Dr.          |        |           |
| Carol Herter     | 587 Loganberry Dr.          |        |           |
| CHRIS HERTER     | 587 Loganberry Dr.          |        |           |
| Chris Horner II  | 587 Loganberry Dr.          |        |           |
| Wolfgang IATZ    | 2249 Shipberry Dr.          |        |           |
| Eric Borgeson    | 575 Loganberry Dr.          |        |           |
| Margie Turner    | 599 Miller Ct. Rd.          |        |           |
| Paul Turner      | 599 Miller Creek Rd.        |        |           |
| Carrie Oles      | 595 Firwood                 |        |           |
| Joe Rogers       | 2558 Juniperberry           |        |           |
| Suzanne G. H. H. | 81 W. Main St. Dr.          |        |           |
| Matt Rosenbaum   | 2208 Juniperberry Dr.       |        |           |
| MAT KOENIG       | 2258 Juniperberry Dr.       |        |           |
| John M. M. M.    | 543 Appleberry Dr.          |        |           |
| John M. M. M.    | 555 Appleberry Dr.          |        |           |
| John M. M. M.    | 575 Appleberry Dr.          |        |           |
| John M. M. M.    | 575 Appleberry Dr.          |        |           |
| John M. M. M.    | 599 Appleberry Dr.          |        |           |
| Michelle Kipper  | 630 Appleberry Dr.          |        |           |

emails and signatures withheld  
for security purposes

May 15, 2013

Send to: [eircomments@mtc.ca.gov](mailto:eircomments@mtc.ca.gov) and [info@OneBayArea.org](mailto:info@OneBayArea.org)

Public Comment on the Draft Bay Area Plan and Draft EIR (State Clearinghouse #2012062029)

**Re: Plan Bay Area – Out of Date and Incorrect Statistics and Data**

This letter is sent on behalf of various residents of Marinwood who oppose the Draft Bay Area Plan and the Draft EIR. We are in favor of the “No Action Plan” option and insist that the Marinwood potential PDA be removed from the plan in particular. As residents of Marin County, below is just one of the reasons why we oppose implementation of the current Plan Bay Area draft:

C80-1

The Plan as proposed by ABAG/MTC uses statistics and data that are out of date. The Plan also failed to provide data from several neutral, third-party sources. Before implementing a plan that will forever impact this community and Marin, it needs to have been properly vetted by the impacted communities and all environmental, financial and social aspects need to be discussed with the public. The Plan has not even considered the obvious impacts on already overburdened infrastructure such as schools, water, sewer and highways. The Plan needs to share updated job growth and population growth statistics and prove that the statics are in line with the proposal for large high-density developments.

C80-2

C80-3

Question: Will ABAG/MTC have an independent analysis conducted of their jobs growth and housing needs figures for Marin County since there appears to be major discrepancies between other source information?

C80-4

The Marinwood potential PDA makes little sense, and has no regard for the long-term financial and social consequences that large scale, high density, affordable housing will have when it is built in a location that doesn't have the infrastructure to support it. We look forward to hearing your response and seeing how the Plan will change to address our concerns.

Sincerely,



Lori Orr  
Organized Residents of Marinwood

cc: Marin County Board of Supervisors: [bos@marincounty.org](mailto:bos@marincounty.org)



Section

Proposed Housing Density Re-Zoning in Marinwood/Lucas Valley Letter Signators  
Sponsored by: Organized Residents of Marinwood

| Name              | Address (# and street name) | Signature |
|-------------------|-----------------------------|-----------|
| Cynthia Lyman     | 625 Appleberry              |           |
| Robbie Perry      | 685 Appleberry Dr.          |           |
| Danvin Perry      | 685 Appleberry Dr           |           |
| Mark Orabish      | 2101 Danberry Ln            |           |
| James Salak       | 218 Emerystone Terrace      |           |
| Sharon Hall       | 76 Bridgegate Drive         |           |
| Jillia Rank       | 30 Mill St Ranch Way        |           |
| Roseela Mocknight | 2199 Danberry Lane          |           |
| William Schmidt   | 2818 185 GRAYBBS AVE        |           |
| Nana Michaels     | 535 Appleberry Dr           |           |
| MARCIA HOSSEY     | 550 Cedarberry              |           |
| TERRY HUSEY       | 550 CEDARBERY LN            |           |
| KARA FERRACANE    | 536 Cedarberry LN           |           |
| LEE ROBERTS       | 536 Cedarberry LN           |           |
| DODS              | 564 Cedarbury Ln            |           |
| Tracy Bada        | 564 Cedarbury Ln            |           |
| William Lee       | 555 Cedarberry Ln           |           |
| Tristen Dawson    | 601 Cedarberry Ln           |           |
| Steve Smith       | 588 Cedarberry Ln           |           |
| Paul Feltell      | 600 Cedarberry Lane         |           |

emails and signatures withheld  
for security purposes

SCAT

Linda Rames

Mill Valley, CA 94941

April 26, 2013

MTC-ABAG  
101 8<sup>th</sup> Street  
Oakland, CA 94607

**Re: Public comment on Draft EIR Plan Bay Area**

I am a 36 year resident of Mill Valley, a real estate agent for 32 years, a former elementary school teacher, married to a retired fire fighter. I currently sit on the zone 3 flood control board for Marin County. I have been active in civic affairs for most of my life. I would like to comment on some of the inadequacies of the Plan Bay Area DEIR.

**1. Public Utilities – Water**

**C81-1** Pg. 47 – Impact 2.12-1. The proposed plan could result in insufficient water supplies from existing entitlements and resources to serve expected development. “Adequate supplies...rely on successful achievement of water conservation targets.” ... “adequate supply through 2040 is not guaranteed without significant water conservation efforts.”

The plan will result in a significant lack of water and much sooner than 2040. Marin County is chronically short of water and our supply is finite and dependent on precipitation. During periods of drought, Marin doesn't have enough water for its current residents. We already practice significant water conservation. There is only so much that can be done without compromising our basic needs. Why does the DEIR not address this basic issue?

**C81-2** Pg. 48 – Sonoma County expects demand to exceed supply during a single dry year before the year 2040.

2

Marin County contracts with Sonoma to buy water from the Russian River in Sonoma County. What will happen if there is not enough water to sell? Why didn't the DEIR address this issue?

C81-3 Pg. 20 – Table 2.12

Marin's water supply adequacy is based on no change in supply and demand over the years between 2015 and 2035, and, less demand in the year 2035. How can there be less demand in 2035 with the increase in population predicted by ABAG?

C81-4 Pg. 48

"...land development through 2040 served by Marin Municipal Water District...should have adequate water supplies in both regular and single dry years."

How can this be when Sonoma which is expected to have inadequate water in a single dry year is a supplier to Marin?

C81-5 Pg. 49

"...the proposed plan, overall, may result in insufficient water supplies..."

The only mitigation offered by the DEIR is conservation which is clearly not enough.

C81-6 Pg. 50

Significance after mitigation – "even using all the possible mitigations, there will not be enough potable water."

How can this plan be acceptable when it is clear there will not be enough water to drink?

C81-7 Pg. 56

The true impact of Plan Bay Area is stated in the last paragraph on this page and should not be ignored.

"Environmental impacts could occur from both the construction process and the conversion of undeveloped land to accommodate expanded facilities. The construction process could lead to a wide range of environmental effects such as negative impacts on air quality, storm water runoff and noise. The conversion of undeveloped land could result in the loss of agricultural land, increased storm water runoff, loss of habitat, and damage to visual

## 3

and cultural resources among other impacts. Because site specific information is needed to assess impacts, project level environmental review will be required for construction of new water and waste water facilities.”

In the above paragraph, every ‘could’ should be changed to ‘would’, as all of these negative impacts will occur. Why does the DEIR not acknowledge the severity of adverse environmental effects of the project? There is no discussion of costs associated with water and waste water development. Who is responsible, the cities, towns, state government? Why no discussion of this issue?

## 2. Public Services and Recreation

**C81-8** The DEIR is woefully inadequate in assessing the effects of added residents on schools, fire departments and police services. In considering such an important element of this plan, only 16 pages are devoted to these services and most of those pages are definitions of the various agencies, not solutions, not mitigations.

**C81-9** Pg. 13 – “Priority Development Areas are nominated by local jurisdictions as appropriate places to concentrate future growth. PDA’s are existing neighborhoods served by transit...” This statement is not always true. In unincorporated Mill Valley, the PDA is located on a flood plain and is isolated from the existing neighborhood. Why would the DEIR approve housing in such a poor location?

**C81-10** In regard to school financing, police and fire protection, where will the funds come from? The DEIR does not take into account that the type of dense building contemplated will be done mostly by nonprofit developers who are exempt from property taxes. Why is this important issue ignored in the DEIR?

“...ensure that adequate public services and related infrastructure and utilities will be available to meet or satisfy levels identified...”  
Where are the funds to ensure that this will be possible?

**C81-11** Pg. 13-14 Vehicle Hours of Delay  
This plan is expected to increase VHD and cause level of service F.

4

To imply that the impact of this increased traffic congestion is offset by improved access to services is ridiculous. Why wasn't this major flaw in the transportation element investigated and addressed? The mitigations are inadequate and meaningless.

**C81-12** The DEIR is inadequate on almost every level. The mitigations are, in most cases, either impossible or infeasible meaning that they will not be implemented; thereby, leaving the citizenry of California to somehow deal with a plan which is in no way to any private citizen's advantage, and which will create more environmental hazards than it could ever hope to resolve.

Sincerely,



Linda Rames

**From:** <Jariek[REDACTED]>  
**To:** <eircomments@mtc.ca.gov>  
**Date:** 5/14/2013 1:04 PM  
**Subject:** Plan Bay Area -- Marin County

Dear Ms. Clevenger,

I, among the Majority of any of the public who have attended/spoken at the Plan Bay Area Public Hearings and who have submitted their concerns in writing, have been repeatedly conveying to the Marin County Supervisors, the Supervisors who serve on ABAG, MTC, and TAM, and officials of those organizations, that they do Not want Marin County to be part of a regionalized government and Do want to have any issue, on any table, to be resolved by the will of the people.

I know there are some conflicting opionions on various issues, but even elected or appointed officials are not supposed to override the voice of the majority of their constituents. It is not only in Marin County that you are hearing people do not like, do not want what you all are proposing. The majority of people want to have issues of transportation, housing, etc. to be explored and to be decided upon by themselves, each group according to their own specific County's wants and needs. Very few people believe in giving more power and vision to any higher government than that in their own backyards.

Plan Bay Area intrudes a vision into Marin County that has already turned many of our Bayside communities into non-stop concrete -- clones of highly urbanized cities like Los Angeles, Tokyo, Hong Kong, ect. You have a chance to support Marin and other Bay Area communities in creating a balance of natural environments with some affordable housing concepts and transportation systems that fit the natural beauty/open spaces and infrastructure abilities of those areas. The people who live in these communties have the right to govern themselves (not to be mandated to by government, who is to serve at the will of the people, not vice versa), and they have the most intimate understanding and concern for how issues are resolved. There are so many challenges to the preservation of the suburban, semi-rural, rural character of our Bayside Counties, as well as a seeming disregard for the very legitimate concerns about water availability, the source of monies for schools/a myriad of other services, etc.

C82-1

I, we, are urgently requesting that there be more time for the public to even become aware of the impending decisions -- despite some recent Public Hearings, there are still a large number of people who have not learned about what's happening, that there become a renewed respect for government by the people, and that there be much more wisdom used in envisioning a Bay Area that stewards its incredible natural beauty and resources and not "cookie-cutter"/"one-size-fits-all" an environment that deadens the soul and ultimately, time-after-time, does not get people out of their cars or provides them with any real desirable quality of life.

Jean Rieke  
Larkspur, CA

**From:** Pamela Sandhu [REDACTED] >  
**To:** <eircomments@mtc.ca.gov>  
**Date:** 5/12/2013 5:44 PM  
**Subject:** Comments on One Bay Area Draft Plan

To: The Association of Bay Area Governments and the Metropolitan Transportation Commission  
Re: Letter of Comment Regarding One Bay Area Draft Plan

Overall I applaud The Association of Bay Area Governments (ABAG) and the Metropolitan Transportation Commission (MTC) for the One Bay Area Draft Plan as it has many components that I believe will ensure that Silicone Valley and the Bay Area continue to thrive.

C83-1

I am concerned with the proposals that states that 86% of transportation funding will be targeted at maintaining existing transportation. This is where I think your agencies have got it all wrong and need to seriously look at what is broken in our transportation system in the sprawling Bay Area. As a college student living in San Francisco in the 1980s, I found it easy to not own a car. I could easily move about the entire city via bus, bike, walk, Bart for any across the bay adventure, and connect to Cal Train for the trip home to Palo Alto on the weekends. As a young working woman with small children and working in San Mateo, I continued to utilize public transportation to travel via Cal Train to work many days. As our family grew, and I moved to the "Suburbs"....I found that public transportation is more of an after thought. Living in Mountain View, I find that the city itself is making strives to plan housing around transportation hubs, but the problem is the transportation itself is sorely inadequate. While Cal Train is an attractive, quick and cost effective option for commuters to San Francisco, Peninsula downtown areas, Santa Clara and San Jose, the light rail and VTA bus services are completely inadequate. On several recent attempts to utilize public transit to get from Mountain View to Santa Clara, San Jose and Los Gatos destinations, I find that light rail is a snail pace, stopping at every stop to pick up sometimes no passengers, or a hand full. Community Bus shuttle are on fixed routes and forces drivers to drive a 25-35 minute bus route with one or two passengers. With the technology available today, fixed bus routes seems prehistoric and extremely inefficient. It may be more cost effective to hire taxi cabs with fuel efficient vehicles to source out VTA service instead of running only fixed route for bus service. Why not utilize mobile apps to find where people are who need transportation and match them with unfixed bus rides to common destinations.

C83-2

As an RN and Senior Advocate, I also find that the plan does little to address the aging population who will need low cost accessible transportation from housing to shopping, social gathering centers and community centers in order to encourage them to give up their car keys. In the Bay Area, many seniors see driving cessation as death; meaning an end to independence and forces them to give up more than just an automobile. I implore you to look to other states senior transportation projects as you plan the next 50 years of transportation in our great Bay Area.

Sincerely,  
Pamela Conlon-Sandhu RN, BSN, CRRN  
[REDACTED]

Pam Conlon-Sandhu is an RN, BSN, Certified Rehabilitation Registered Nurse with over 25 years working in healthcare serving seniors and those with disabilities. She is currently Director of Client Services at Agility Health, a licensed home care and private home health company. She is also Chair of the City of Mountain View Senior Advisory Committee and represents the City of Mountain View on the Council on Aging Silicone Valley Advisory Board, in which she is lead for the Transportation Subcommittee of the COASV Advisory Board. She is a fifth generation San Franciscan, who lives with her husband and three college age sons in Mountain View.

May 15, 2013

Send to: [eircomments@mtc.ca.gov](mailto:eircomments@mtc.ca.gov) and [info@OneBayArea.org](mailto:info@OneBayArea.org)

Public Comment on the Draft Bay Area Plan and Draft EIR (State Clearinghouse #2012062029)

**Re: Plan Bay Area – Building Housing Over Building Jobs**

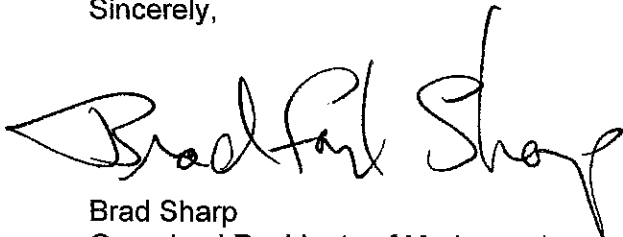
**C84-1** This letter is sent on behalf of various residents of Marinwood who oppose the Draft Bay Area Plan and the Draft EIR. We are in favor of the "No Action Plan" option and insist that the Marinwood potential PDA be removed from the plan in particular. As residents of Marin County, below is just one of the reasons why we oppose implementation of the current Plan Bay Area draft:

**C84-2** Housing development is getting priority over building jobs: There are significant consequences in promoting housing that is out of balance with local employment opportunities. Vallejo, Stockton, Modesto and San Bernardino all made this same mistake, and as a result, all went bankrupt due to incorrect job and growth projections. This lesson was also illustrated by Portland, which learned from this mistake.

Question: Why doesn't Plan Bay Area put equal emphasis on job growth compared to housing growth? Marin is already in-proportionately residentially heavy compared to commercial (especially the Marinwood area), so how is significant further growth in housing supposed to be a benefit for the community?

**C84-3** The Marinwood potential PDA makes little sense, and has no regard for the long-term financial and social consequences that large scale, high density, affordable housing will have when it is built in a location that doesn't have the infrastructure to support it. We look forward to hearing your response and seeing how the Plan will change to address our concerns.

Sincerely,

A handwritten signature in black ink that reads "Brad Sharp". The signature is stylized with a large, sweeping "B" and a long, trailing "S".

Brad Sharp  
Organized Residents of Marinwood

cc: Marin County Board of Supervisors: [bos@marincounty.org](mailto:bos@marincounty.org)



Proposed Housing Density Re-Zoning in Marinwood/Lucas Valley Letter Signators  
Sponsored by: Organized Residents of Marinwood

| Name             | Address (# and street name) | e-mail | signature |
|------------------|-----------------------------|--------|-----------|
| JUSTIN KAI       | 240 COBBLESTONE DR.         |        |           |
| JEFF FERNZINI    | 65 MERRIAM DR.              |        |           |
| BARBARA SNEDEWIK | 225 COBBLESTONE             |        |           |
| Dave Teshnell    | 211 Cobblestone             |        |           |
| Lisa Teshnell    | 211 Cobblestone             |        |           |
| Jackel Norman    | 196 Cobblestone Dr.         |        |           |
| Mark Gustitus    | 160 Cobblestone Dr.         |        |           |
| Vierney Bigden   | 155 Poguesmoor Dr.          |        |           |
| BRIAN SHARP      | 246 COBBLESTONE DR          |        |           |
| Susan Delgado    | 13 Oval Ct                  |        |           |
| MATTHEW EGAN     | 78 Mt. Muir Ct.             |        |           |
| Kotoo Takeda     | 10 Professional Center Pl   |        |           |
| Kyan Mize        | 231 Cobblestone Dr.         |        |           |
| Sue Holland      | 524 Mill Creek Rd           |        |           |
| Jim Mahoney      | 185 Cobblestone Dr.         |        |           |
| Ian Nesbitt      | 222 Cobblestone Dr.         |        |           |
| Dana Brun        | 216 Cobblestone Dr.         |        |           |
| Todd Orr         | 271 Cobblestone Dr.         |        |           |
| Suzie Hamel      | 279 Cobblestone Dr.         |        |           |
| Sara Whigley     | 259 Cobblestone Dr.         |        |           |

emails and signatures withheld  
for security purposes

# Plan Bay Area 2040 Final Environmental Impact Report

**From:** "Jim Shroyer" [REDACTED]  
**To:** <info@OneBayArea.org>, <eircomments@mtc.ca.gov>  
**CC:** [REDACTED]  
**Date:** 5/15/2013 9:45 PM  
**Subject:** Public Comment MTC and OneBayArea

May 15, 2013

MTC, Plan Bay Area Public Comment

101 Eighth Street

Oakland Ca 94607

**C85-1** | I would like you to VOTE for the "No Project" Alternative because of the many flaws in the DEIR.

**C85-2** | The DEIR is in error in its projection about future Green House Gases (GHS) and job growth. The DEIR is using data from 2005!

The DEIR must be brought up to date and a revised DEIR needs to be completed.

**C85-3** | As a voter in Novato, I request this aspect of the DEIR be revised and those results be publicly vetted before any voting can take place.

**C85-4** | With regard to OneBayArea, high density housing actually INCREASES GHS instead of decreasing it. There are more fiscally and environmentally sustainable solutions. I oppose our regional government being PRO Developer without acknowledging the consequences it will have on our environment and the people who live in The Bay Area.

Sincerely,

Jim Shroyer

[REDACTED]

Novato Ca 94947



STEPHEN F. SHANK

• Mill Valley, CA 94941-3845

Phone:

May 13, 2013

MTC-ABAG Plan Bay Area Public Comment  
101 8th Street  
Oakland, CA 94607

Subject: **Comments Regarding Draft Plan Bay Area**

Dear MTC-ABAG:

We have lived since 1979 in the unincorporated part of southern Marin known as Tamalpais Valley. Based on living here for 34 years and common sense, your draft plan to encourage high density housing will severely hurt the area for the following reasons:

C86-1

- The population in this area has already increased significantly while freeway improvements have lagged behind and feeder roads have had zero improvement and minimal maintenance. In addition to normal traffic and commuter traffic, we also have school traffic and tourist traffic that combine to create a new phenomenon ... road rage. We cannot accommodate additional traffic.
- There has been talk for years of solving the problem of Highway 1 tourist traffic to Muir Woods, but nothing has been done. The problem occurs nearly every weekend year-round and every day during the summer, causing an otherwise 5-minute drive from the freeway to my home to take 30 minutes.

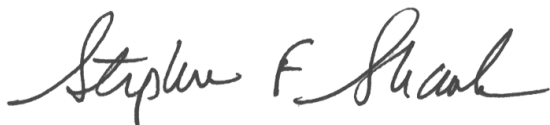
C86-2

- We do not have the sewer capacity for additional housing. Sewer rates have gone from \$550 to \$1,013 per home in 3 years without any increase in capacity.

C86-3

- Much of the proposed building is in a flood plain, which makes no sense. Frequent winter flooding already prevents vehicles from parking in commuter lots and access to the freeway and other roads.
- The county has ferry services and an upcoming SMART train, but neither benefit us due to no facilities nearby. It is unfair to allocate to us a disproportionate share of new housing in order to get funding when we derive no benefit from the projects that get funded.
- The present practice of subsidizing developers to build high density housing on substandard land without solving the resulting problems to the immediate neighborhoods must stop.

Sincerely,



Stephen F Shank

**From:** Toni Shroyer [REDACTED]  
**To:** "info@OneBayArea.org" <info@onebayarea.org>, "eircomments@mtc.ca.gov" <eircomments@mtc.ca.gov>  
**CC:** Susan Kirsch [REDACTED]  
**Date:** 5/15/2013 9:32 PM  
**Subject:** Public Comment to MTC

May 6, 2013

MTC, Plan Bay Area Public Comment

101 Eighth Street

Oakland CA 94607

Currently the Draft

**C87-1** Environmental Impact Report (DEIR) and PlanBayArea has failed with regard to public safety and is developer oriented and not public safety oriented. Public safety is essential to everyone.

Developers advocate for "Best Practices" of management for multi-family dwellings of 40 units or more. Why? Because, it is more "viable" or profitable for them. Profitability cannot have dominion over public safety.

Adequate public safety should include ALL units, not just those of 40 units or more.

Because of budget cuts, many cities and counties do not have a full complement of law enforcement personnel. This is true of staffing of code enforcement officials as well. So my question is "Are we going to build even more units and stretch our current law enforcement personnel even further?"

The developers are being allowed to compromise public safety wherever they decide to build. For example, the California Tax Allocation Committee (CTAC) allows nonprofit developers to have a 55 year tax exemption and they are not held accountable for keeping their complexes free of crime.

What we have seen in Novato, CTAC will request security cameras, security gates and part-time security guards and then the developer is deemed "in compliance" regardless. Clearly, this is not enough.

There are two things we must accomplish. First, we must have best practices for all affordable units, regardless whether they are clustered in groups or 40 or not. Two, there must be public safety impact fees imposed to compensate for the stress placed upon the current infrastructure by projects of 40 units or more.

**C87-2** It is important to be PEOPLE oriented, not DEVELOPER oriented. Developers need to pay their fair share of the infrastructure and that is not being considered in the DEIR

**C87-3** In addition, public comment is ignored by PlanBayArea and ABAG and MTC. What major revisions if any will PlanBayArea implement after "hearing" public comment?

## Plan Bay Area 2040 Final Environmental Impact Report

The people's voices need to be heard, listened to and acted on. Public safety must be addressed and implemented in the final Environmental Impact Report and in the OneBayArea Plan. I look forward to your response addressing these specific issues. I recommend voting for "No Project" as the DEIR is flawed and needs to address this issue among many others.

Sincerely,

Toni Shroyer

[REDACTED]

Novato CA 94947

[REDACTED]

**Clayton Smith**

Mill Valley, CA 94941

May 16, 2013.

MTC-ABAG

PLAN BAY AREA PUBLIC COMMENT

101 – 8<sup>th</sup> Street

Oakland, CA 94607

RE: Public Comment on Draft Plan Bay Area and Draft Plan Bay Area Draft Environmental Impact Report.

PLAN BAY AREA is the triumph of bureaucracy over common sense. Its top down methodology is non-organic and authoritarian, reflecting its real intention of enhancing social control. Its massive, grandiose, all-encompassing nature is anti-democratic, as well as intimidating. It openly recommends building 660,000 housing units in the Bay Area over the next 25 years, adding what amounts to an entirely new metropolis to our already crowded landscape. This recommendation is based on employment and subsequent housing needs that are bogus, and are directly contradicted by the projections published by the State Department of Finance, the established authority on this issue.

C88-1

PLAN BAY AREA's impacts on local schools, hospitals, roads, police, fire, water resources and infrastructure are uncompensated for and uncertain. It benefits large scale developers via numerous generous tax credits that can be leveraged and marketed. This in turn provides great short term gains to a wealthy few, while imposing huge long term costs on the many, namely local taxpayers and homeowners.

PLAN BAY AREA takes our elected representatives at the state level off the hook, when it comes to accountability for the damages its implementation will inflict on our communities. It supports the open violation of current environmental protections against unsuitable development. Contrary to its promoters' assertions, it will do nothing to improve air quality or reduce traffic congestion. In fact, it is more likely than not to contribute to the decline of the general quality of life for those of us living in the Bay Area.

Most importantly, no real, open, informed, heartfelt debate on PLAN BAY AREA has occurred in public. Instead, at this moment, there is a determined rush to steam roll this agenda, precluding proper public scrutiny and comment. The public needs and deserves a time out, in order to review its provisions and vent their considerations of them.

I think, and most people knowledgeable on this issue agree, that a 6 month moratorium would greatly benefit the public interest in this regard. Also, we need a genuinely open public debate on PLAN BAY AREA. (I would recommend this debate be done in the classic format of the Lincoln/Douglas debates.

Finally, it is my opinion that something that will have this level of impact on the lives of those of us, living in the affected communities, should be put on the ballot for voter approval.

May 15, 2013

Send to: [eircomments@mtc.ca.gov](mailto:eircomments@mtc.ca.gov) and [info@OneBayArea.org](mailto:info@OneBayArea.org)

Public Comment on the Draft Bay Area Plan and Draft EIR (State Clearinghouse #2012062029)

**Re: Plan Bay Area – Insufficient Water Supply & Costly Mitigation Plan**


**C89-1** This letter is sent on behalf of various residents of Marinwood who oppose the Draft Bay Area Plan and the Draft EIR. We are in favor of the "No Action Plan" option and insist that the Marinwood potential PDA be removed from the plan in particular. As residents of Marin County, below is just one of the reasons why we oppose implementation of the current Plan Bay Area draft:

**C89-2** As it shows in the DEIR 2.12, there could be insufficient water supplies to meet the needs of the proposed housing developments. The Plan's mitigation plan for conservation measures such as water conserving fixtures and drought resistant plants would be insufficient. Marin County is already a very water-conscious area – and even though we've demonstrated strict conservation practices we still struggle with water shortages. In fact, we've been so good at conserving water that the MMWD has had to increase rates in order to continue operations because we exceeded their expectations.

Question: The Plan's mitigation measures will be costly - what will the financial impact to our community be? How will the need for additional water supply affect our water infrastructure and how will that impact the community financially?

**C89-3** The Marinwood potential PDA makes little sense, and has no regard for the long-term financial and social consequences that large scale, high density, affordable housing will have when it is built in a location that doesn't have the infrastructure to support it. We look forward to hearing your response and seeing how the Plan will change to address our concerns.

Sincerely,



Barbara Snekkevik  
Organized Residents of Marinwood

cc: Marin County Board of Supervisors: [bos@marincounty.org](mailto:bos@marincounty.org)



Proposed Housing Density Re-Zoning in Marinwood/Lucas Valley Letter Signators  
Sponsored by: Organized Residents of Marinwood

| Name                     | Address (# and street name) | e-mail | signature |
|--------------------------|-----------------------------|--------|-----------|
| Sarah Elie Reed          | 2175 Danberry Lane          |        |           |
| AURA EPP                 | 2190 Danberry Lane          |        |           |
| <del>2198 Danberry</del> |                             |        |           |
| GORDON/MUIR              | 2162 DANBERRY               |        |           |
| Joan Gray                | 2124 Danberry Ln.           |        |           |
| Wendy Edwards            | 678 Butterberry Ln          |        |           |
| Joan Mangle              | 685 Blackberry Ln.          |        |           |
| Leland Mangle            | 685 Blackberry Ln           |        |           |
| Dean Shiffin             | 667 Blackberry Ln.          |        |           |
| Karen E. Gones           | 628 Blackberry Ln. S.R.     |        |           |
| John Lynch               | 528 Appleberry              |        |           |
| Austin Lynch             | 528 Appleberry              |        |           |
| Victoria Lynch           | 528 Appleberry              |        |           |
| Jeremy Lawrence          | 640 Cedarberry Lane         |        |           |
| Myriam Chapin            | 640 Cedarberry Lane         |        |           |
| Lisa Michael             | 14 Rubicon Ct SR CA         |        |           |
| Hox Reyes                | 335 Miller Creek            |        |           |
| Theresa Glebbin          | 11 Pine Hill Ct. SE CA      |        |           |
| Lyndsie Baker            | 2500 Deer Valley Rd. #1433  |        |           |
| Barbara Paraffor         | 899 Appleberry. SR          |        |           |
| Erin Rudenske            | 200 Emerystone Terrace      |        |           |

emails and signatures withheld  
for security purposes

## Plan Bay Area 2040 Final Environmental Impact Report

**From:** Liz Specht [REDACTED] >  
**To:** <info@OneBayArea.org>  
**CC:** <skinsey@marincounty.org>, <krice@co.marin.ca.us>, <peklund@novato.org>  
**Date:** 5/15/2013 3:04 PM  
**Subject:** Public Comment on Draft Bay Area Plan

Comments on Plan Bay Area Environmental Impact Report from Elizabeth W. Specht, 102 Nelson Avenue, Mill Valley, CA 94941

May 15, 2013

MTC-ABAG, Plan Bay Area

re: Public comment on Draft Bay Area Plan Draft Environmental Impact Report

I've lived in Mill Valley for 29 years. In 1990 I cofounded El Porvenir, a CA 501-c-3 and continue to serve on its board of directors. This organization works with Nicaraguan campesinos to develop potable water projects so that their villages can rely on healthy water, overcoming a cycle of sickness that plagues many rural people.

I've learned a lot of down-to-earth practical facts about water since then, and I'm still learning.

C90-1

A deep concern for me is water. How will this county meet the increased need for water for the additional population called for by Plan Bay Area? MMWD has been pressing water-users in Marin to conserve water for years, threatening to build a desalination plant to enlarge our current supply.

Processing salty and impure water for human consumption requires a lot of energy which produces a lot of greenhouse gases. Desalination of San Francisco Bay's (or the Pacific Ocean's) water would radically increase the output of GHGs, cancelling any decrease made by locating new homes near transit centers.

For supporting data, I refer the reader to [http://www.pacinst.org/reports/desalination\\_2013/energy/](http://www.pacinst.org/reports/desalination_2013/energy/)

Therefore, I want to stress this critically significant and irreversible environmental change that would be brought about by the Plan: that there are and would be insufficient water supplies from existing entitlements and resources to serve the expected development.

Respectfully submitted,

Elizabeth W. Specht

## Plan Bay Area 2040 Final Environmental Impact Report

**From:** Liz Specht [REDACTED] >  
**To:** <eircomments@mtc.ca.gov>  
**Date:** 5/15/2013 5:35 PM  
**Subject:** EIR Comments

\*\*\* Sorry to be late. I did not know I should send comments to this address as well as to info@OneBayArea.org (which I did before the deadline).

C91

Comments on Plan Bay Area Environmental Impact Report

May 15, 2013

MTC-ABAG, Plan Bay Area

re: Public comment on Draft Bay Area Plan Draft Environmental Impact Report

I've lived in Mill Valley for 29 years. In 1990 I cofounded El Porvenir, a CA 501-c-3 and continue to serve on its board of directors. This organization works with Nicaraguan campesinos to develop potable water projects so that their villages can rely on healthy water, overcoming a cycle of sickness that plagues many rural people.

I've learned a lot of down-to-earth practical facts about water since then, and I'm still learning.

A deep concern for me is water. How will this county meet the increased need for water for the additional population called for by Plan Bay Area? MMWD has been pressing water-users in Marin to conserve water for years, threatening to build a desalination plant to enlarge our current supply.

Processing salty and impure water for human consumption requires a lot of energy which produces a lot of greenhouse gases. Desalination of San Francisco Bay's (or the Pacific Ocean's) water would radically increase the output of GHGs, cancelling any decrease made by locating new homes near transit centers.

For supporting data, I refer the reader to [http://www.pacinst.org/reports/desalination\\_2013/energy/](http://www.pacinst.org/reports/desalination_2013/energy/)

Therefore, I want to stress this critically significant and irreversible environmental change that would be brought about by the Plan: that there are and would be insufficient water supplies from existing entitlements and resources to serve the expected development.

Respectfully submitted,

Elizabeth W. Specht

102

**From:** "John Stein" <[REDACTED]>  
**To:** <info@OneBayArea.org>  
**Date:** 5/16/2013 1:33 PM  
**Subject:** Comments on the One Bay area Plan Draft EIR

May 16, 2013

To who it may concern:

**C92-1** In regard to the One Bay Area Plan DEIR I would urge that at this time you adopt option one. I do not think that enough thought has been given to potential problems in implementing the other options.

**C92-1.5** As a former City Councilmember the other options appear to be financially unsustainable. For suburban communities with small industrial and commercial tax base high density infill development particularly apartments consume far more in services costs than they generate in revenue. Without an ongoing subsidy this will require increased taxes for existing residents or alternatively reduced service levels.

In regard to required new infrastructure it is difficult to see how infill development will generate the capital needed for new schools, parks, hospitals, libraries, roads, sewers and water supplies. There is also the question of finding sites for the new infrastructure. Just increasing population without the required infrastructure represents a decrease in quality of life for existing residents.

It is unclear that high density development fosters high quality education. The larger cities in the area seem to have poor public schools and a large number of expensive private and religious schools.

In existing urban areas transit is heavily subsidized the federal, state and county government. Where will the subsidies for transit in outlying communities come from? To add population without adequate transit or alternatively parking and street improvements will lead to local congestion and air pollution and attendant health problems.

**C92-2** Locating residential development close to transit corridors, particularly heavily traveled arterials, places people (children and the elderly) in highly polluted areas with attendant health risks. Noise, glare and odors add to the stress.

**C92-3** Adding new development at five to ten times the existing density will radically change the suburban character of these communities. It is also unclear that large clusters of high density development will foster either diversity or affordability. In existing cities high density seems to create ghettos of uniform age, wage and ethnic composition.

**C92-4** Effort should be focused on encouraging jobs housing balance, alternative fuels such as natural gas and electricity for transportation, telecommuting and urban growth boundaries and allow local planning to decide and planning that retains individual community's character and maintains their quality of life.

A more balanced analysis of the risks and benefits of the proposed changes is needed before any option except one should be considered.

John Stein [REDACTED]

## Plan Bay Area 2040 Final Environmental Impact Report

**From:** Robin Stelling [REDACTED]  
**To:** <dstratton@marincounty.org>, <eircomments@mtc.ca.gov>, <envplanning@marincounty.org>  
**CC:** Susan Adams <SAdams@marincounty.org>  
**Date:** 5/16/2013 2:02 PM  
**Subject:** Public Comment Against Draft Plan Bay Area and Draft Plan Bay Area Draft Environmental Impact Report

To Whom It May Concern:

**C93-1** I have many issues with the controversial Plan Bay Area as it pertains to Marin County. As a resident of Lucas Valley I take great issue with accommodating 70 percent of the county's proposed subsidized housing plan in our semi-rural area of 2000 families, especially when the new developments carry no tax burden. This is a long-term recipe for disaster affecting local schools, police and emergency services.

What is a "city-centered corridor" doing in a suburban/rural area? Stack-and-pack, high-density housing along Highway 101 will not relieve traffic congestion or seriously curb greenhouse gases but will increase it. Who expects these new residents to bicycle to the nearest grocery store or to take their children to soccer practice via bicycles? Our local public transportation services already have funding issues. Implementing a cookie-cutter urban plan in a suburban-rural county doesn't make sense. It is ridiculous to treat this county as urban when it is rural and suburban.

**C93-2** Based on State Department of Finance studies I believe the Bay Area Plan is totally unrealistic regarding its projections on future job and population growth.

**C93-3** Regarding the environmental impact on Marin County, it is critical to take into account issues regarding local water supply, sea level rise and inadequate wastewater treatment capacity.

Why is there the assumption that everyone in Marin County are the very wealthy? Many of us have lived in dense urban environments and worked hard for the opportunity that living in central Marin provides. Most of our citizens believe that affordable housing for low income residents and seniors should be available in the county, developed in a thoughtful way involving local planning, without destroying the character of our communities.

**C93-4** One size fits all regional planning does a disservice to the character of the communities of the Bay Area. I ask you to remove Marin County from the Plan Bay Area and allow us to go forward with local planning. Do not be persuaded by developers and powerful Sacramento interests to inflict this damage on our County.

Thank you  
Robin Stelling  
[REDACTED]  
San Rafael 94903

## Plan Bay Area 2040 Final Environmental Impact Report

**From:** EnvPlanning <EnvPlanning [REDACTED]>  
**To:** "eircomments@mtc.ca.gov" <eircomments@mtc.ca.gov>, "info@OneBayArea.org" <info@OneBayArea.org>  
**Date:** 5/16/2013 3:38 PM  
**Subject:** FW: Comment for 2012 Draft Housing Element

-----Original Message-----

From: Terry Stelling [mailto:tw@lucasvalley.net]  
Sent: Thursday, May 16, 2013 1:29 PM  
To: EnvPlanning  
Subject: Comment for 2012 Draft Housing Element

**C94-1** As a concerned citizen I have many issues with the controversial Plan Bay Area as it pertains to Marin County. In particular, as a citizen of the Lucas Valley area I take great issue with accommodating 70 percent of the county's proposed subsidized housing plan in a semi-rural area of 2000 families, especially when the new developments carry no tax burden. This is a long-term recipe for disaster affecting local schools, police and emergency services.

**C94-2** And what is a "city-centered corridor"? Does anyone really believe that stack-and-pack housing along Highway 101 will relieve traffic congestion and seriously curb greenhouse gases? Or that these new residents will bicycle to the nearest grocery store or dry cleaner? A real urban environment provides easy access to all amenities along with the necessary public transportation. Our local public transportation services already have funding issues. Implementing a cookie-cutter urban plan in a suburban-rural county really doesn't make sense.

**C94-3** Based on existing studies I believe the Bay Area Plan is totally unrealistic regarding its projections on future job and population growth in Marin County.

**C94-4** Regarding the environmental impact on Marin County, it is critical to take into account issues regarding local water supply, sea level rise and inadequate wastewater treatment capacity.

Not everyone in Marin County are the very wealthy. Many of us have lived in dense urban environments and worked hard for the opportunity that living in Marin provides. Most of our citizens believe that affordable housing should be available in the county, developed in a thoughtful way involving local government and communities, not as payback to labor and big developers for their Sacramento support.

**C94-5** In conclusion I believe the Draft Plan Bay Area for Marin County is not supported by substantial evidence and a revised EIR should be prepared and circulated for public review with ample time given to the public for comment.

Terry Stelling  
Lucas Valley

Email Disclaimer: <http://marincounty.org/nav/misc/EmailDisclaimer.cfm>

Public Comment on the Draft Bay Area Plan and Draft EIR (State Clearinghouse #2012062029) – Rachel Stengel

Send to: [eircomments@mtc.ca.gov](mailto:eircomments@mtc.ca.gov) and [info@OneBayArea.org](mailto:info@OneBayArea.org)

C95-1

This letter is submitted on behalf of the more than 400 residents of Marinwood that signed this letter in opposition to the Draft Bay Area Plan and the Draft EIR. We are in favor of the “No Plan” option. As Marin County residents, we oppose implementation of the current Plan Bay Area draft for the following reasons:

1. Public Outreach and Transparency: The ABAG/MTC officials who are responsible for disseminating information on this Plan to the community have failed in this task. The vast majority of impacted communities are unaware of the details of this Plan. This is not the fault of the public but of the officials who spent years and millions of dollars developing this Plan without widespread community input. Local comment meetings were a formality resulting in the public being frustrated with unresponsive panel members from MTC/ABAG.

Question: Is ABAG/MTC responsible to educate the public on their Plan and allow the public to receive answers to their questions? If yes, when will this occur in an open forum?

2. The ABAG/MTC Plan uses statistics and data that is not current nor substantiated by several independent sources. Before implementing a plan that radically impacts this community for the next 50 years, it should have been properly vetted by the communities impacted and all financial, environmental and social aspects discussed with the public. The Plan has not considered the impact on our already overburdened infrastructure, e.g., water, sewer, schools and highways.

Question: Will ABAG/MTC have an independent analysis conducted of their jobs growth and housing needs figures for Marin County since there appears to be major discrepancies between other source information, e.g., the State Finance Department?

3. Creating Jobs is more important than building housing developments: The priority should be put in perspective. Without jobs there is less need for housing. There are negative consequences in promoting housing that is not balanced with local employment opportunities. These mistakes were made by Vallejo, Stockton,

Public Comment on the Draft Bay Area Plan and Draft EIR (State Clearinghouse #2012062029) – Rachel Stengel

Modesto and San Bernardino, which all went bankrupt as a result of incorrect job and growth projections. Portland was another city that learned from this mistake.

4. Housing is being given priority over Transportation and Traffic Improvements: Planning for mass housing prior to implementing sufficient public transportation and infrastructure leads to grid lock and higher pollution. A legitimate transportation infrastructure needs to be in place before any new housing developments are built.

Question: Does ABAG/MTC have proof that public transit and other forms of transit will not increase Green House Gas emissions above the levels that light trucks and cars are producing in Marin County.

5. A thorough analysis of alternatives to reducing Green House Gasses by high density Transit Oriented Development has not been conducted and current studies have discredited past findings contained in the DEIR.

Question: What is ABAG/MTC's current proof that high density transit oriented developments will reduce greenhouse gas emissions sufficiently to offset the impacts of these developments?

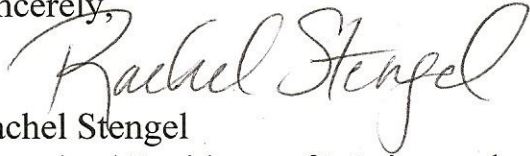
6. Balanced Market Rate & Affordable Housing: Building high density housing near highways and segregating the poor into those areas is socially unfair. Real integration of housing, e.g., Habitat for Humanity single family home rehabilitation, second units, equity sharing programs, senior housing, and others allows the less fortunate to potentially experience the "American Dream" of home ownership. A development can be successful with a combination of 80% market-rate and 20% affordable housing alternatives that provide starter homes for young couples. This ensures sustainability and a healthy community by providing resources to meet infrastructure needs and other public services.

7. Draft Plan page #21 does not adequately address resident preference to use cars or light trucks to carry out such tasks as transporting kids to and from school, sports activities, home improvement supplies trips, or doctor/vet visits. Residents have limited time and schedule constraints to accomplish these tasks which cannot be addressed by public transit alternatives, (e.g. carrying sheets of plywood or drywall on the bus).



The Draft Plan Bay Area's DEIR is inadequate in numerous instances, as identified in this Comment Letter.

Sincerely,

A handwritten signature in cursive script that reads "Rachel Stengel". The signature is written in dark ink and is positioned above the printed name.

Rachel Stengel  
Organized Residents of Marinwood

cc: Marin County Board of Supervisors: [bos@marincounty.org](mailto:bos@marincounty.org)

Proposed Housing Density Re-Zoning in Marinwood/Lucas Valley Letter Signators  
Sponsored by: Organized Residents of Marinwood

| Name                     | Address (# and street name)  | e-mail | signature |
|--------------------------|------------------------------|--------|-----------|
| . Schine Brande-Tech     |                              |        |           |
| . Natalie Garkuske       | 585 Taylorberry Rd           |        |           |
| . Alba Alvarado          | 601 Taylorberry rd           |        |           |
| . Robert Fied            | 613 Taylorberry              |        |           |
| . James Holloway         | 634 Taylorberry              |        |           |
| . Mike Archer            | 637 Taylorberry Rd           |        |           |
| . Sandy Archer           | 637 Taylorberry Rd           |        |           |
| . Jill Owen              | 2235 Juniperberry Dr.        |        |           |
| . Steve Dee              | 2250 Juniperberry Dr         |        |           |
| . Lynn Ennis             | 2250 Juniperberry Dr         |        |           |
| . Matt Dee               | 2250 Juniperberry Dr.        |        |           |
| . Erin Dee               | 2250 Juniperberry Dr.        |        |           |
| . Reese Reese            | 2258 Juniperberry Dr.        |        |           |
| . Anna Van Winkle        | 559 Loganberry Dr.           |        |           |
| . Allison Stone          | 574 Loganberry Dr            |        |           |
| . Miss-Sueel Vaden Vaden | 340 Sterling way SR          |        |           |
| . Julie Williamson       | 18 Valley Stone Dr           |        |           |
| . Francis Alan Kalau     | 99 Pinf. Drive San Rafael CA |        |           |
| . Robert Fied            | 588 Haddon Way San Rafael    |        |           |
| . Wade Kassiri           | 356 Sterling way             |        |           |

emails and signatures deleted  
for security purposes

C96

Mill Valley, CA 94941  
May 14, 2013

MTC-ABAG  
Plan Bay Area Public Comment  
101 8th Street  
Oakland, California 94607

*Re: Public Comment on Draft Bay Area Plan and Draft Bay Area Plan Draft Environmental Impact Report*

This letter is submitted as public comment on the Draft Bay Area Plan and Draft Bay Area Plan Draft Environmental Impact Report (State Clearinghouse No. 2012062029). My name is Kerry Stoebner, a lawyer and resident of Marin County for 24 years and a member of the Marin Water Coalition.

The DEIR is inadequate because it fails to address the vital issue of water. One of the major questions when contemplating development in Marin County, or any place in California, is “Where will the water come from?” The Plan projects that the San Francisco Bay area will add 2.1 million people, increasing the total regional population from 7.2 to 9.3 million by 2035. To house this projected influx, Plan Bay Area calls for 634,000 new housing units, all of which will require additional water.

The massive population growth that ABAG is projecting is equivalent to **two and a half new cities the size and density of San Francisco** (2012 estimated population based on 2010 U.S. Census) added to the Bay Area by 2035. To provide adequate water supplies to such an area would require the **equivalent of building and operating two and a half new Hetch Hetchy dams** (if such lands and water rights were available). However, the draft EIR for the One Bay Area Plan makes no provision or plans for additional water supplies, nor does it factor in the green house gas emissions that would be generated in the construction and operation of mammoth new water supply sources.

Water is a fundamental and necessary component in actualizing any new planned development scheme. Indeed, S.B. 375, the Sustainable Communities and Climate Protection Act of 2008 -- the legislation giving rise to the Plan Bay Area -- specifically requires a “feasible” Plan Bay Area and defines that term as “...capable of being accomplished in a successful manner within a reasonable period of time, taking into account economic, environmental, legal, social and technological factors”. [Sec. 5(b)(2) of S.B. 375]. *Without an additional, long-term source(s) of water for the projected population growth of 2.1 million people, Plan Bay Area is not feasible.*

In 2001 our state legislature wisely passed S.B. 610, requiring that in all new developments over 500 units, sources of water must be firmly identified before development may proceed. A second law, S.B. 221 (2001), requires a written verification from the responsible water utility that the proposed project will have a reliable, long-term (20 year) water supply.

The rationale behind these two laws is explained in a Planning and Conservation League publication:

“These ‘show me the water’ laws are intended to ensure that the existing residents’ rights to clean and reliable water supplies are considered when new developments are being evaluated and that new projects will have secure water rights.”

What will provide that reliable, long-term water supply in Marin, where 8,810 new units are proposed under Plan Bay Area? Given that periodic water shortages occur, even with Marin’s current population (which has remained largely static over the last 10 years), the new development proposed under Plan Bay Area will in all likelihood out-strip the water supplied by MMWD’s [Marin Municipal Water District] seven reservoirs and water purchase agreement for Russian River water. The most likely water source if Plan Bay Area’s massive new development is pushed through is MMWD’s proposed 5-15 MGD (million gallons per day) desalination plant, to be located at the foot of the San Rafael Bridge, across the Bay from the Chevron Refinery.

But the proposed San Rafael desalination plant poses significant financial and environmental problems:

- It would be hugely expensive, with construction and initial operating expenses estimated to be \$400 million.
- A bond measure for the \$400 million plant has not yet been approved by the voters.
- Desalination would cause a huge increase in the County’s green house gas emissions. MMWD is already the largest energy user in Marin County. If desalination – which uses up to nine times<sup>1</sup> more energy than obtaining water from local surface water sources -- is utilized, local energy consumption and green house gas emissions would sky rocket.<sup>2</sup>

<sup>1</sup> Heather Cooley and Matthew Heberger, “Key Issues for Seawater Desalination in California: Energy and Greenhouse Gas Emissions”, p. 7, Figure 2. “Comparison of the Energy Intensity of California Water Supplies, [Pacific Institute, May 2013]. “Seawater desalination is considerably more energy intensive than almost every other water supply option available”, Ibid, p. 8. And see, James Fryer, “An Investigation of the Marginal Cost of Seawater Desalination in California”, [Sponsored by Residents for Responsible Desalination, March 2010].

<sup>2</sup> Water and energy are inextricably linked in this state. “...[A]bout 19% of the state’s electricity use and 33% of the state’s non-electricity natural gas consumption is water related.”.... “DWR [Department of Water Resources], which operates the State Water Project, a large system of dams, canals, pipelines, and pumps that delivers water to cities and farms in the Central Valley and Southern California, **is the single largest user of energy in the state.**” Ibid, p. 17.

- The desalination plant will use as its source water San Francisco Bay – designated a “*toxic hot spot*” by the State Water Resource Control Board. The following chemicals and carcinogens are found at significant levels in the toxic soup of San Francisco Bay:
  - Mercury
  - PCB’s
  - Arsenic
  - Brominated flame retardants (similar to the infamous and long-banned PCBs)
  - DDT
  - Dioxin
  - Pesticides and herbicides (run-off from farming operations in the Central Valley)

Indeed, in its “Statement of Overriding Considerations”, the draft EIR for Plan Bay Area has acknowledged, when compared to existing conditions, that the proposed plan will “[r]esult in **insufficient water supplies** from existing entitlements and resources to serve expected development” and that they [ABAG] considers this to be a “**significant, unavoidable impact**” . ABAG reached this startling conclusion without attempting to identify mitigating measures to ensure safe, reliable water sources for the current and future citizens of Marin, and indeed, all of the regional Bay Area.

Citizens of Marin should not be forced to forsake their sustainable watershed<sup>3</sup> -- with its 7 rain-water filled reservoirs -- and exchange it for a \$400 million, energy-guzzling, greenhouse gas emitting desalination plant located on toxin-laden San Francisco Bay. The Plan’s draft EIR has not identified a reliable, long-term source of water for the dense development it proposes and hence has not met the requirements of existing state laws S.B. 610 and S.B. 221. Furthermore, ABAG has acknowledged that insufficient water supplies will be a “significant, unavoidable impact” of Plan Bay Area. On the basis of this most crucial issue -- inadequate water supply for the proposed high-density development and substantially increased population -- the draft EIR for Plan Bay Area should be found deficient.

Respectfully submitted,

Kerry Stoebner, JD  
Marin Water Coalition

<sup>3</sup> See “Sustaining Our Water Future: A Review of the Marin Municipal Water District’s Alternatives to Improve Water Supply Reliability”, by James Fryer, [Sponsored by Food & Water Watch, June 2009]

Carolyn Clevenger, MTC EIR Project Manager  
Metropolitan Transportation Commission  
101 Eighth St., Oakland, CA 94607

Dear Ms. Clevenger,

This letter is in regards to my main objections for the Plan Bay Area.

C97-1 First and foremost, I do not want to see development along the bay front east of Hwy. 101.

C97-2 I am especially concerned that the property around St. Vincent's School for Boys not be filled with any development. It is so wonderful to drive by that property early in the morning and get instant relief from the traffic jams that are prevalent. I sometimes see a lone coyote walking nonchalantly across the field. Also the old oak trees are a sight from the past. I can envision a field trip to a dairy experience for Bay Area school children to see where our milk comes from. Wouldn't that be much better than a lot of man made structures for low income housing?

C97-3 At the recent meeting in the Showcase Theater at the Marin Center I found myself agreeing with speakers who mentioned that global warming will make building near the bay a big mistake by 2050. Also Marin County general plans have always left the bay front alone.

C97-4 Speaking of Marin County general plans: We have a limited amount of water and desalinization is not popular in Marin County and the Marin Municipal Water District has quit trying to ram that idea down our throats! The many toxics in the bay water coming downstream from agricultural and city sewage plants is of questionable use for drinking. Our Marin county water is wonderful to drink. . . . better than any other beverage!

So please submit my comments to your group. I have lived in Marin County for 53 years and hike a lot and enjoy the open spaces we have and the fresh air too. Not to mention the water. If apartments are built, each family WILL have a car and that will be added to our traffic jams on 101!

Sincerely,



Carolyn Turner

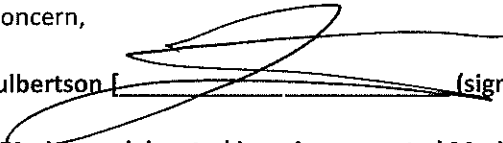
San Anselmo, CA 94960

May 15, 2013

Carolyn Clevenger, MTC EIR Project Manager,  
Metropolitan Transportation Commission  
MTC-ABAG Plan Bay Area Public Comment  
101 8th Street Oakland,  
California 94607  
[eircomments@mtc.ca.gov](mailto:eircomments@mtc.ca.gov).

Re: Public Comment on Draft Plan Bay Area and Draft Plan Bay Area Draft  
Environmental Impact Report

To Whom It May Concern,

My name is Lisa Culbertson [  (signature)].

I am a resident of Marinwood, located in unincorporated Marin County. I support and adopt the following letter to you by a fellow member of my community, Deana Dearborn, as follows:

I am writing to comment on the Draft Plan Bay Area (The plan) and Draft Plan Bay Area Draft Environmental Impact Report (DEIR).

C98-1

I submitted a request for an extension of time to review the Plan and DEIR, which was not granted. These are complex and difficult documents for ordinary people to understand. The level of communication with the communities you are impacting by this plan is disgraceful. The plan includes a statement, "We reached out to the people who matter most – the 7 million people who live in the region." This is inaccurate as it pertains to my community, Marinwood, designated as a potential Planned Development Area (PDA). Many members of the Marinwood community do not know what Plan Bay Area is and for most that do, they have only heard about it in the past few weeks. I attended one of two planned meetings in my community where there was no verbal presentation or explanation of the plan, but rather boards and remarks from the public. I ask that you reconsider this fast track approach and take the time to educate the community on exactly what it is that you are proposing in this plan and why.

C98-2

I support truly sustainable land use and development that preserves the qualities of existing neighborhoods. I support additional affordable public transportation that reaches a greater range of areas throughout the Bay Area and operates more frequently with longer hours. I also support a range of housing opportunities, integrated into existing communities that do not adversely affect those communities through expediting environmental and permit review and not contributing a fair share to the tax base. None of these things are supported by this plan and therefore you do not have my support. I vote for no plan and ask that you remove Marinwood as a potential PDA designation.

Although I am writing this letter representing myself, I have spent the past two weeks walking door to door gathering signatures against the proposed development plans affecting Marinwood and Lucas Valley. 90% of the homes visited by myself and fellow neighbors are NOT in support of this plan or the related Housing Element. Since this plan is voluntary and you do not have the support of the Marinwood/ Lucas Valley community I ask again that you remove Marinwood as a potential PDA designation.



I have grave concerns about the environmental, health and safety impacts that could result from the poor land use planning that I see presented in this plan as well as other related plans, such as the Marin County Housing Element. There are numerous holes and inconsistencies in the Plan Bay Area and DEIR which are the basis of my comments that follow:

C98-3

#### **Unrealistic employment growth**

Projected employment growth in Marin County is half of what is being proposed for housing growth. The largest Bay Area job growth is assumed in major cities and areas such as Silicon Valley that have established industries such as technology. Marin County is not known for any specific industry. For its size, Marin County has very few large scale employers and a low number of high paying jobs compared to the number of residents and high cost of living. The potential growth in local employment projections are assumed to be coming from professional services and retail.

Marin had the largest job growth from 1980 to 1990. In 2011, employment levels were about the same as they were in 1990. There are documented studies that project a relatively flat growth in jobs in Marin County over the next 30 years. The lack of consistency and equality between the housing and job numbers projected in Marin County will lead to more commuters, thus increasing green house gas (GHG) emissions as there will not be enough jobs for the number of residents moving into the county. This will hurt the workforce that these plans aim to protect as there will be more competition for available jobs and low income earners will not have ample salaries to pay for the high price of transportation to travel to employment throughout the Bay Area.

The lack of continuous transportation will also affect quality of life for those depending on public transportation as it can take hours to get from point A to B if multiple modes of transportation are to be used. In addition, the Housing Element appears to designate almost every available parcel in Marin for housing, not leaving properties available for commercial development. Furthermore, the proposals for mixed use projects do not have an equal balance between jobs and housing.

The discussions around new jobs in Marin have been more focused on filling vacancies than creating new development. This does not leave opportunity for the creation of jobs in areas where housing is being considered. A perfect example of this is the Marinwood area, which has minimal jobs in the near vicinity and yet the projected housing number far exceeds any potential commercial development within the area.

Due to the fact that job growth in Marin will likely remain flat and the available capacity for jobs to increase is unlikely, I ask that The Plan Bay Area be revised to include realistic employment projections by area and a specific plan for achieving those projections. I ask that the plan take into account not only the workforce commuting into Marin County for employment, but all commuters into, out of and through Marin County. The approach taken in this plan is shortsighted and not representative of all current commute patterns.

C98-4

#### **Unrealistic Housing numbers**

Like the job numbers, the housing numbers also appear to be unrealistic. The January 2013 release of the State Department of Finance (DOF) projections of Marin County's population growth are 10% lower than the growth forecast used for Plan Bay Area. Plan Bay Area forecasts a 13% population growth to 2040 (32,914 more people) but DOF projects a 3% population growth (6,818 more people). This is a significant discrepancy. The Plan Bay Area and the DEIR should be revised to reflect population growth based on DOF projections, not that of an independent consultant hired by ABAG.

The plan needs to include an assessment of the total cost to the County and taxpayers incurred by adding housing. This assessment should include additional services (schools, water, fire, police, ambulance...) and the total cost of development including subsidies to developers and loss of tax base.

The housing assumptions do not reflect accurately the desire of a large group of people to maintain living in rural areas and in single family homes. It makes the assumption that the future housing preference is high density, mixed use housing, located in urban areas. While both are desirable to different groups of people, the plan is not representative of all type of housing desires. I request that the plan be modified to accurately represent the desires for all types of housing.



C98-5

**Inadequate evidence that high density housing near transit reduces green house gases (GHG)**

Not only is there no evidence provided that proves placing housing near transit reduces GHG, there is also no analysis validating assumptions that people who move to high density housing near transit will be more likely to take public transit. These ideas or goals focus too much on strategies, which are not valid, and should be substantiated with factual information.

This plan does not take into consideration accurate travel needs, preferences and behaviors and the fact that for many people the preferred mode of travel is by car. The plan does not indicate what other studies have been put forward other than a "one size fits all" determination made by the authors of this plan stating how people are expected to travel. This makes grand assumptions that are unrealistic and should not be used as the basis of such a widespread and impactful plan.

I ask that you provide the analysis to prove that the housing near transit lowers GHG emissions, at what cost and what other options are available to achieve the same results.

C98-6

**Inadequate evidence that the transportation plan reduces GHG**

It seems that there are other ways to reduce GHG emissions that should be analyzed as having a potentially more significant impact on reduction than what is being proposed in Plan Bay Area. These options include considering the future automobile technology and incentivizing individuals for the highest fuel efficient cars. Focus on creating a much higher number of localized jobs in Marin County to allow for more existing residents to work close to home rather than just focusing on housing for those commuting into Marin.

Further studies and factual information should be presented to substantiate that switching people from cars to public transit will in fact decrease CO2 emissions, rather than increase emissions. More information is needed on the types of transportation being proposed and a comparison between the emissions from the public transit vs. cars. The Plan focuses on GHG emissions from personal vehicles and light trucks and does not focus on technology improvements made to other forms of transportation including busses, ferries, trains, etc. An assessment should be performed on the potential for reductions by replacing fleets of other modes of transportation and the cost benefit should be analyzed against the plan as currently proposed.

The plan identifies that the "no project" alternative is projected to reduce passenger vehicles CO2 emissions by 23% by 2040 over the existing condition in 2010. The proposed alternative, which is costly and intrusive into basic economic and personal freedoms, is projected to reduce emissions by 25%. The plan does not consider if this extra 2% is worth the additional costs. I ask that a cost benefit analysis be prepared and incorporated into the findings, which includes other options to reach the additional 2% GHG emissions.

C98-7

**Inadequate evidence that placing high density housing next to major transportation corridors will not have significant adverse health effects on those residents.**

The Plan proposes placement of housing along transportation corridors, where the objective is to locate jobs and housing in close proximity to each other, with the goal of reducing automobile trips and therefore mobile source emissions. However, in doing so sensitive receptors will be exposed to unhealthy levels of toxic air or particulate concentrations. The DEIR does not provide adequate mitigations to protect sensitive receptors, especially those spending time outdoors, such as children playing outside. The DEIR states: "New research on the health effects of TACs and PM2.5 reinforces earlier findings regarding adverse health impacts on both respiratory and cardiovascular health but also a wider range of potential effects, such as diabetes, autism, cognitive functions in older adults, and oxidative damage to DNA. In addition, US EPA has not identified a level of TAC/ PM2.5 concentration where no negative health effects are observed." There are many reports not disclosed or discussed in the plan that identify causal links between proximity to freeways and highways, asthma, autism and cancer. This should be highlighted as a risk in the plan and study references included.

Implementation of Plan Bay Area would subject sensitive receptors to a significant increased risk of developing life-threatening illnesses from toxic air contaminants and particulate matter emissions. Furthermore, the measures listed to mitigate these significant impacts are inadequate to reduce them to less than significant levels, particularly in regard to protecting sensitive receptors that spend time

outdoors. Plan Bay Area's proposal to target residential development in close proximity to highly travelled and congested roadways is irresponsible land use planning and conflicts with CEQA. Case law clearly shows that CEQA is intended "to compel government at all levels to make decisions with environmental consequences in mind." I ask that you revise Draft Plan Bay Area and remove all proposed residential development from areas that are located within the zone of influence of toxic air contaminants and/or fine particulate matter emission sources and remove areas situated within the zone of influence of these emissions from Transit Priority Project corridors, Priority Development Areas and Potential Priority Development Areas.

C98-8

**Plan does not sufficiently consider that traffic congestion adds to CO2 emissions**

The Plan Bay Area does not consider cumulative effects of increased localized traffic. The lack of expansion of the road network will cause an increase in traffic congestion as areas grow more dense. Instead the methodology of this Plan places an over-emphasis on public transit. In reality, congestion will increase, and the resulting standing or slow traffic will cause additional CO2 emissions per passenger mile for the most used form of transit cars and light trucks.

C98-9

Furthermore the plan does not adequately take into consideration the impact of the time wasted from traffic congestion and the effects on quality of life. The Plan Bay Area does not account for typical family life, taking children to and from school, sports, errands, etc., it only focuses on trying to change the norm. Congested roadways will result in a reduction in the distance that most residents can effectively commute, due to time and family constraints. This in turn means that people are less able to find employment within an acceptable distance.

C98-10

I ask that the Plan Bay Area be revised to take into consideration additional, localized traffic especially in areas where increases in housing are not balanced with job growth.

C98-11

**Plan fails to disclose subsidization required to encourage residents to move to high density development near transit**

The Plan Bay Area fails to identify the true amount of subsidization required to encourage builders to develop high density housing. A survey by the National Association of Realtors in 2011 reveals that the vast majority of Americans prefer to live in single-family homes with privacy and yards.

Evidence exists that subsidies are required in order to encourage people to move to high density housing. There is no analysis included in the Plan to validate the amount of subsidization required to encourage developers to initiate and complete such projects and residents to move into them.

This lack of specificity means that an undefined amount of public money, via state, county or city, will be used to reach the goals of this plan. The plan does not alert readers to rising taxes needed to raise revenue to cover these subsidies. Alternatively the plan does not provide sufficient analysis of impacts to services such as police, fire and schools. In addition, there is no evidence that the expenditures covered by the plan will achieve the stated goals.

C98-12

**Inadequate information re: water supply, sea level rise, and support for infrastructure**

There are 5 significant, irreversible environmental changes, and 39 significant unavoidable impacts of the plan, identified in the DEIR, that should be addressed and mitigated before this plan is accepted. They should not be dismissed with findings of "overriding consideration." If the organizations that are proposing to implement this plan cannot address these serious affects than perhaps that is a sign that this is not the right plan for the Bay Area. The impacts I am referring to include:

- Insufficient water supply;
- Exposure to hazardous materials;
- Inadequate wastewater treatment capacity;
- Net Increase in Sensitive Receptors located in Transit Priority Project corridors where there are high concentrations of cancer causing Toxic Air Contaminants and fine particulate matter emissions;
- Inundation from sea level rise;
- Direct removal, filling or hydrological interruption of habitat;

- Interference with the movement of native resident or migratory fish or wildlife species.

C98-13

**Plan Bay Area Approval**

It is unclear to me how the Plan Bay Area ultimately gets approved and implemented. I request that this be clarified to the population impacted by the Plan. Is the plan subject to voter approval?

C98-14

**Conclusion**

The Draft Plan Bay Area's DEIR is inadequate in numerous instances identified in this comment letter. ABAG must prepare an EIR that adequately analyzes the plans significant impact and meets CEQA guidelines. The conclusions are not supported by substantial evidence. The key assumption regarding population and job growth is inaccurate. A revised EIR should be prepared and circulated for public review and with ample time given to the public to comment.

Thank you,

Deana Dearborn  
Marinwood Resident

I, Lisa Culbertson, support and adopt the aforementioned letter:

Signature

Date: May 15, 2013

## Plan Bay Area 2040 Final Environmental Impact Report

**From:** Nancy Ahnemann <[REDACTED]>  
**To:** "eircomments@mtc.ca.gov" <eircomments@mtc.ca.gov>  
**Date:** 5/16/2013 1:05 PM  
**Subject:** Fw: Public Comment on Draft Plan Bay Area

C99

May 16, 2013

Carolyn Clevenger, MTC EIR Project Manager,  
Metropolitan Transportation Commission  
MTC-ABAG Plan Bay Area Public Comment  
101 8th Street  
Oakland, California 94607  
eircomments@mtc.ca.gov.

Re: Public Comment on Draft Plan Bay Area and Draft Plan Bay Area Draft  
Environmental Impact Report

To Whom It May Concern,  
My name is Nancy Ahnemann.

I am a resident of Marinwood,

located in unincorporated Marin County. I support and adopt a letter to  
you by a fellow member of my community, Lisa Culbertson as follows:

I am writing to comment on the Draft Plan Bay Area (The plan) and Draft Plan Bay Area Draft Environmental Impact Report (DEIR).

I submitted a request for an

extension of time to review the Plan and DEIR, which was not granted.

These are complex and difficult documents for ordinary people to  
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impacting by this plan is disgraceful. The plan includes a statement,

"We reached out to the people who matter most – the 7 million people who live in the region." This is inaccurate as it pertains to my community,  
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Many members of the Marinwood community do not know what Plan Bay Area

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There are many reports not disclosed or discussed in the plan that identify causal links between proximity to freeways and highways, asthma, autism and cancer. This should be highlighted as a risk in the plan and study references included.

Implementation of Plan Bay Area

would subject sensitive receptors to a significant increased risk of developing life-threatening illnesses from toxic air contaminants and particulate matter emissions. Furthermore, the measures listed to mitigate these significant impacts are inadequate to reduce them to less than significant levels, particularly in regard to protecting sensitive receptors that spend time outdoors. Plan Bay Area’s proposal to target residential development in close proximity to highly travelled and congested roadways is irresponsible land use planning and conflicts with CEQA. Case law clearly shows that CEQA is intended “to compel government at all levels to make decisions with environmental consequences in mind.” I ask that you revise Draft Plan Bay Area and remove all proposed residential development from areas that are located within the zone of influence of toxic air contaminants and/or fine particulate matter emission sources and remove areas situated within the zone of influence of these emissions from Transit Priority Project corridors, Priority Development Areas and Potential Priority Development Areas.

Plan does not sufficiently consider that traffic congestion adds to CO<sub>2</sub> emissions

The Plan Bay Area does not consider cumulative effects of increased localized traffic. The lack of expansion of the road network will cause an increase in traffic congestion as areas grow more dense. Instead the methodology of this Plan places an over-emphasis on public transit. In reality, congestion will increase, and the resulting standing or slow traffic will cause additional CO<sub>2</sub> emissions per passenger mile for the most used form of transit cars and light trucks.

Furthermore the plan does not adequately take into consideration the impact of the time wasted from

traffic congestion and the effects on quality of life. The Plan Bay Area does not account for typical family life, taking children to and from school, sports, errands, etc., it only focuses on trying to change the norm. Congested roadways will result in a reduction in the distance that most residents can effectively commute, due to time and family constraints. This in turn means that people are less able to find employment within an acceptable distance.

I ask that the Plan Bay Area be

revised to take into consideration additional, localized traffic especially in areas where increases in housing are not balanced with job growth.

Plan fails to disclose subsidization required to encourage residents to move to high density development near transit

The Plan Bay Area fails to identify the true amount of subsidization

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This lack of specificity means

that an undefined amount of public money, via state, county or city, will be used to reach the goals of this plan. The plan does not alert readers to rising taxes needed to raise revenue to cover these subsidies. Alternatively the plan does not provide sufficient analysis of impacts to services such as police, fire and schools. In addition, there is no evidence that the expenditures covered by the plan will achieve the stated goals.

Inadequate information re: water supply, sea level rise, and support for infrastructure

There are 5 significant, irreversible environmental changes, and 39 significant unavoidable impacts of the plan, identified in the DEIR, that should be addressed and mitigated before this plan is accepted.

They should not be dismissed with findings of “overriding consideration.” If the organizations that are proposing to implement this plan cannot address these serious affects than perhaps that is a sign that this is not the right plan for the Bay Area. The impacts I am referring to include:

- Insufficient water supply;
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- Direct removal, filling or hydrological interruption of habitat;
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Plan Bay Area Approval

It is unclear to me how the Plan Bay Area ultimately gets approved and implemented. I request that this be clarified to the population impacted by the Plan. Is the plan subject to voter approval?

Conclusion

The Draft Plan Bay Area’s DEIR is inadequate in numerous instances identified in this comment letter. ABAG must prepare an EIR that adequately analyzes the plans significant impact and meets CEQA guidelines. The conclusions are not supported by substantial evidence.

The key assumption regarding population and job growth is inaccurate. A revised EIR should be prepared and circulated for public review and with ample time given to the public to comment.

Thank you,

Nancy Ahnemann

[REDACTED]  
San Rafael, CA 94903

Marinwood Resident

I, Nancy Ahnemann, support and adopt the aforementioned letter:

Signature \_\_\_\_\_ Nancy J. Ahnemann \_\_\_\_\_

-----Forwarded Message-----

From: Save Marinwood

Sent: May 16, 2013 12:11 PM

To: [REDACTED]

Subject: please personalize this email and send it now to eircomments@mtc.ca.gov

May 15, 2013

[eircomments@mtc.ca.gov](mailto:eircomments@mtc.ca.gov).

Metropolitan Transportation Commission

MTC-ABAG Plan Bay Area Public Comment

101 8th Street

Oakland, California 94607

[eircomments@mtc.ca.gov](mailto:eircomments@mtc.ca.gov).

Re: Public Comment on Draft Plan Bay Area and Draft Plan Bay Area Draft Environmental Impact Report

To Whom It May Concern,

My name is Peter Alexander

C100

I am a resident of Marinwood, located in unincorporated Marin County. I support and adopt a letter to you by a fellow member of my community, Lisa Culbertson as follows:

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I support truly sustainable land use and development that preserves the qualities of existing neighborhoods. I support additional affordable public transportation that reaches a greater range of areas throughout the Bay Area and operates more frequently with longer hours. I also support a range of housing opportunities, integrated into existing communities that do not adversely affect those communities through expediting environmental and permit review and not contributing a fair share to the tax base. None of these things are supported by this plan and therefore you do not have my support. I vote for no plan and ask that you remove Marinwood as a potential PDA designation.

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I have grave concerns about the environmental, health and safety impacts that could result from the poor land use planning that I see presented in this plan as well as other related plans, such as the Marin County Housing Element. There are numerous holes and inconsistencies in the Plan Bay Area and DEIR which are the basis of my comments that follow:

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Projected employment growth in Marin County is half of what is being proposed for housing growth. The largest Bay Area job growth is assumed in major cities and areas such as Silicon Valley that have established industries such as technology. Marin County is not known for any specific industry. For its size,



Marin County has very few large scale employers and a low number of high paying jobs compared to the number of residents and high cost of living. The potential growth in local employment projections are assumed to be coming from professional services and retail.

Marin had the largest job growth from 1980 to 1990. In 2011, employment levels were about the same as they were in 1990. There are documented studies that project a relatively flat growth in jobs in Marin County over the next 30 years. The lack of consistency and equality between the housing and job numbers projected in Marin County will lead to more commuters, thus increasing green house gas (GHG) emissions as there will not be enough jobs for the number of residents moving into the county. This will hurt the workforce that these plans aim to protect as there will be more competition for available jobs and low income earners will not have ample salaries to pay for the high price of transportation to travel to employment throughout the Bay Area.

The lack of continuous transportation will also affect quality of life for those depending on public transportation as it can take hours to get from point A to B if multiple modes of transportation are to be used. In addition, the Housing Element appears to designate almost every available parcel in Marin for housing, not leaving properties available for commercial development. Furthermore, the proposals for mixed use projects do not have an equal balance between jobs and housing.

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#### Inadequate evidence that high density housing near transit reduces green house gases (GHG)

Not only is there no evidence provided that proves placing housing near transit reduces GHG, there is also no analysis validating assumptions that people who move to high density housing near transit will be more likely to take public transit. These ideas or goals focus too much on strategies, which are not valid, and should be substantiated with factual information.

This plan does not take into consideration accurate travel needs, preferences and behaviors and the fact that for many people the preferred mode of travel is by car. The plan does not indicate what other studies have been put forward other than a "one size fits all" determination made by the authors of this plan stating how people are expected to travel. This makes grand assumptions that are unrealistic and should not be used as the basis of such a widespread and impactful plan.

I ask that you provide the analysis to prove that the housing near transit lowers GHG emissions, at what cost and what other options are available to achieve the same results.

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Thank you,

Peter Alexander

San Rafael, CA 94903  
Marinwood Resident

I, Peter Alexander, support and adopt the aforementioned letter:

Signature \_\_\_\_\_ Peter Alexander ; \_\_\_\_\_ San Rafael, CA 94903  
home phone \_\_\_\_\_

This message was sent by Save Marinwood using the Change.org system. You received this email because

you signed a petition started by Save Marinwood on Change.org: "Marin County Board of Supervisors: Suspend approval of the 2012 Housing Element ." Change.org does not endorse contents of this message.

View the petition:

[http://www.change.org/petitions/marin-county-board-of-supervisors-suspend-approval-of-the-2012-housing-element?utm\\_source=supporter\\_message&utm\\_medium=email&utm\\_campaign=petition\\_message\\_notice](http://www.change.org/petitions/marin-county-board-of-supervisors-suspend-approval-of-the-2012-housing-element?utm_source=supporter_message&utm_medium=email&utm_campaign=petition_message_notice)

Reply to this message via Change.org:

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Unsubscribe from updates about this petition:

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## Plan Bay Area 2040 Final Environmental Impact Report

**From:** <becky\_andersen[REDACTED]>  
**To:** <eircomments@mtc.ca.gov>  
**Date:** 5/16/2013 12:47 PM  
**Subject:** Public Comment on Draft Plan Bay Area and Draft Plan Bay Area Draft

May 16, 2013

**C101** Carolyn Clevenger, MTC EIR Project Manager,  
Metropolitan Transportation Commission  
MTC-ABAG Plan Bay Area Public Comment  
101 8th Street  
Oakland, California 94607  
eircomments@mtc.ca.gov .

Re: Public Comment on Draft Plan Bay Area and Draft Plan Bay Area Draft Environmental Impact Report

To Whom It May Concern,

My name is Rebecca Andersen.

I am a resident of Marinwood, located in unincorporated Marin County. I support and adopt a letter to you by a fellow member of my community, Lisa Culbertson as follows:

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## Plan Bay Area 2040 Final Environmental Impact Report

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### Plan Bay Area Approval

It is unclear to me how the Plan Bay Area ultimately gets approved and implemented. I request that this be clarified to the population impacted by the Plan. Is the plan subject to voter approval?

### Conclusion

The Draft Plan Bay Area’s DEIR is inadequate in numerous instances identified in this comment letter. ABAG must prepare an EIR that adequately analyzes the plans significant impact and meets CEQA guidelines. The conclusions are not supported by substantial evidence. The key assumption regarding population and job growth is inaccurate. A revised EIR should be prepared and circulated for public review and with ample time given to the public to comment.

Thank you,  
Rebecca Andersen  
[REDACTED]  
San Rafael, CA 94903  
Marinwood Resident

I, Rebecca Andersen, support and adopt the aforementioned letter:

Rebecca E. Andersen

## Plan Bay Area 2040 Final Environmental Impact Report

**From:** "Donna Andresen" <[REDACTED]>  
**To:** <eircomments@mtc.ca.gov>  
**Date:** 5/16/2013 3:37 PM  
**Subject:** Re: Public Comment on Draft Plan Bay Area and Draft Plan Bay Area Draft

May 15, 2013

**C102** Carolyn Clevenger, MTC EIR Project Manager,  
Metropolitan Transportation Commission  
MTC-ABAG Plan Bay Area Public Comment  
101 8th Street  
Oakland, California 94607  
eircomments@mtc.ca.gov.

Re: Public Comment on Draft Plan Bay Area and Draft Plan Bay Area Draft  
Environmental Impact Report

To Whom It May Concern,

My name is Donna Andresen.

I am a resident of Marinwood, located in unincorporated Marin County. I support and adopt a letter to you by a fellow member of my community, Marinwood/Lucas Valley, as follows:

I am writing to comment on the Draft Plan Bay Area (The plan) and Draft Plan Bay Area Draft Environmental Impact Report (DEIR).

I submitted a request for an extension of time to review the Plan and DEIR, which was not granted. These are complex and difficult documents for ordinary people to understand. The level of communication with the communities you are impacting by this plan is disgraceful. The plan includes a statement, "We reached out to the people who matter most – the 7 million people who live in the region." This is inaccurate as it pertains to my community, Marinwood, designated as a potential Planned Development Area (PDA). Many members of the Marinwood community do not know what Plan Bay Area is and for most that do, they have only heard about it in the past few weeks. I attended one of two planned meetings in my community where there was no verbal presentation or explanation of the plan, but rather boards and remarks from the public. I ask that you reconsider this fast track approach and take the time to educate the community on exactly what it is that you are proposing in this plan and why.

I support truly sustainable land use and development that preserves the qualities of existing neighborhoods. I support additional affordable public transportation that reaches a greater range of areas throughout the Bay Area and operates more frequently with longer hours. I also support a range of housing opportunities, integrated into existing communities that do not adversely affect those communities through expediting environmental and permit review and not contributing a fair share to the tax base. None of these things are supported by this plan and therefore you do not have my support. I vote for no plan and ask that you remove Marinwood as a potential PDA designation.

Although I am writing this letter representing myself, I have spent the past two weeks walking door to door gathering signatures against the proposed development plans affecting Marinwood and Lucas Valley. 90% of the homes visited by myself and fellow neighbors are NOT in support of this plan or the related Housing Element. Since this plan is voluntary and you do not have the support of the Marinwood/ Lucas Valley community I ask again that you remove Marinwood as a potential PDA designation.

I have grave concerns about the environmental, health and safety impacts that could result from the poor land use planning that I see presented in this plan as well as other related plans, such as the Marin County Housing Element. There are numerous holes and inconsistencies in the Plan Bay Area and DEIR which are the basis of my comments that follow:

### Unrealistic employment growth

Projected employment growth in Marin County is half of what is being proposed for housing growth. The largest Bay Area job growth is assumed in major cities and areas such as Silicon Valley that have established industries such as technology. Marin County is not known for any specific industry. For its size, Marin County has very few large scale employers and a low number of high paying jobs compared to the number of residents and high cost of living. The potential growth in local employment projections are assumed to be coming from professional services and retail.

Marin had the largest job growth from 1980 to 1990. In 2011, employment levels were about the same as they were in 1990. There are documented studies that project a relatively flat growth in jobs in Marin County over the next 30 years. The lack of consistency and equality between the housing and job numbers projected in Marin County will lead to more commuters, thus increasing green house gas (GHG) emissions as there will not be enough jobs for the number of residents moving into the county. This will hurt the workforce that these plans aim to protect as there will be more competition for available jobs and low income earners will not have ample salaries to pay for the high price of transportation to travel to employment throughout the Bay Area.

The lack of continuous transportation will also affect quality of life for those depending on public transportation as it can take hours to get from point A to B if multiple modes of transportation are to be used. In addition, the Housing Element appears to designate almost every available parcel in Marin for housing, not leaving properties available for commercial development. Furthermore, the proposals for mixed use projects do not have an equal balance between jobs and housing.

The discussions around new jobs in Marin have been more focused on filling vacancies than creating new development. This does not leave opportunity for the creation of jobs in areas where housing is being considered. A perfect example of this is the Marinwood area, which has minimal jobs in the near vicinity and yet the projected housing number far exceeds any potential commercial development within the area.

Due to the fact that job growth in Marin will likely remain flat and the available capacity for jobs to increase is unlikely, I ask that The Plan Bay Area be revised to include realistic employment projections by area and a specific plan for achieving those projections. I ask that the plan take into account not only the workforce commuting into Marin County for employment, but all commuters into, out of and through Marin County. The approach taken in this plan is shortsighted and not representative of all current commute patterns.

#### Unrealistic Housing numbers

Like the job numbers, the housing numbers also appear to be unrealistic. The January 2013 release of the State Department of Finance (DOF) projections of Marin County's population growth are 10% lower than the growth forecast used for Plan Bay Area. Plan Bay Area forecasts a 13% population growth to 2040 (32,914 more people) but DOF projects a 3% population growth (6,818 more people). This is a significant discrepancy. The Plan Bay Area and the DEIR should be revised to reflect population growth based on DOF projections, not that of an independent consultant hired by ABAG.

The plan needs to include an assessment of the total cost to the County and taxpayers incurred by adding housing. This assessment should include additional services (schools, water, fire, police, ambulance...) and the total cost of development including subsidies to developers and loss of tax base.

The housing assumptions do not reflect accurately the desire of a large group of people to maintain living in rural areas and in single family homes. It makes the assumption that the future housing preference is high density, mixed use housing, located in urban areas. While both are desirable to different groups of people, the plan is not representative of all type of housing desires. I request that the plan be modified to accurately represent the desires for all types of housing.

#### Inadequate evidence that high density housing near transit reduces green house gases (GHG)

Not only is there no evidence provided that proves placing housing near transit reduces GHG, there is also no analysis validating assumptions that people who move to high density housing near transit will be more likely to take public transit. These ideas or goals focus too much on strategies, which are not valid, and should be substantiated with factual information.

This plan does not take into consideration accurate travel needs, preferences and behaviors and the fact that for many people the preferred mode of travel is by car. The plan does not indicate what other studies have been put forward other than a "one size fits all" determination made by the authors of this plan stating how people are expected to travel. This makes grand assumptions that are unrealistic and should not be used as the basis of such a widespread and impactful plan.

I ask that you provide the analysis to prove that the housing near transit lowers GHG emissions, at what cost and what other options are available to achieve the same results.

#### Inadequate evidence that the transportation plan reduces GHG

It seems that there are other ways to reduce GHG emissions that should be analyzed as having a potentially more significant impact on reduction than what is being proposed in Plan Bay Area. These options include considering the future automobile technology and incentivizing individuals for the highest fuel efficient cars. Focus on creating a much higher number of localized jobs in Marin County to allow for more existing residents to work close to home rather than just focusing on housing for those commuting into Marin.

Further studies and factual information should be presented to substantiate that switching people from cars to public transit will in fact decrease CO2 emissions, rather than increase emissions. More information is needed on the types of transportation being proposed and a comparison between the emissions from the public transit vs. cars. The Plan focuses on GHG emissions from personal vehicles and light trucks and does not focus on technology improvements made to other forms of transportation including busses, ferries, trains, etc. An assessment should be performed on the potential for reductions by replacing fleets of other modes of transportation and the cost benefit should be analyzed against the plan as currently proposed.

The plan identifies that the "no project" alternative is projected to reduce passenger vehicles CO2 emissions by 23% by 2040 over the existing condition in 2010. The proposed alternative, which is costly and intrusive into basic economic and personal freedoms, is projected to reduce emissions by 25%. The plan does not consider if this extra 2% is worth the additional costs. I ask that a cost benefit analysis be prepared and incorporated into the findings, which includes other options to reach the additional 2% GHG emissions.

Inadequate evidence that placing high density housing next to major transportation corridors will not have significant adverse health effects on those residents.

The Plan proposes placement of housing along transportation corridors, where the objective is to locate jobs and housing in close proximity to each other, with the goal of reducing automobile trips and therefore mobile source emissions. However, in doing so sensitive receptors will be exposed to unhealthy levels of toxic air or particulate concentrations. The DEIR does not provide adequate mitigations to protect sensitive receptors, especially those spending time outdoors, such as children playing outside. The DEIR states: "New research on the health effects of TACs and PM2.5 reinforces earlier findings regarding adverse health impacts on both respiratory and cardiovascular health but also a wider range of potential effects, such as diabetes, autism, cognitive functions in older adults, and oxidative damage to DNA. In addition, US EPA has not identified a level of TAC/ PM2.5 concentration where no negative health effects are observed." There are many reports not disclosed or discussed in the plan that identify causal links between proximity to freeways and highways, asthma, autism and cancer. This should be highlighted as a risk in the plan and study references included.

Implementation of Plan Bay Area would subject sensitive receptors to a significant increased risk of developing life-threatening illnesses from toxic air contaminants and particulate matter emissions. Furthermore, the measures listed to mitigate these significant impacts are inadequate to reduce them to less than significant levels, particularly in regard to protecting sensitive receptors that spend time outdoors. Plan Bay Area's

## Plan Bay Area 2040 Final Environmental Impact Report

proposal to target residential development in close proximity to highly travelled and congested roadways is irresponsible land use planning and conflicts with CEQA. Case law clearly shows that CEQA is intended “to compel government at all levels to make decisions with environmental consequences in mind.” I ask that you revise Draft Plan Bay Area and remove all proposed residential development from areas that are located within the zone of influence of toxic air contaminants and/or fine particulate matter emission sources and remove areas situated within the zone of influence of these emissions from Transit Priority Project corridors, Priority Development Areas and Potential Priority Development Areas.

Plan does not sufficiently consider that traffic congestion adds to CO2 emissions

The Plan Bay Area does not consider cumulative effects of increased localized traffic. The lack of expansion of the road network will cause an increase in traffic congestion as areas grow more dense. Instead the methodology of this Plan places an over-emphasis on public transit. In reality, congestion will increase, and the resulting standing or slow traffic will cause additional CO2 emissions per passenger mile for the most used form of transit cars and light trucks.

Furthermore the plan does not adequately take into consideration the impact of the time wasted from traffic congestion and the effects on quality of life. The Plan Bay Area does not account for typical family life, taking children to and from school, sports, errands, etc., it only focuses on trying to change the norm. Congested roadways will result in a reduction in the distance that most residents can effectively commute, due to time and family constraints. This in turn means that people are less able to find employment within an acceptable distance.

I ask that the Plan Bay Area be revised to take into consideration additional, localized traffic especially in areas where increases in housing are not balanced with job growth.

Plan fails to disclose subsidization required to encourage residents to move to high density development near transit

The Plan Bay Area fails to identify the true amount of subsidization required to encourage builders to develop high density housing. A survey by the National Association of Realtors in 2011 reveals that the vast majority of Americans prefer to live in single-family homes with privacy and yards.

Evidence exists that subsidies are required in order to encourage people to move to high density housing. There is no analysis included in the Plan to validate the amount of subsidization required to encourage developers to initiate and complete such projects and residents to move into them.

This lack of specificity means that an undefined amount of public money, via state, county or city, will be used to reach the goals of this plan. The plan does not alert readers to rising taxes needed to raise revenue to cover these subsidies. Alternatively the plan does not provide sufficient analysis of impacts to services such as police, fire and schools. In addition, there is no evidence that the expenditures covered by the plan will achieve the stated goals.

Inadequate information re: water supply, sea level rise, and support for infrastructure

There are 5 significant, irreversible environmental changes, and 39 significant unavoidable impacts of the plan, identified in the DEIR, that should be addressed and mitigated before this plan is accepted. They should not be dismissed with findings of “overriding consideration.” If the organizations that are proposing to implement this plan cannot address these serious affects than perhaps that is a sign that this is not the right plan for the Bay Area. The impacts I am referring to include:

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Thank you,  
Marinwood resident:  
Donna Andresen

Date: May 15, 2013

## Plan Bay Area 2040 Final Environmental Impact Report

**From:** "Eric Andresen" <[REDACTED]>  
**To:** <eircomments@mtc.ca.gov>  
**Date:** 5/16/2013 11:31 AM  
**Subject:** letter

May 15, 2013

Carolyn Clevenger, MTC EIR Project Manager,  
Metropolitan Transportation Commission  
MTC-ABAG Plan Bay Area Public Comment  
101 8th Street  
Oakland, California 94607  
eircomments@mtc.ca.gov.

Re: Public Comment on Draft Plan Bay Area and Draft Plan Bay Area Draft  
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To Whom It May Concern,

My name is Eric Andresen [\_\_\_\_\_] (signature).

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## Plan Bay Area 2040 Final Environmental Impact Report

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## Plan Bay Area 2040 Final Environmental Impact Report

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Thank you,

---

Marinwood Resident

I, Eric Andresen, support and adopt the aforementioned letter:

Signature \_\_\_\_\_

Date: May 15, 2013

## Plan Bay Area 2040 Final Environmental Impact Report

**From:** Paulberg [REDACTED] >  
**To:** "eircomments@mtc.ca.gov" <eircomments@mtc.ca.gov>  
**Date:** 5/16/2013 2:38 PM  
**Subject:** Fwd: please personalize this email and send it now to eircomments@mtc.ca.gov

Dear Ms. Clevenger,

C104

The enclosed expresses serious concerns we, Marinwood residents, have with the Marinwood PDA and the way it has been handled. Please cease and desist the current approach until the concerns are rectified.

Thank you,

Paul H. Berg

Sent from my iPad

Begin forwarded message:

> From: Save Marinwood <mail@change.org>  
> Date: May 16, 2013, 12:10:51 PM PDT  
> To: [REDACTED]  
> Subject: please personalize this email and send it now to eircomments@mtc.ca.gov  
> Reply-To: "Change.org" <no-reply@change.org>  
>  
> May 15, 2013  
>  
> Carolyn Clevenger, MTC EIR Project Manager,  
> Metropolitan Transportation Commission  
> MTC-ABAG Plan Bay Area Public Comment  
> 101 8th Street  
> Oakland, California 94607  
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>  
> Re: Public Comment on Draft Plan Bay Area and Draft Plan Bay Area Draft  
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> To Whom It May Concern,  
>  
> My name is Stephen Nestel.  
>  
> I am a resident of Marinwood, located in unincorporated Marin County. I support and adopt a letter to you by a fellow member of my community, Lisa Culbertson as follows:  
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> I support truly sustainable land use and development that preserves the qualities of existing neighborhoods. I support additional affordable public transportation that reaches a greater range of areas throughout the Bay Area and operates more frequently with longer hours. I also support a range of housing opportunities, integrated into existing communities that do not adversely affect those communities through expediting environmental and permit review and not contributing a fair share to the tax base. None of these things are supported by this plan and therefore you do not have my support. I vote for no plan and ask that you remove Marinwood as a potential PDA designation.  
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> Although I am writing this letter representing myself, I have spent the past two weeks walking door to door gathering signatures against the proposed development plans affecting Marinwood and Lucas Valley. 90% of the homes visited by myself and fellow neighbors are NOT in support of this plan or the related Housing Element. Since this plan is voluntary and you do not have the support of the Marinwood/ Lucas Valley community I ask again that you remove Marinwood as a potential PDA designation.  
>  
> I have grave concerns about the environmental, health and safety impacts that could result from the poor land use planning that I see presented in this plan as well as other related plans, such as the Marin County Housing Element. There are numerous holes and inconsistencies in the Plan Bay Area and DEIR which are the basis of my comments that follow:  
>  
> Unrealistic employment growth



## Plan Bay Area 2040 Final Environmental Impact Report

> Projected employment growth in Marin County is half of what is being proposed for housing growth. The largest Bay Area job growth is assumed in major cities and areas such as Silicon Valley that have established industries such as technology. Marin County is not known for any specific industry. For its size, Marin County has very few large scale employers and a low number of high paying jobs compared to the number of residents and high cost of living. The potential growth in local employment projections are assumed to be coming from professional services and retail.

>

> Marin had the largest job growth from 1980 to 1990. In 2011, employment levels were about the same as they were in 1990. There are documented studies that project a relatively flat growth in jobs in Marin County over the next 30 years. The lack of consistency and equality between the housing and job numbers projected in Marin County will lead to more commuters, thus increasing green house gas (GHG) emissions as there will not be enough jobs for the number of residents moving into the county. This will hurt the workforce that these plans aim to protect as there will be more competition for available jobs and low income earners will not have ample salaries to pay for the high price of transportation to travel to employment throughout the Bay Area.

>

> The lack of continuous transportation will also affect quality of life for those depending on public transportation as it can take hours to get from point A to B if multiple modes of transportation are to be used. In addition, the Housing Element appears to designate almost every available parcel in Marin for housing, not leaving properties available for commercial development. Furthermore, the proposals for mixed use projects do not have an equal balance between jobs and housing.

>

> The discussions around new jobs in Marin have been more focused on filling vacancies than creating new development. This does not leave opportunity for the creation of jobs in areas where housing is being considered. A perfect example of this is the Marinwood area, which has minimal jobs in the near vicinity and yet the projected housing number far exceeds any potential commercial development within the area.

>

> Due to the fact that job growth in Marin will likely remain flat and the available capacity for jobs to increase is unlikely, I ask that The Plan Bay Area be revised to include realistic employment projections by area and a specific plan for achieving those projections. I ask that the plan take into account not only the workforce commuting into Marin County for employment, but all commuters into, out of and through Marin County. The approach taken in this plan is shortsighted and not representative of all current commute patterns.

>

> Unrealistic Housing numbers

> Like the job numbers, the housing numbers also appear to be unrealistic. The January 2013 release of the State Department of Finance (DOF) projections of Marin County's population growth are 10% lower than the growth forecast used for Plan Bay Area. Plan Bay Area forecasts a 13% population growth to 2040 (32,914 more people) but DOF projects a 3% population growth (6,818 more people). This is a significant discrepancy. The Plan Bay Area and the DEIR should be revised to reflect population growth based on DOF projections, not that of an independent consultant hired by ABAG.

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> The plan needs to include an assessment of the total cost to the County and taxpayers incurred by adding housing. This assessment should include additional services (schools, water, fire, police, ambulance...) and the total cost of development including subsidies to developers and loss of tax base.

>

> The housing assumptions do not reflect accurately the desire of a large group of people to maintain living in rural areas and in single family homes. It makes the assumption that the future housing preference is high density, mixed use housing, located in urban areas. While both are desirable to different groups of people, the plan is not representative of all type of housing desires. I request that the plan be modified to accurately represent the desires for all types of housing.

>

> Inadequate evidence that high density housing near transit reduces green house gases (GHG)

> Not only is there no evidence provided that proves placing housing near transit reduces GHG, there is also no analysis validating assumptions that people who move to high density housing near transit will be more likely to take public transit. These ideas or goals focus too much on strategies, which are not valid, and should be substantiated with factual information.

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> This plan does not take into consideration accurate travel needs, preferences and behaviors and the fact that for many people the preferred mode of travel is by car. The plan does not indicate what other studies have been put forward other than a "one size fits all" determination made by the authors of this plan stating how people are expected to travel. This makes grand assumptions that are unrealistic and should not be used as the basis of such a widespread and impactful plan.

>

> I ask that you provide the analysis to prove that the housing near transit lowers GHG emissions, at what cost and what other options are available to achieve the same results.

>

> Inadequate evidence that the transportation plan reduces GHG

> It seems that there are other ways to reduce GHG emissions that should be analyzed as having a potentially more significant impact on reduction than what is being proposed in Plan Bay Area. These options include considering the future automobile technology and incentivizing individuals for the highest fuel efficient cars. Focus on creating a much higher number of localized jobs in Marin County to allow for more existing residents to work close to home rather than just focusing on housing for those commuting into Marin.

>

> Further studies and factual information should be presented to substantiate that switching people from cars to public transit will in fact decrease CO2 emissions, rather than increase emissions. More information is needed on the types of transportation being proposed and a comparison between the emissions from the public transit vs. cars. The Plan focuses on GHG emissions from personal vehicles and light trucks and does not focus on technology improvements made to other forms of transportation including busses, ferries, trains, etc. An assessment should be performed on the potential for reductions by replacing fleets of other modes of transportation and the cost benefit should be analyzed against the plan as currently proposed.

>

> The plan identifies that the "no project" alternative is projected to reduce passenger vehicles CO2 emissions by 23% by 2040 over the existing

## Plan Bay Area 2040 Final Environmental Impact Report

condition in 2010. The proposed alternative, which is costly and intrusive into basic economic and personal freedoms, is projected to reduce emissions by 25%. The plan does not consider if this extra 2% is worth the additional costs. I ask that a cost benefit analysis be prepared and incorporated into the findings, which includes other options to reach the additional 2% GHG emissions.

> Inadequate evidence that placing high density housing next to major transportation corridors will not have significant adverse health effects on those residents.

> The Plan proposes placement of housing along transportation corridors, where the objective is to locate jobs and housing in close proximity to each other, with the goal of reducing automobile trips and therefore mobile source emissions. However, in doing so sensitive receptors will be exposed to unhealthy levels of toxic air or particulate concentrations. The DEIR does not provide adequate mitigations to protect sensitive receptors, especially those spending time outdoors, such as children playing outside. The DEIR states: "New research on the health effects of TACs and PM2.5 reinforces earlier findings regarding adverse health impacts on both respiratory and cardiovascular health but also a wider range of potential effects, such as diabetes, autism, cognitive functions in older adults, and oxidative damage to DNA. In addition, US EPA has not identified a level of TAC/ PM2.5 concentration where no negative health effects are observed." There are many reports not disclosed or discussed in the plan that identify causal links between proximity to freeways and highways, asthma, autism and cancer. This should be highlighted as a risk in the plan and study references included.

>

> Implementation of Plan Bay Area would subject sensitive receptors to a significant increased risk of developing life-threatening illnesses from toxic air contaminants and particulate matter emissions. Furthermore, the measures listed to mitigate these significant impacts are inadequate to reduce them to less than significant levels, particularly in regard to protecting sensitive receptors that spend time outdoors. Plan Bay Area's proposal to target residential development in close proximity to highly travelled and congested roadways is irresponsible land use planning and conflicts with CEQA. Case law clearly shows that CEQA is intended "to compel government at all levels to make decisions with environmental consequences in mind." I ask that you revise Draft Plan Bay Area and remove all proposed residential development from areas that are located within the zone of influence of toxic air contaminants and/or fine particulate matter emission sources and remove areas situated within the zone of influence of these emissions from Transit Priority Project corridors, Priority Development Areas and Potential Priority Development Areas.

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> Plan does not sufficiently consider that traffic congestion adds to CO2 emissions

> The Plan Bay Area does not consider cumulative effects of increased localized traffic. The lack of expansion of the road network will cause an increase in traffic congestion as areas grow more dense. Instead the methodology of this Plan places an over-emphasis on public transit. In reality, congestion will increase, and the resulting standing or slow traffic will cause additional CO2 emissions per passenger mile for the most used form of transit cars and light trucks.

>

> Furthermore the plan does not adequately take into consideration the impact of the time wasted from traffic congestion and the effects on quality of life. The Plan Bay Area does not account for typical family life, taking children to and from school, sports, errands, etc., it only focuses on trying to change the norm. Congested roadways will result in a reduction in the distance that most residents can effectively commute, due to time and family constraints. This in turn means that people are less able to find employment within an acceptable distance.

>

> I ask that the Plan Bay Area be revised to take into consideration additional, localized traffic especially in areas where increases in housing are not balanced with job growth.

>

> Plan fails to disclose subsidization required to encourage residents to move to high density development near transit

> The Plan Bay Area fails to identify the true amount of subsidization required to encourage builders to develop high density housing. A survey by the National Association of Realtors in 2011 reveals that the vast majority of Americans prefer to live in single-family homes with privacy and yards.

>

> Evidence exists that subsidies are required in order to encourage people to move to high density housing. There is no analysis included in the Plan to validate the amount of subsidization required to encourage developers to initiate and complete such projects and residents to move into them.

>

> This lack of specificity means that an undefined amount of public money, via state, county or city, will be used to reach the goals of this plan. The plan does not alert readers to rising taxes needed to raise revenue to cover these subsidies. Alternatively the plan does not provide sufficient analysis of impacts to services such as police, fire and schools. In addition, there is no evidence that the expenditures covered by the plan will achieve the stated goals.

>

> Inadequate information re: water supply, sea level rise, and support for infrastructure

> There are 5 significant, irreversible environmental changes, and 39 significant unavoidable impacts of the plan, identified in the DEIR, that should be addressed and mitigated before this plan is accepted. They should not be dismissed with findings of "overriding consideration." If the organizations that are proposing to implement this plan cannot address these serious affects than perhaps that is a sign that this is not the right plan for the Bay Area. The impacts I am referring to include:

> • Insufficient water supply;

> • Exposure to hazardous materials;

> • Inadequate wastewater treatment capacity;

> • Net Increase in Sensitive Receptors located in Transit Priority Project corridors where there are high concentrations of cancer causing Toxic Air Contaminants and fine particulate matter emissions;

> • Inundation from sea level rise;

> • Direct removal, filling or hydrological interruption of habitat;

> • Interference with the movement of native resident or migratory fish or wildlife species.

>

> Plan Bay Area Approval

> It is unclear to me how the Plan Bay Area ultimately gets approved and implemented. I request that this be clarified to the population impacted by the Plan. Is the plan subject to voter approval?

>

> Conclusion

> The Draft Plan Bay Area's DEIR is inadequate in numerous instances identified in this comment letter. ABAG must prepare an EIR that adequately analyzes the plans significant impact and meets CEQA guidelines. The conclusions are not supported by substantial evidence. The key assumption regarding population and job growth is inaccurate. A revised EIR should be prepared and circulated for public review and with ample time given to the public to comment.

>

> Thank you,

> Stephen Nestel

>

> [REDACTED]  
> San Rafael, CA 94903

> Marinwood Resident

>

> I, Stephen Nestel, support and adopt the aforementioned letter:

>

> Signature \_\_\_\_\_

>

>

> This message was sent by Save Marinwood using the Change.org system. You received this email because you signed a petition started by Save Marinwood on Change.org: "Marin County Board of Supervisors: Suspend approval of the 2012 Housing Element ." Change.org does not endorse contents of this message.

>

> [View the petition](#) | [Reply to this message via Change.org](#)

>

> [Unsubscribe from updates about this petition](#)

>

May 15, 2013

Carolyn Clevenger, MTC EIR Project Manager,  
Metropolitan Transportation Commission  
MTC-ABAG Plan Bay Area Public Comment  
101 8th Street Oakland,  
California 94607  
[eircomments@mtc.ca.gov](mailto:eircomments@mtc.ca.gov).

**C105** Re: Public Comment on Draft Plan Bay Area and Draft Plan Bay Area Draft  
Environmental Impact Report

To Whom It May Concern,

**My name is Vladimir Bogak**

**I am a resident of Marinwood, located in unincorporated Marin County. I support and adopt the following letter to you by a fellow member of my community, Deana Dearborn, as follows:**

I am writing to comment on the Draft Plan Bay Area (The plan) and Draft Plan Bay Area Draft Environmental Impact Report (DEIR).

I submitted a request for an extension of time to review the Plan and DEIR, which was not granted. These are complex and difficult documents for ordinary people to understand. The level of communication with the communities you are impacting by this plan is disgraceful. The plan includes a statement, "We reached out to the people who matter most – the 7 million people who live in the region." This is inaccurate as it pertains to my community, Marinwood, designated as a potential Planned Development Area (PDA). Many members of the Marinwood community do not know what Plan Bay Area is and for most that do, they have only heard about it in the past few weeks. I attended one of two planned meetings in my community where there was no verbal presentation or explanation of the plan, but rather boards and remarks from the public. I ask that you reconsider this fast track approach and take the time to educate the community on exactly what it is that you are proposing in this plan and why.

I support truly sustainable land use and development that preserves the qualities of existing neighborhoods. I support additional affordable public transportation that reaches a greater range of areas throughout the Bay Area and operates more frequently with longer hours. I also support a range of housing opportunities, integrated into existing communities that do not adversely affect those communities through expediting environmental and permit review and not contributing a fair share to the tax base. None of these things are supported by this plan and therefore you do not have my support. I vote for **no plan** and ask that you remove Marinwood as a potential PDA designation.

Although I am writing this letter representing myself, I have spent the past two weeks walking door to door gathering signatures against the proposed development plans affecting Marinwood and Lucas Valley. 90% of the homes visited by myself and fellow neighbors are NOT in support of this plan or the related Housing Element. Since this plan is voluntary and you do not have the support of the Marinwood/ Lucas Valley community I ask again that you remove Marinwood as a potential PDA designation.

I have grave concerns about the environmental, health and safety impacts that could result from the poor land use planning that I see presented in this plan as well as other related plans, such as the Marin County Housing Element. There are numerous holes and inconsistencies in the Plan Bay Area and DEIR which are the basis of my comments that follow:

### **Unrealistic employment growth**

Projected employment growth in Marin County is half of what is being proposed for housing growth. The largest Bay Area job growth is assumed in major cities and areas such as Silicon Valley that have established industries such as technology. Marin County is not known for any specific industry. For its size, Marin County has very few large scale employers and a low number of high paying jobs compared to the number of residents and high cost of living. The potential growth in local employment projections are assumed to be coming from professional services and retail.

Marin had the largest job growth from 1980 to 1990. In 2011, employment levels were about the same as they were in 1990. There are documented studies that project a relatively flat growth in jobs in Marin County over the next 30 years. The lack of consistency and equality between the housing and job numbers projected in Marin County will lead to more commuters, thus increasing green house gas (GHG) emissions as there will not be enough jobs for the number of residents moving into the county. This will hurt the workforce that these plans aim to protect as there will be more competition for available jobs and low income earners will not have ample salaries to pay for the high price of transportation to travel to employment throughout the Bay Area.

The lack of continuous transportation will also affect quality of life for those depending on public transportation as it can take hours to get from point A to B if multiple modes of transportation are to be used. In addition, the Housing Element appears to designate almost every available parcel in Marin for housing, not leaving properties available for commercial development. Furthermore, the proposals for mixed use projects do not have an equal balance between jobs and housing.

The discussions around new jobs in Marin have been more focused on filling vacancies than creating new development. This does not leave opportunity for the creation of jobs in areas where housing is being considered. A perfect example of this is the Marinwood area, which has minimal jobs in the near vicinity and yet the projected housing number far exceeds any potential commercial development within the area.

Due to the fact that job growth in Marin will likely remain flat and the available capacity for jobs to increase is unlikely, I ask that The Plan Bay Area be revised to include realistic employment projections by area and a specific plan for achieving those projections. I ask that the plan take into account not only the workforce commuting into Marin County for employment, but all commuters into, out of and through Marin County. The approach taken in this plan is shortsighted and not representative of all current commute patterns.

### **Unrealistic Housing numbers**

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The plan needs to include an assessment of the total cost to the County and taxpayers incurred by adding housing. This assessment should include additional services (schools, water, fire, police, ambulance...) and the total cost of development including subsidies to developers and loss of tax base.

The housing assumptions do not reflect accurately the desire of a large group of people to maintain living in rural areas and in single family homes. It makes the assumption that the future housing preference is high density, mixed use housing, located in urban areas. While both are desirable to different groups of people, the plan is not representative of all type of housing desires. I request that the plan be modified to accurately represent the desires for all types of housing.

**Inadequate evidence that high density housing near transit reduces green house gases (GHG)**

Not only is there no evidence provided that proves placing housing near transit reduces GHG, there is also no analysis validating assumptions that people who move to high density housing near transit will be more likely to take public transit. These ideas or goals focus too much on strategies, which are not valid, and should be substantiated with factual information.

This plan does not take into consideration accurate travel needs, preferences and behaviors and the fact that for many people the preferred mode of travel is by car. The plan does not indicate what other studies have been put forward other than a “one size fits all” determination made by the authors of this plan stating how people are expected to travel. This makes grand assumptions that are unrealistic and should not be used as the basis of such a widespread and impactful plan.

I ask that you provide the analysis to prove that the housing near transit lowers GHG emissions, at what cost and what other options are available to achieve the same results.

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It seems that there are other ways to reduce GHG emissions that should be analyzed as having a potentially more significant impact on reduction than what is being proposed in Plan Bay Area. These options include considering the future automobile technology and incentivizing individuals for the highest fuel efficient cars. Focus on creating a much higher number of localized jobs in Marin County to allow for more existing residents to work close to home rather than just focusing on housing for those commuting into Marin.

Further studies and factual information should be presented to substantiate that switching people from cars to public transit will in fact decrease CO<sub>2</sub> emissions, rather than increase emissions. More information is needed on the types of transportation being proposed and a comparison between the emissions from the public transit vs. cars. The Plan focuses on GHG emissions from personal vehicles and light trucks and does not focus on technology improvements made to other forms of transportation including busses, ferries, trains, etc. An assessment should be performed on the potential for reductions by replacing fleets of other modes of transportation and the cost benefit should be analyzed against the plan as currently proposed.

The plan identifies that the “no project” alternative is projected to reduce passenger vehicles CO<sub>2</sub> emissions by 23% by 2040 over the existing condition in 2010. The proposed alternative, which is costly and intrusive into basic economic and personal freedoms, is projected to reduce emissions by 25%. The plan does not consider if this extra 2% is worth the additional costs. I ask that a cost benefit analysis be prepared and incorporated into the findings, which includes other options to reach the additional 2% GHG emissions.

**Inadequate evidence that placing high density housing next to major transportation corridors will not have significant adverse health effects on those residents.**

The Plan proposes placement of housing along transportation corridors, where the objective is to locate jobs and housing in close proximity to each other, with the goal of reducing automobile trips and therefore mobile source emissions. However, in doing so sensitive receptors will be exposed to unhealthy levels of toxic air or particulate concentrations. The DEIR does not provide adequate mitigations to protect sensitive receptors, especially those spending time outdoors, such as children playing outside. The DEIR states: “New research on the health effects of TACs and PM<sub>2.5</sub> reinforces earlier findings regarding adverse health impacts on both respiratory and cardiovascular health but also a wider range of potential effects, such as diabetes, autism, cognitive functions in older adults, and oxidative damage to DNA. In addition, US EPA has not identified a level of TAC/ PM<sub>2.5</sub> concentration where no negative health effects are observed.” There are many reports not disclosed or discussed in the plan that identify causal links between proximity to freeways and highways, asthma, autism and cancer. This should be highlighted as a risk in the plan and study references included.

Implementation of Plan Bay Area would subject sensitive receptors to a significant increased risk of developing life-threatening illnesses from toxic air contaminants and particulate matter emissions. Furthermore, the measures listed to mitigate these significant impacts are inadequate to reduce them to less than significant levels, particularly in regard to protecting sensitive receptors that spend time

outdoors. Plan Bay Area's proposal to target residential development in close proximity to highly travelled and congested roadways is irresponsible land use planning and conflicts with CEQA. Case law clearly shows that CEQA is intended "to compel government at all levels to make decisions with environmental consequences in mind." I ask that you revise Draft Plan Bay Area and remove all proposed residential development from areas that are located within the zone of influence of toxic air contaminants and/or fine particulate matter emission sources and remove areas situated within the zone of influence of these emissions from Transit Priority Project corridors, Priority Development Areas and Potential Priority Development Areas.

**Plan does not sufficiently consider that traffic congestion adds to CO2 emissions**

The Plan Bay Area does not consider cumulative effects of increased localized traffic. The lack of expansion of the road network will cause an increase in traffic congestion as areas grow more dense. Instead the methodology of this Plan places an over-emphasis on public transit. In reality, congestion will increase, and the resulting standing or slow traffic will cause additional CO2 emissions per passenger mile for the most used form of transit cars and light trucks.

Furthermore the plan does not adequately take into consideration the impact of the time wasted from traffic congestion and the effects on quality of life. The Plan Bay Area does not account for typical family life, taking children to and from school, sports, errands, etc., it only focuses on trying to change the norm. Congested roadways will result in a reduction in the distance that most residents can effectively commute, due to time and family constraints. This in turn means that people are less able to find employment within an acceptable distance.

I ask that the Plan Bay Area be revised to take into consideration additional, localized traffic especially in areas where increases in housing are not balanced with job growth.

**Plan fails to disclose subsidization required to encourage residents to move to high density development near transit**

The Plan Bay Area fails to identify the true amount of subsidization required to encourage builders to develop high density housing. A survey by the National Association of Realtors in 2011 reveals that the vast majority of Americans prefer to live in single-family homes with privacy and yards.

Evidence exists that subsidies are required in order to encourage people to move to high density housing. There is no analysis included in the Plan to validate the amount of subsidization required to encourage developers to initiate and complete such projects and residents to move into them.

This lack of specificity means that an undefined amount of public money, via state, county or city, will be used to reach the goals of this plan. The plan does not alert readers to rising taxes needed to raise revenue to cover these subsidies. Alternatively the plan does not provide sufficient analysis of impacts to services such as police, fire and schools. In addition, there is no evidence that the expenditures covered by the plan will achieve the stated goals.

**Inadequate information re: water supply, sea level rise, and support for infrastructure**

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- Insufficient water supply;
- Exposure to hazardous materials;
- Inadequate wastewater treatment capacity;
- Net Increase in Sensitive Receptors located in Transit Priority Project corridors where there are high concentrations of cancer causing Toxic Air Contaminants and fine particulate matter emissions;
- Inundation from sea level rise;
- Direct removal, filling or hydrological interruption of habitat;

- Interference with the movement of native resident or migratory fish or wildlife species.

**Plan Bay Area Approval**

It is unclear to me how the Plan Bay Area ultimately gets approved and implemented. I request that this be clarified to the population impacted by the Plan. Is the plan subject to voter approval?

**Conclusion**

The Draft Plan Bay Area's DEIR is inadequate in numerous instances identified in this comment letter. ABAG must prepare an EIR that adequately analyzes the plans significant impact and meets CEQA guidelines. The conclusions are not supported by substantial evidence. The key assumption regarding population and job growth is inaccurate. A revised EIR should be prepared and circulated for public review and with ample time given to the public to comment.

Thank you,

Deana Dearborn  
Marinwood Resident

**I, Vladimir Bogak, support and adopt the aforementioned letter:**

Signature  \_\_\_\_\_

**Date: May 16, 2013**



## Plan Bay Area 2040 Final Environmental Impact Report

**From:** Amie Buecker [REDACTED] >  
**To:** <eircomments@mtc.ca.gov>  
**Date:** 5/16/2013 2:12 PM  
**Subject:** Comments for draft plan bay area- I do not support the planned development for lucas valley/ marinwood

> May 15, 2013

C106

>  
> Carolyn Clevenger, MTC EIR Project Manager,  
> Metropolitan Transportation Commission  
> MTC-ABAG Plan Bay Area Public Comment  
> 101 8th Street  
> Oakland, California 94607  
> eircomments@mtc.ca.gov.  
>  
> Re: Public Comment on Draft Plan Bay Area and Bay Area Draft  
> Environmental Impact Report  
>  
> To Whom It May Concern,  
>  
> My name is Amie Buecker  
>  
> I am a resident of Lucas Valley located in unincorporated Marin County. I support and adopt a letter to you by a fellow member of my  
community, Lisa Culbertson as follows:  
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> I am writing to comment on the Draft Plan Bay Area (The plan) and Draft Plan Bay Area Draft Environmental Impact Report (DEIR).  
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> I submitted a request for an extension of time to review the Plan and DEIR, which was not granted. These are complex and difficult documents  
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> Not only is there no evidence provided that proves placing housing near transit reduces GHG, there is also no analysis validating assumptions that people who move to high density housing near transit will be more likely to take public transit. These ideas or goals focus too much on strategies, which are not valid, and should be substantiated with factual information.

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## Plan Bay Area 2040 Final Environmental Impact Report

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> Plan does not sufficiently consider that traffic congestion adds to CO2 emissions

> The Plan Bay Area does not consider cumulative effects of increased localized traffic. The lack of expansion of the road network will cause an increase in traffic congestion as areas grow more dense. Instead the methodology of this Plan places an over-emphasis on public transit. In reality, congestion will increase, and the resulting standing or slow traffic will cause additional CO2 emissions per passenger mile for the most used form of transit cars and light trucks.

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> Furthermore the plan does not adequately take into consideration the impact of the time wasted from traffic congestion and the effects on quality of life. The Plan Bay Area does not account for typical family life, taking children to and from school, sports, errands, etc., it only focuses on trying to change the norm. Congested roadways will result in a reduction in the distance that most residents can effectively commute, due to time and family constraints. This in turn means that people are less able to find employment within an acceptable distance.

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> I ask that the Plan Bay Area be revised to take into consideration additional, localized traffic especially in areas where increases in housing are not balanced with job growth.

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> • Insufficient water supply;

> • Exposure to hazardous materials;

> • Inadequate wastewater treatment capacity;

> • Net Increase in Sensitive Receptors located in Transit Priority Project corridors where there are high concentrations of cancer causing Toxic Air Contaminants and fine particulate matter emissions;

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> Conclusion

> The Draft Plan Bay Area’s DEIR is inadequate in numerous instances identified in this comment letter. ABAG must prepare an EIR that adequately analyzes the plans significant impact and meets CEQA guidelines. The conclusions are not supported by substantial evidence. The key assumption regarding population and job growth is inaccurate. A revised EIR should be prepared and circulated for public review and with ample time given to the public to comment.

>

> Thank you,

> Amie Buecker

>

> San Rafael, CA 94903

> Lucas Valley Resident

## Plan Bay Area 2040 Final Environmental Impact Report

**From:** Andy Buecker <[REDACTED]>  
**To:** <eircomments@mtc.ca.gov>  
**Date:** 5/17/2013 2:14 PM  
**Subject:** Public Comment on Draft Plan Bay Area and Draft Plan Bay Area Draft Environmental Impact Report

To Whom It May Concern,

**C107** I am a resident of Lucas Valley, located in unincorporated Marin County. I, Andy Buecker, support and adopt a letter to you by a fellow member of my community, Lisa Culbertson as follows:

I am writing to comment on the Draft Plan Bay Area (The plan) and Draft Plan Bay Area Draft Environmental Impact Report (DEIR).

I submitted a request for an extension of time to review the Plan and DEIR, which was not granted. These are complex and difficult documents for ordinary people to understand. The level of communication with the communities you are impacting by this plan is disgraceful. The plan includes a statement, "We reached out to the people who matter most – the 7 million people who live in the region." This is inaccurate as it pertains to my community, Marinwood, designated as a potential Planned Development Area (PDA). Many members of the Marinwood community do not know what Plan Bay Area is and for most that do, they have only heard about it in the past few weeks. I attended one of two planned meetings in my community where there was no verbal presentation or explanation of the plan, but rather boards and remarks from the public. I ask that you reconsider this fast track approach and take the time to educate the community on exactly what it is that you are proposing in this plan and why.

I support truly sustainable land use and development that preserves the qualities of existing neighborhoods. I support additional affordable public transportation that reaches a greater range of areas throughout the Bay Area and operates more frequently with longer hours. I also support a range of housing opportunities, integrated into existing communities that do not adversely affect those communities through expediting environmental and permit review and not contributing a fair share to the tax base. None of these things are supported by this plan and therefore you do not have my support. I vote for no plan and ask that you remove Marinwood as a potential PDA designation.

Although I am writing this letter representing myself, I have spent the past two weeks walking door to door gathering signatures against the proposed development plans affecting Marinwood and Lucas Valley. 90% of the homes visited by myself and fellow neighbors are NOT in support of this plan or the related Housing Element. Since this plan is voluntary and you do not have the support of the Marinwood/ Lucas Valley community I ask again that you remove Marinwood as a potential PDA designation.

I have grave concerns about the environmental, health and safety impacts that could result from the poor land use planning that I see presented in this plan as well as other related plans, such as the Marin County Housing Element. There are numerous holes and inconsistencies in the Plan Bay Area and DEIR which are the basis of my comments that follow:

### Unrealistic employment growth

Projected employment growth in Marin County is half of what is being proposed for housing growth. The largest Bay Area job growth is assumed in major cities and areas such as Silicon Valley that have established industries such as technology. Marin County is not known for any specific industry. For its size, Marin County has very few large scale employers and a low number of high paying jobs compared to the number of residents and high cost of living. The potential growth in local employment projections are assumed to be coming from professional services and retail.

Marin had the largest job growth from 1980 to 1990. In 2011, employment levels were about the same as they were in 1990. There are documented studies that project a relatively flat growth in jobs in Marin County over the next 30 years. The lack of consistency and equality between the housing and job numbers projected in Marin County will lead to more commuters, thus increasing green house gas (GHG) emissions as there will not be enough jobs

for the number of residents moving into the county. This will hurt the workforce that these plans aim to protect as there will be more competition for available jobs and low income earners will not have ample salaries to pay for the high price of transportation to travel to employment throughout the Bay Area.

The lack of continuous transportation will also affect quality of life for those depending on public transportation as it can take hours to get from point A to B if multiple modes of transportation are to be used. In addition, the Housing Element appears to designate almost every available parcel in Marin for housing, not leaving properties available for commercial development. Furthermore, the proposals for mixed use projects do not have an equal balance between jobs and housing.

The discussions around new jobs in Marin have been more focused on filling vacancies than creating new development. This does not leave opportunity for the creation of jobs in areas where housing is being considered. A perfect example of this is the Marinwood area, which has minimal jobs in the near vicinity and yet the projected housing number far exceeds any potential commercial development within the area.

Due to the fact that job growth in Marin will likely remain flat and the available capacity for jobs to increase is unlikely, I ask that The Plan Bay Area be revised to include realistic employment projections by area and a specific plan for achieving those projections. I ask that the plan take into account not only the workforce commuting into Marin County for employment, but all commuters into, out of and through Marin County. The approach taken in this plan is shortsighted and not representative of all current commute patterns.

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Like the job numbers, the housing numbers also appear to be unrealistic. The January 2013 release of the State Department of Finance (DOF) projections of Marin County's population growth are 10% lower than the growth forecast used for Plan Bay Area. Plan Bay Area forecasts a 13% population growth to 2040 (32,914 more people) but DOF projects a 3% population growth (6,818 more people). This is a significant discrepancy. The Plan Bay Area and the DEIR should be revised to reflect population growth based on DOF projections, not that of an independent consultant hired by ABAG.

The plan needs to include an assessment of the total cost to the County and taxpayers incurred by adding housing. This assessment should include additional services (schools, water, fire, police, ambulance...) and the total cost of development including subsidies to developers and loss of tax base.

The housing assumptions do not reflect accurately the desire of a large group of people to maintain living in rural areas and in single family homes. It makes the assumption that the future housing preference is high density, mixed use housing, located in urban areas. While both are desirable to different groups of people, the plan is not representative of all type of housing desires. I request that the plan be modified to accurately represent the desires for all types of housing.

#### Inadequate evidence that high density housing near transit reduces green house gases (GHG)

Not only is there no evidence provided that proves placing housing near transit reduces GHG, there is also no analysis validating assumptions that people who move to high density housing near transit will be more likely to take public transit. These ideas or goals focus too much on strategies, which are not valid, and should be substantiated with factual information.

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Conclusion

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Sincerely,

Andy Buecker  
Lucas Valley Resident  
[REDACTED]  
San Rafael, CA 94903



## Plan Bay Area 2040 Final Environmental Impact Report

**From:** "Kevin T. Butts" [REDACTED] >  
**To:** "eircomments@mtc.ca.gov" <eircomments@mtc.ca.gov>  
**Date:** 5/16/2013 12:46 PM  
**Subject:** In opposition to the Draft Plan Bay Area and Draft Plan Bay Area Draft Environmental Impact Report

**C108** May 15, 2013

Carolyn Clevenger, MTC EIR Project Manager,  
Metropolitan Transportation Commission  
MTC-ABAG Plan Bay Area Public Comment  
101 8th Street  
Oakland, California 94607  
eircomments@mtc.ca.gov<mailto:eircomments@mtc.ca.gov>.

Re: Public Comment on Draft Plan Bay Area and Draft Plan Bay Area Draft  
Environmental Impact Report

To Whom It May Concern,

My name is Kevin Butts.

I am a resident of Marinwood, located in unincorporated Marin County. I support and adopt a letter to you by a fellow member of my community, Lisa Culbertson as follows:

I am writing to comment on the Draft Plan Bay Area (The plan) and Draft Plan Bay Area Draft Environmental Impact Report (DEIR).

I submitted a request for an extension of time to review the Plan and DEIR, which was not granted. These are complex and difficult documents for ordinary people to understand. The level of communication with the communities you are impacting by this plan is disgraceful. The plan includes a statement, "We reached out to the people who matter most - the 7 million people who live in the region." This is inaccurate as it pertains to my community, Marinwood, designated as a potential Planned Development Area (PDA). Many members of the Marinwood community do not know what Plan Bay Area is and for most that do, they have only heard about it in the past few weeks. I attended one of two planned meetings in my community where there was no verbal presentation or explanation of the plan, but rather boards and remarks from the public. I ask that you reconsider this fast track approach and take the time to educate the community on exactly what it is that you are proposing in this plan and why.

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## Plan Bay Area 2040 Final Environmental Impact Report

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The Plan Bay Area does not consider cumulative effects of increased localized traffic. The lack of expansion of the road network will cause an increase in traffic congestion as areas grow more dense. Instead the methodology of this Plan places an over-emphasis on public transit. In reality, congestion will increase, and the resulting standing or slow traffic will cause additional CO2 emissions per passenger mile for the most used form of transit cars and light trucks.

Furthermore the plan does not adequately take into consideration the impact of the time wasted from traffic congestion and the effects on quality of life. The Plan Bay Area does not account for typical family life, taking children to and from school, sports, errands, etc., it only focuses on trying to change the norm. Congested roadways will result in a reduction in the distance that most residents can effectively commute, due to time and family constraints. This in turn means that people are less able to find employment within an acceptable distance.

I ask that the Plan Bay Area be revised to take into consideration additional, localized traffic especially in areas where increases in housing are not balanced with job growth.

Plan fails to disclose subsidization required to encourage residents to move to high density development near transit

The Plan Bay Area fails to identify the true amount of subsidization required to encourage builders to develop high density housing. A survey by the National Association of Realtors in 2011 reveals that the vast majority of Americans prefer to live in single-family homes with privacy and yards.

Evidence exists that subsidies are required in order to encourage people to move to high density housing. There is no analysis included in the Plan to validate the amount of subsidization required to encourage developers to initiate and complete such projects and residents to move into them.

This lack of specificity means that an undefined amount of public money, via state, county or city, will be used to reach the goals of this plan. The plan does not alert readers to rising taxes needed to raise revenue to cover these subsidies. Alternatively the plan does not provide sufficient analysis of impacts to services such as police, fire and schools. In addition, there is no evidence that the expenditures covered by the plan will achieve the stated goals.

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- \* Insufficient water supply;
- \* Exposure to hazardous materials;
- \* Inadequate wastewater treatment capacity;
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It is unclear to me how the Plan Bay Area ultimately gets approved and implemented. I request that this be clarified to the population impacted by the Plan. Is the Plan subject to voter approval?

Conclusion

The Draft Plan Bay Area's DEIR is inadequate in numerous instances identified in this comment letter. ABAG must prepare an EIR that adequately analyzes the plans significant impact and meets CEQA guidelines. The conclusions are not supported by substantial evidence. The key assumption regarding population and job growth is inaccurate. A revised EIR should be prepared and circulated for public review and with ample time given to the public to comment.

Thank you,  
Kevin Butts

[REDACTED]  
San Rafael, CA 94903  
Marinwood Resident

I, Kevin Butts, support and adopt the aforementioned letter:

Signature Kevin Butts

Kevin Butts, Director of Business Analysis and Quality Assurance



May 15, 2013

**C109** Carolyn Clevenger, MTC EIR Project Manager,  
Metropolitan Transportation Commission  
MTC-ABAG Plan Bay Area Public Comment  
101 8th Street  
Oakland, California 94607  
<mailto:eircomments@mtc.ca.gov>eircomments@mtc.ca.gov.

Re: Public Comment on Draft Plan Bay Area and Draft Plan Bay Area Draft  
Environmental Impact Report

To Whom It May Concern,

My name is Denise Castellucci  (signature)].

I am a resident of Marinwood, located in unincorporated Marin County. I support and adopt a letter to you by a fellow member of my community as follows:

I am writing to comment on the Draft Plan Bay Area (The plan) and Draft Plan Bay Area Draft Environmental Impact Report (DEIR).

I submitted a request for an extension of time to review the Plan and DEIR, which was not granted. These are complex and difficult documents for ordinary people to understand. The level of communication with the communities you are impacting by this plan is disgraceful. The plan includes a statement, "We reached out to the people who matter most – the 7 million people who live in the region." This is inaccurate as it pertains to my community, Marinwood, designated as a potential Planned Development Area (PDA). Many members of the Marinwood community do not know what Plan Bay Area is and for most that do, they have only heard about it in the past few weeks. I attended one of two planned meetings in my community where there was no verbal presentation or explanation of the plan, but rather boards and remarks from the public. I ask that you reconsider this fast track approach and take the time to educate the community on exactly what it is that you are proposing in this plan and why.

I support truly sustainable land use and development that preserves the qualities of existing neighborhoods. I support additional affordable public transportation that reaches a greater range of areas throughout the Bay Area and operates more frequently with longer hours. I also support a range of housing opportunities, integrated into existing communities that do not adversely affect those communities through expediting environmental and permit review and not contributing a fair share to the tax base. None of these things are supported by this plan and therefore you do not have my support. I vote for no plan and ask that you remove Marinwood as a potential PDA designation.

Although I am writing this letter representing myself, I have spent the past two weeks walking door-to-door gathering signatures against the proposed development plans



affecting Marinwood and Lucas Valley. 90% of the homes visited by myself and fellow neighbors are NOT in support of this plan or the related Housing Element. Since this plan is voluntary and you do not have the support of the Marinwood/ Lucas Valley community I ask again that you remove Marinwood as a potential PDA designation.

I have grave concerns about the environmental, health and safety impacts that could result from the poor land use planning that I see presented in this plan as well as other related plans, such as the Marin County Housing Element. There are numerous holes and inconsistencies in the Plan Bay Area and DEIR, which are the basis of my comments that follow:

#### Unrealistic employment growth

Projected employment growth in Marin County is half of what is being proposed for housing growth. The largest Bay Area job growth is assumed in major cities and areas such as Silicon Valley that have established industries such as technology. Marin County is not known for any specific industry. For its size, Marin County has very few large-scale employers and a low number of high paying jobs compared to the number of residents and high cost of living. The potential growth in local employment projections is assumed to be coming from professional services and retail.

Marin had the largest job growth from 1980 to 1990. In 2011, employment levels were about the same as they were in 1990. There are documented studies that project a relatively flat growth in jobs in Marin County over the next 30 years. The lack of consistency and equality between the housing and job numbers projected in Marin County will lead to more commuters, thus increasing green house gas (GHG) emissions as there will not be enough jobs for the number of residents moving into the county. This will hurt the workforce that these plans aim to protect as there will be more competition for available jobs and low-income earners will not have ample salaries to pay for the high price of transportation to travel to employment throughout the Bay Area.

The lack of continuous transportation will also affect quality of life for those depending on public transportation as it can take hours to get from point A to B if multiple modes of transportation are to be used. In addition, the Housing Element appears to designate almost every available parcel in Marin for housing, not leaving properties available for commercial development. Furthermore, the proposals for mixed-use projects do not have an equal balance between jobs and housing.

The discussions around new jobs in Marin have been more focused on filling vacancies than creating new development. This does not leave opportunity for the creation of jobs in areas where housing is being considered. A perfect example of this is the Marinwood area, which has minimal jobs in the near vicinity and yet the projected housing number far exceeds any potential commercial development within the area.

Due to the fact that job growth in Marin will likely remain flat and the available capacity for jobs to increase is unlikely, I ask that The Plan Bay Area be revised to include realistic employment projections by area and a specific plan for achieving those

projections. I ask that the plan take into account not only the workforce commuting into Marin County for employment, but all commuters into, out of and through Marin County. The approach taken in this plan is shortsighted and not representative of all current commute patterns.

#### Unrealistic Housing numbers

Like the job numbers, the housing numbers also appear to be unrealistic. The January 2013 release of the State Department of Finance (DOF) projections of Marin County's population growth are 10% lower than the growth forecast used for Plan Bay Area. Plan Bay Area forecasts a 13% population growth to 2040 (32,914 more people) but DOF projects a 3% population growth (6,818 more people). This is a significant discrepancy. The Plan Bay Area and the DEIR should be revised to reflect population growth based on DOF projections, not that of an independent consultant hired by ABAG.

The plan needs to include an assessment of the total cost to the County and taxpayers incurred by adding housing. This assessment should include additional services (schools, water, fire, police, ambulance...) and the total cost of development including subsidies to developers and loss of tax base.

The housing assumptions do not reflect accurately the desire of a large group of people to maintain living in rural areas and in single-family homes. It makes the assumption that the future housing preference is high density, mixed use housing, located in urban areas. While both are desirable to different groups of people, the plan is not representative of all type of housing desires. I request that the plan be modified to accurately represent the desires for all types of housing.

#### Inadequate evidence that high density housing near transit reduces green house gases (GHG)

Not only is there no evidence provided that proves placing housing near transit reduces GHG, there is also no analysis validating assumptions that people who move to high density housing near transit will be more likely to take public transit. These ideas or goals focus too much on strategies, which are not valid, and should be substantiated with factual information.

This plan does not take into consideration accurate travel needs, preferences and behaviors and the fact that for many people the preferred mode of travel is by car. The plan does not indicate what other studies have been put forward other than a "one size fits all" determination made by the authors of this plan stating how people are expected to travel. This makes grand assumptions that are unrealistic and should not be used as the basis of such a widespread and impactful plan.

I ask that you provide the analysis to prove that the housing near transit lowers GHG emissions, at what cost and what other options are available to achieve the same results.

#### Inadequate evidence that the transportation plan reduces GHG



It seems that there are other ways to reduce GHG emissions that should be analyzed as having a potentially more significant impact on reduction than what is being proposed in Plan Bay Area. These options include considering the future automobile technology and incentivizing individuals for the highest fuel-efficient cars. Focus on creating a much higher number of localized jobs in Marin County to allow for more existing residents to work close to home rather than just focusing on housing for those commuting into Marin.

Further studies and factual information should be presented to substantiate that switching people from cars to public transit will in fact decrease CO<sub>2</sub> emissions, rather than increase emissions. More information is needed on the types of transportation being proposed and a comparison between the emissions from the public transit vs. cars. The Plan focuses on GHG emissions from personal vehicles and light trucks and does not focus on technology improvements made to other forms of transportation including busses, ferries, trains, etc. An assessment should be performed on the potential for reductions by replacing fleets of other modes of transportation and the cost benefit should be analyzed against the plan as currently proposed.

The plan identifies that the “no project” alternative is projected to reduce passenger vehicles CO<sub>2</sub> emissions by 23% by 2040 over the existing condition in 2010. The proposed alternative, which is costly and intrusive into basic economic and personal freedoms, is projected to reduce emissions by 25%. The plan does not consider if this extra 2% is worth the additional costs. I ask that a cost benefit analysis be prepared and incorporated into the findings, which includes other options to reach the additional 2% GHG emissions.

Inadequate evidence that placing high density housing next to major transportation corridors will not have significant adverse health effects on those residents. The Plan proposes placement of housing along transportation corridors, where the objective is to locate jobs and housing in close proximity to each other, with the goal of reducing automobile trips and therefore mobile source emissions. However, in doing so sensitive receptors will be exposed to unhealthy levels of toxic air or particulate concentrations. The DEIR does not provide adequate mitigations to protect sensitive receptors, especially those spending time outdoors, such as children playing outside. The DEIR states: “New research on the health effects of TACs and PM<sub>2.5</sub> reinforces earlier findings regarding adverse health impacts on both respiratory and cardiovascular health but also a wider range of potential effects, such as diabetes, autism, cognitive functions in older adults, and oxidative damage to DNA. In addition, US EPA has not identified a level of TAC/ PM<sub>2.5</sub> concentration where no negative health effects are observed.” There are many reports not disclosed or discussed in the plan that identify causal links between proximity to freeways and highways, asthma, autism and cancer. This should be highlighted as a risk in the plan and study references included.

Implementation of Plan Bay Area would subject sensitive receptors to a significant increased risk of developing life-threatening illnesses from toxic air contaminants and particulate matter emissions. Furthermore, the measures listed to mitigate these



significant impacts are inadequate to reduce them to less than significant levels, particularly in regard to protecting sensitive receptors that spend time outdoors. Plan Bay Area's proposal to target residential development in close proximity to highly traveled and congested roadways are irresponsible land use planning and conflicts with CEQA. Case law clearly shows that CEQA is intended "to compel government at all levels to make decisions with environmental consequences in mind." I ask that you revise Draft Plan Bay Area and remove all proposed residential development from areas that are located within the zone of influence of toxic air contaminants and/or fine particulate matter emission sources and remove areas situated within the zone of influence of these emissions from Transit Priority Project corridors, Priority Development Areas and Potential Priority Development Areas.

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Furthermore the plan does not adequately take into consideration the impact of the time wasted from traffic congestion and the effects on quality of life. The Plan Bay Area does not account for typical family life, taking children to and from school, sports, errands, etc., it only focuses on trying to change the norm. Congested roadways will result in a reduction in the distance that most residents can effectively commute, due to time and family constraints. This in turn means that people are less able to find employment within an acceptable distance.

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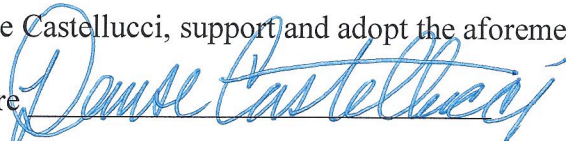
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Thank you,

  
Marinwood Resident

I, Denise Castellucci, support and adopt the aforementioned letter:

Signature 

Date: May 15, 2013

## Plan Bay Area 2040 Final Environmental Impact Report

**From:** Gailmail <[REDACTED]>  
**To:** "eircomments@mtc.ca.gov" <eircomments@mtc.ca.gov>  
**Date:** 5/17/2013 11:29 AM  
**Subject:** Fwd: Public Comment on Draft Plan Bay Area and Draft Plan Bay Area Draft

C110

>  
> May 15, 2013  
>  
> Carolyn Clevenger, MTC EIR Project Manager,  
> Metropolitan Transportation Commission  
> MTC-ABAG Plan Bay Area Public Comment  
> 101 8th Street  
> Oakland, California 94607  
> eircomments@mtc.ca.gov.  
>  
> Re: Public Comment on Draft Plan Bay Area and Draft Plan Bay Area Draft  
> Environmental Impact Report  
>  
> To Whom It May Concern,  
>  
> My name is Gail M. Cohen.  
>  
> I am a resident of Marinwood, located in unincorporated Marin County. I support and adopt a letter to you by a fellow member of my community, Lisa Culbertson as follows:  
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## Plan Bay Area 2040 Final Environmental Impact Report

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## Plan Bay Area 2040 Final Environmental Impact Report

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- >
- > Thank you,
- > Gail M. Cohen [REDACTED]
- > San Rafael, CA 94903
- > Marinwood Resident
- >
- > I, Gail M. Cohen, support and adopt the aforementioned letter:
- >
- > Signature \_\_\_\_\_

>  
>  
>  
>

## Plan Bay Area 2040 Final Environmental Impact Report

**From:** Maribel <[REDACTED]>  
**To:** "eircomments@mtc.ca.gov" <eircomments@mtc.ca.gov>  
**Date:** 5/17/2013 1:02 PM

May 17, 2013

C1111

Carolyn Clevenger, MTC EIR Project Manager,  
Metropolitan Transportation Commission  
MTC-ABAG Plan Bay Area Public Comment  
101 8th Street  
Oakland, California 94607  
eircomments@mtc.ca.gov.

Re: Public Comment on Draft Plan Bay Area and Draft Plan Bay Area Draft  
Environmental Impact Report  
To Whom It May Concern,  
My name is Maribel Cruz

I am a resident of Marinwood, located in unincorporated Marin County. I support and adopt a letter to you by a fellow member of my community, Lisa Culbertson as follows:

I am writing to comment on the Draft Plan Bay Area (The plan) and Draft Plan Bay Area Draft Environmental Impact Report (DEIR).

I submitted a request for an extension of time to review the Plan and DEIR, which was not granted. These are complex and difficult documents for ordinary people to understand. The level of communication with the communities you are impacting by this plan is disgraceful. The plan includes a statement, "We reached out to the people who matter most – the 7 million people who live in the region." This is inaccurate as it pertains to my community, Marinwood, designated as a potential Planned Development Area (PDA). Many members of the Marinwood community do not know what Plan Bay Area is and for most that do, they have only heard about it in the past few weeks. I attended one of two planned meetings in my community where there was no verbal presentation or explanation of the plan, but rather boards and remarks from the public. I ask that you reconsider this fast track approach and take the time to educate the community on exactly what it is that you are proposing in this plan and why.

I support truly sustainable land use and development that preserves the qualities of existing neighborhoods. I support additional affordable public transportation that reaches a greater range of areas throughout the Bay Area and operates more frequently with longer hours. I also support a range of housing opportunities, integrated into existing communities that do not adversely affect those communities through expediting environmental and permit review and not contributing a fair share to the tax base. None of these things are supported by this plan and therefore you do not have my support. I vote for no plan and ask that you remove Marinwood as a potential PDA designation.

Although I am writing this letter representing myself, I have spent the past two weeks walking door to door gathering signatures against the proposed development plans affecting Marinwood and Lucas Valley. 90% of the homes visited by myself and fellow neighbors are NOT in support of this plan or the related Housing Element. Since this plan is voluntary and you do not have the support of the Marinwood/ Lucas Valley community I ask again that you remove Marinwood as a potential PDA designation.

I have grave concerns about the environmental, health and safety impacts that could result from the poor land use planning that I see presented in this plan as well as other related plans, such as the Marin County Housing Element. There are numerous holes and inconsistencies in the Plan Bay Area and DEIR which are the basis of my comments that follow:

Unrealistic employment growth

Projected employment growth in Marin County is half of what is being proposed for housing growth. The largest Bay Area job growth is assumed in major cities and areas such as Silicon Valley that have established industries such as technology. Marin County is not known for any specific industry. For its size, Marin County has very few large scale employers and a low number of high paying jobs compared to the number of residents and high cost of living. The potential growth in local employment projections are assumed to be coming from professional services and retail.

Marin had the largest job growth from 1980 to 1990. In 2011, employment levels were about the same as they were in 1990. There are documented studies that project a relatively flat growth in jobs in Marin County over the next 30 years. The lack of consistency and equality between the housing and job numbers projected in Marin County will lead to more commuters, thus increasing green house gas (GHG) emissions as there will not be enough jobs for the number of residents moving into the county. This will hurt the workforce that these plans aim to protect as there will be more competition for available jobs and low income earners will not have ample salaries to pay for the high price of transportation to travel to employment throughout the Bay Area.

The lack of continuous transportation will also affect quality of life for those depending on public transportation as it can take hours to get from point A to B if multiple modes of transportation are to be used. In addition, the Housing Element appears to designate almost every available parcel in Marin for housing, not leaving properties available for commercial development. Furthermore, the proposals for mixed use projects do not have an equal balance between jobs and housing.

The discussions around new jobs in Marin have been more focused on filling vacancies than creating new development. This does not leave opportunity for the creation of jobs in areas where housing is being considered. A perfect example of this is the Marinwood area, which has minimal jobs in the near vicinity and yet the projected housing number far exceeds any potential commercial development within the area. Due to the fact that job growth in Marin will likely remain flat and the available capacity for jobs to increase is unlikely, I ask that The Plan Bay Area be revised to include realistic employment projections by area and a specific plan for achieving those projections. I ask that the plan take into account not only the workforce commuting into Marin County for employment, but all commuters into, out of and through Marin County. The approach taken in this plan is shortsighted and not representative of all current commute patterns.

Unrealistic Housing numbers

Like the job numbers, the housing numbers also appear to be unrealistic. The January 2013 release of the State Department of Finance (DOF) projections of Marin County's population growth are 10% lower than the growth forecast used for Plan Bay Area. Plan Bay Area forecasts a 13% population growth to 2040 (32,914 more people) but DOF projects a 3% population growth (6,818 more people). This is a significant discrepancy. The Plan Bay Area and the DEIR should be revised to reflect population growth based on DOF projections, not that of an independent consultant hired by ABAG.

The plan needs to include an assessment of the total cost to the County and taxpayers incurred by adding housing. This assessment should include additional services (schools, water, fire, police, ambulance...) and the total cost of development including subsidies to developers and loss of tax

base.

The housing assumptions do not reflect accurately the desire of a large group of people to maintain living in rural areas and in single family homes. It makes the assumption that the future housing preference is high density, mixed use housing, located in urban areas. While both are desirable to different groups of people, the plan is not representative of all type of housing desires. I request that the plan be modified to accurately represent the desires for all types of housing.

Inadequate evidence that high density housing near transit reduces green house gases (GHG)

Not only is there no evidence provided that proves placing housing near transit reduces GHG, there is also no analysis validating assumptions that people who move to high density housing near transit will be more likely to take public transit. These ideas or goals focus too much on strategies, which are not valid, and should be substantiated with factual information.

This plan does not take into consideration accurate travel needs, preferences and behaviors and the fact that for many people the preferred mode of travel is by car. The plan does not indicate what other studies have been put forward other than a “one size fits all” determination made by the authors of this plan stating how people are expected to travel. This makes grand assumptions that are unrealistic and should not be used as the basis of such a widespread and impactful plan.

I ask that you provide the analysis to prove that the housing near transit lowers GHG emissions, at what cost and what other options are available to achieve the same results.

Inadequate evidence that the transportation plan reduces GHG

It seems that there are other ways to reduce GHG emissions that should be analyzed as having a potentially more significant impact on reduction than what is being proposed in Plan Bay Area. These options include considering the future automobile technology and incentivizing individuals for the highest fuel efficient cars. Focus on creating a much higher number of localized jobs in Marin County to allow for more existing residents to work close to home rather than just focusing on housing for those commuting into Marin.

Further studies and factual information should be presented to substantiate that switching people from cars to public transit will in fact decrease CO2 emissions, rather than increase emissions. More information is needed on the types of transportation being proposed and a comparison between the emissions from the public transit vs. cars. The Plan focuses on GHG emissions from personal vehicles and light trucks and does not focus on technology improvements made to other forms of transportation including busses, ferries, trains, etc. An assessment should be performed on the potential for reductions by replacing fleets of other modes of transportation and the cost benefit should be analyzed against the plan as currently proposed.

The plan identifies that the “no project” alternative is projected to reduce passenger vehicles CO2 emissions by 23% by 2040 over the existing condition in 2010. The proposed alternative, which is costly and intrusive into basic economic and personal freedoms, is projected to reduce emissions by 25%. The plan does not consider if this extra 2% is worth the additional costs. I ask that a cost benefit analysis be prepared and incorporated into the findings, which includes other options to reach the additional 2% GHG emissions.

Inadequate evidence that placing high density housing next to major transportation corridors will not have significant adverse health effects on those residents.

The Plan proposes placement of housing along transportation corridors, where the objective is to locate jobs and housing in close proximity to each other, with the goal of reducing automobile trips and therefore mobile source emissions. However, in doing so sensitive receptors will be exposed to unhealthy levels of toxic air or particulate concentrations. The DEIR does not provide adequate mitigations to protect sensitive receptors, especially those spending time outdoors, such as children playing outside. The DEIR states: “New research on the health effects of TACs and PM2.5 reinforces earlier findings regarding adverse health impacts on both respiratory and cardiovascular health but also a wider range of potential effects, such as diabetes, autism, cognitive functions in older adults, and oxidative damage to DNA. In addition, US EPA has not identified a level of TAC/ PM2.5 concentration where no negative health effects are observed.” There are many

reports not disclosed or discussed in the plan that identify causal links between proximity to freeways and highways, asthma, autism and cancer. This should be highlighted as a risk in the plan and study references included.

Implementation of Plan Bay Area would subject sensitive receptors to a significant increased risk of developing life-threatening illnesses from toxic air contaminants and particulate matter emissions. Furthermore, the measures listed to mitigate these significant impacts are inadequate to reduce them to less than significant levels, particularly in regard to protecting sensitive receptors that spend time outdoors. Plan Bay Area’s proposal to target residential development in close proximity to highly travelled and congested roadways is irresponsible land use planning and conflicts with CEQA. Case law clearly shows that CEQA is intended “to compel government at all levels to make decisions with environmental consequences in mind.” I ask that you revise Draft Plan Bay Area and remove all proposed residential development from areas that are located within the zone of influence of toxic air contaminants and/or fine particulate matter emission sources

and remove areas situated within the zone of influence of these emissions from Transit Priority Project corridors, Priority Development Areas and Potential Priority Development Areas.

Plan does not sufficiently consider that traffic congestion adds to CO2 emissions

The Plan Bay Area does not consider cumulative effects of increased localized traffic. The lack of expansion of the road network will cause an increase in traffic congestion as areas grow more dense. Instead the methodology of this Plan places an over-emphasis on public transit. In reality, congestion will increase, and the resulting standing or slow traffic will cause additional CO2 emissions per passenger mile for the most used form of transit cars and light trucks.

Furthermore the plan does not adequately take into consideration the impact of the time wasted from traffic congestion and the effects on quality of life. The Plan Bay Area does not account for typical family life, taking children to and from school, sports, errands, etc., it only focuses on trying to change the norm. Congested roadways will result in a reduction in the distance that most residents can effectively commute, due to time and family constraints. This in turn means that people are less able to find employment within an acceptable distance.

I ask that the Plan Bay Area be revised to take into consideration additional, localized traffic especially in areas where increases in housing are not balanced with job growth.

Plan fails to disclose subsidization required to encourage residents to move to high density development near transit

The Plan Bay Area fails to identify the true amount of subsidization required to encourage builders to develop high density housing. A survey by the National Association of Realtors in 2011 reveals that the vast majority of Americans prefer to live in single-family homes with privacy and yards.

Evidence exists that subsidies are required in order to encourage people to move to high density housing. There is no analysis included in the Plan to validate the amount of subsidization required to encourage developers to initiate and complete such projects and residents to move into them.

This lack of specificity means that an undefined amount of public money, via state, county or city, will be used to reach the goals of this plan.

The plan does not alert readers to rising taxes needed to raise revenue to cover these subsidies. Alternatively the plan does not provide sufficient analysis of impacts to services such as police, fire and schools. In addition, there is no evidence that the expenditures covered by the plan will



achieve the stated goals.

Inadequate information re: water supply, sea level rise, and support for infrastructure

There are 5 significant, irreversible environmental changes, and 39 significant unavoidable impacts of the plan, identified in the DEIR, that should be addressed and mitigated before this plan is accepted. They should not be dismissed with findings of "overriding consideration." If the organizations that are proposing to implement this plan cannot address these serious affects than perhaps that is a sign that this is not the right plan for the Bay Area. The impacts I am referring to include:

- Insufficient water supply;
- Exposure to hazardous materials;
- Inadequate wastewater treatment capacity;
- Net Increase in Sensitive Receptors located in Transit Priority Project corridors where there are high concentrations of cancer causing Toxic Air Contaminants and fine particulate matter emissions;
- Inundation from sea level rise;
- Direct removal, filling or hydrological interruption of habitat;
- Interference with the movement of native resident or migratory fish or wildlife species.

Plan Bay Area Approval

It is unclear to me how the Plan Bay Area ultimately gets approved and implemented. I request that this be clarified to the population impacted by the Plan. Is the plan subject to voter approval?

Conclusion

The Draft Plan Bay Area's DEIR is inadequate in numerous instances identified in this comment letter. ABAG must prepare an EIR that adequately analyzes the plans significant impact and meets CEQA guidelines. The conclusions are not supported by substantial evidence. The key assumption regarding population and job growth is inaccurate. A revised EIR should be prepared and circulated for public review and with ample time given to the public to comment.

Thank you,

Maribel Cruz

[REDACTED]  
San Rafael, CA 94903

Marinwood Resident

I, Maribel Cruz , support and adopt the aforementioned letter:

Maribel Cruz

This electronic message transmission, including attachments, contains information that may be confidential or privileged. The information is intended to be for the use of the individual/s or entity named above. If you are not the intended recipient, be aware that any disclosure, copying, distribution or use of the contents of this information is prohibited. If you have received this electronic transmission in error, please notify the sender immediately by a "reply to sender only" message and destroy all electronic and hard copies of this communication, including any attachments

May 15, 2013

Carolyn Clevenger, MTC EIR Project Manager,  
Metropolitan Transportation Commission  
MTC-ABAG Plan Bay Area Public Comment  
101 8th Street Oakland,  
California 94607  
[eircomments@mtc.ca.gov](mailto:eircomments@mtc.ca.gov).

Re: Public Comment on Draft Plan Bay Area and Draft Plan Bay Area Draft  
Environmental Impact Report

C112

To Whom It May Concern,

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### **Unrealistic employment growth**

Projected employment growth in Marin County is half of what is being proposed for housing growth. The largest Bay Area job growth is assumed in major cities and areas such as Silicon Valley that have established industries such as technology. Marin County is not known for any specific industry. For its size, Marin County has very few large scale employers and a low number of high paying jobs compared to the number of residents and high cost of living. The potential growth in local employment projections are assumed to be coming from professional services and retail.

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zone of influence of these emissions from Transit Priority Project corridors, Priority Development Areas and Potential Priority Development Areas.

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- Insufficient water supply;
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**Plan Bay Area Approval**

It is unclear to me how the Plan Bay Area ultimately gets approved and implemented. I request that this be clarified to the population impacted by the Plan. Is the plan subject to voter approval?

**Conclusion**

The Draft Plan Bay Area's DEIR is inadequate in numerous instances identified in this comment letter.

ABAG must prepare an EIR that adequately analyzes the plans significant impact and meets CEQA guidelines. The conclusions are not supported by substantial evidence. The key assumption regarding population and job growth is inaccurate. A revised EIR should be prepared and circulated for public review and with ample time given to the public to comment.

Thank you,

Deana Dearborn  
Marinwood Resident

## Plan Bay Area 2040 Final Environmental Impact Report

**From:** Deborah Fazeli [REDACTED]  
**To:** "eircomments@mtc.ca.gov." <eircomments@mtc.ca.gov>  
**Date:** 5/16/2013 2:49 PM  
**Subject:** Public Comment Letter re Plan Bay Area

C113

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>  
> May 15, 2013  
>  
> Carolyn Clevenger, MTC EIR Project Manager,  
> Metropolitan Transportation Commission  
> MTC-ABAG Plan Bay Area Public Comment  
> 101 8th Street  
> Oakland, California 94607  
> eircomments@mtc.ca.gov.  
>  
> Re: Public Comment on Draft Plan Bay Area and Draft Plan Bay Area Draft  
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>  
> To Whom It May Concern,  
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point A to B if multiple modes of transportation are to be used. In addition, the Housing Element appears to designate almost every available

## Plan Bay Area 2040 Final Environmental Impact Report

parcel in Marin for housing, not leaving properties available for commercial development. Furthermore, the proposals for mixed use projects do not have an equal balance between jobs and housing.

>

> The discussions around new jobs in Marin have been more focused on filling vacancies than creating new development. This does not leave opportunity for the creation of jobs in areas where housing is being considered. A perfect example of this is the Marinwood area, which has minimal jobs in the near vicinity and yet the projected housing number far exceeds any potential commercial development within the area.

>

> Due to the fact that job growth in Marin will likely remain flat and the available capacity for jobs to increase is unlikely, I ask that The Plan Bay Area be revised to include realistic employment projections by area and a specific plan for achieving those projections. I ask that the plan take into account not only the workforce commuting into Marin County for employment, but all commuters into, out of and through Marin County. The approach taken in this plan is shortsighted and not representative of all current commute patterns.

>

> Unrealistic Housing numbers

> Like the job numbers, the housing numbers also appear to be unrealistic. The January 2013 release of the State Department of Finance (DOF) projections of Marin County's population growth are 10% lower than the growth forecast used for Plan Bay Area. Plan Bay Area forecasts a 13% population growth to 2040 (32,914 more people) but DOF projects a 3% population growth (6,818 more people). This is a significant discrepancy. The Plan Bay Area and the DEIR should be revised to reflect population growth based on DOF projections, not that of an independent consultant hired by ABAG.

>

> The plan needs to include an assessment of the total cost to the County and taxpayers incurred by adding housing. This assessment should include additional services (schools, water, fire, police, ambulance...) and the total cost of development including subsidies to developers and loss of tax base.

>

> The housing assumptions do not reflect accurately the desire of a large group of people to maintain living in rural areas and in single family homes. It makes the assumption that the future housing preference is high density, mixed use housing, located in urban areas. While both are desirable to different groups of people, the plan is not representative of all type of housing desires. I request that the plan be modified to accurately represent the desires for all types of housing.

>

> Inadequate evidence that high density housing near transit reduces green house gases (GHG)

> Not only is there no evidence provided that proves placing housing near transit reduces GHG, there is also no analysis validating assumptions that people who move to high density housing near transit will be more likely to take public transit. These ideas or goals focus too much on strategies, which are not valid, and should be substantiated with factual information.

>

> This plan does not take into consideration accurate travel needs, preferences and behaviors and the fact that for many people the preferred mode of travel is by car. The plan does not indicate what other studies have been put forward other than a "one size fits all" determination made by the authors of this plan stating how people are expected to travel. This makes grand assumptions that are unrealistic and should not be used as the basis of such a widespread and impactful plan.

>

> I ask that you provide the analysis to prove that the housing near transit lowers GHG emissions, at what cost and what other options are available to achieve the same results.

>

> Inadequate evidence that the transportation plan reduces GHG

> It seems that there are other ways to reduce GHG emissions that should be analyzed as having a potentially more significant impact on reduction than what is being proposed in Plan Bay Area. These options include considering the future automobile technology and incentivizing individuals for the highest fuel efficient cars. Focus on creating a much higher number of localized jobs in Marin County to allow for more existing residents to work close to home rather than just focusing on housing for those commuting into Marin.

>

> Further studies and factual information should be presented to substantiate that switching people from cars to public transit will in fact decrease CO2 emissions, rather than increase emissions. More information is needed on the types of transportation being proposed and a comparison between the emissions from the public transit vs. cars. The Plan focuses on GHG emissions from personal vehicles and light trucks and does not focus on technology improvements made to other forms of transportation including busses, ferries, trains, etc. An assessment should be performed on the potential for reductions by replacing fleets of other modes of transportation and the cost benefit should be analyzed against the plan as currently proposed.

>

> The plan identifies that the "no project" alternative is projected to reduce passenger vehicles CO2 emissions by 23% by 2040 over the existing condition in 2010. The proposed alternative, which is costly and intrusive into basic economic and personal freedoms, is projected to reduce emissions by 25%. The plan does not consider if this extra 2% is worth the additional costs. I ask that a cost benefit analysis be prepared and incorporated into the findings, which includes other options to reach the additional 2% GHG emissions.

> Inadequate evidence that placing high density housing next to major transportation corridors will not have significant adverse health effects on those residents.

> The Plan proposes placement of housing along transportation corridors, where the objective is to locate jobs and housing in close proximity to each other, with the goal of reducing automobile trips and therefore mobile source emissions. However, in doing so sensitive receptors will be exposed to unhealthy levels of toxic air or particulate concentrations. The DEIR does not provide adequate mitigations to protect sensitive receptors, especially those spending time outdoors, such as children playing outside. The DEIR states: "New research on the health effects of TACs and PM2.5 reinforces earlier findings regarding adverse health impacts on both respiratory and cardiovascular health but also a wider range of potential effects, such as diabetes, autism, cognitive functions in older adults, and oxidative damage to DNA. In addition, US EPA has not identified a level of TAC/ PM2.5 concentration where no negative health effects are observed." There are many reports not disclosed or discussed in the plan that identify causal links between proximity to freeways and highways, asthma, autism and cancer. This should be highlighted as a risk in the plan and study references included.

>



## Plan Bay Area 2040 Final Environmental Impact Report

> Implementation of Plan Bay Area would subject sensitive receptors to a significant increased risk of developing life-threatening illnesses from toxic air contaminants and particulate matter emissions. Furthermore, the measures listed to mitigate these significant impacts are inadequate to reduce them to less than significant levels, particularly in regard to protecting sensitive receptors that spend time outdoors. Plan Bay Area's proposal to target residential development in close proximity to highly travelled and congested roadways is irresponsible land use planning and conflicts with CEQA. Case law clearly shows that CEQA is intended "to compel government at all levels to make decisions with environmental consequences in mind." I ask that you revise Draft Plan Bay Area and remove all proposed residential development from areas that are located within the zone of influence of toxic air contaminants and/or fine particulate matter emission sources and remove areas situated within the zone of influence of these emissions from Transit Priority Project corridors, Priority Development Areas and Potential Priority Development Areas.

>

> Plan does not sufficiently consider that traffic congestion adds to CO2 emissions

> The Plan Bay Area does not consider cumulative effects of increased localized traffic. The lack of expansion of the road network will cause an increase in traffic congestion as areas grow more dense. Instead the methodology of this Plan places an over-emphasis on public transit. In reality, congestion will increase, and the resulting standing or slow traffic will cause additional CO2 emissions per passenger mile for the most used form of transit cars and light trucks.

>

> Furthermore the plan does not adequately take into consideration the impact of the time wasted from traffic congestion and the effects on quality of life. The Plan Bay Area does not account for typical family life, taking children to and from school, sports, errands, etc., it only focuses on trying to change the norm. Congested roadways will result in a reduction in the distance that most residents can effectively commute, due to time and family constraints. This in turn means that people are less able to find employment within an acceptable distance.

>

> I ask that the Plan Bay Area be revised to take into consideration additional, localized traffic especially in areas where increases in housing are not balanced with job growth.

>

> Plan fails to disclose subsidization required to encourage residents to move to high density development near transit

> The Plan Bay Area fails to identify the true amount of subsidization required to encourage builders to develop high density housing. A survey by the National Association of Realtors in 2011 reveals that the vast majority of Americans prefer to live in single-family homes with privacy and yards.

>

> Evidence exists that subsidies are required in order to encourage people to move to high density housing. There is no analysis included in the Plan to validate the amount of subsidization required to encourage developers to initiate and complete such projects and residents to move into them.

>

> This lack of specificity means that an undefined amount of public money, via state, county or city, will be used to reach the goals of this plan. The plan does not alert readers to rising taxes needed to raise revenue to cover these subsidies. Alternatively the plan does not provide sufficient analysis of impacts to services such as police, fire and schools. In addition, there is no evidence that the expenditures covered by the plan will achieve the stated goals.

>

> Inadequate information re: water supply, sea level rise, and support for infrastructure

> There are 5 significant, irreversible environmental changes, and 39 significant unavoidable impacts of the plan, identified in the DEIR, that should be addressed and mitigated before this plan is accepted. They should not be dismissed with findings of "overriding consideration." If the organizations that are proposing to implement this plan cannot address these serious affects than perhaps that is a sign that this is not the right plan for the Bay Area. The impacts I am referring to include:

> • Insufficient water supply;

> • Exposure to hazardous materials;

> • Inadequate wastewater treatment capacity;

> • Net Increase in Sensitive Receptors located in Transit Priority Project corridors where there are high concentrations of cancer causing Toxic Air Contaminants and fine particulate matter emissions;

> • Inundation from sea level rise;

> • Direct removal, filling or hydrological interruption of habitat;

> • Interference with the movement of native resident or migratory fish or wildlife species.

>

> Plan Bay Area Approval

> It is unclear to me how the Plan Bay Area ultimately gets approved and implemented. I request that this be clarified to the population impacted by the Plan. Is the plan subject to voter approval?

>

> Conclusion

> The Draft Plan Bay Area's DEIR is inadequate in numerous instances identified in this comment letter. ABAG must prepare an EIR that adequately analyzes the plans significant impact and meets CEQA guidelines. The conclusions are not supported by substantial evidence. The key assumption regarding population and job growth is inaccurate. A revised EIR should be prepared and circulated for public review and with ample time given to the public to comment.

>

> Thank you,

>

> \_\_\_\_\_ Deborah Fazeli

> Marinwood Resident

>

> I, Deborah Fazeli, support and adopt the aforementioned letter:

>

> Signature \_\_\_\_\_ Deborah Fazeli

>

> Date: May 15, 2013  
> Shared with Lucas Valley/Marinwood only  
>  
> View or reply · Thank · Private message  
> You can also reply by email.  
> This message was intended for [REDACTED]  
> Want to get a daily digest instead or unsubscribe? Change your e-mail settings.  
>  
> Nextdoor, [REDACTED] San Francisco, CA 94105

## Plan Bay Area 2040 Final Environmental Impact Report

**C114** **From:** EnvPlanning <EnvPlanning@marincounty.org>  
**To:** "eircomments@mtc.ca.gov" <eircomments@mtc.ca.gov>, "'info@OneBayArea.org'" <info@OneBayArea.org>  
**CC:** "Laumann, Stacey" <SLaumann@marincounty.org>  
**Date:** 5/16/2013 3:36 PM  
**Subject:** FW: Removal of Marinwood as PDA

Hi Carolyn Clevenger,

I think this email was meant for you.

Thank you,

Tammy Taylor  
ENVIRONMENTAL PLANNING AIDE

County of Marin  
Community Development Agency  
3501 Civic Center Drive, Suite 308  
San Rafael, CA 94903  
415 473 7873 T  
415 473 7880 F  
CRS Dial 711  
ttaylor@marincounty.org<mailto:ttaylor@marincounty.org>

From: Amy Oates Fitzgerald [REDACTED]  
Sent: Thursday, May 16, 2013 3:21 PM  
To: EnvPlanning  
Subject: Removal of Marinwood as PDA

Attn: Jeremy Tejirian, Planning Manager

Environmental Impact Report  
To Whom It May Concern,  
My name is Amy Fitzgerald

I am a resident of Marinwood, located in unincorporated Marin County. I support and adopt a letter to you by a fellow member of my community, Lisa Culbertson as follows:

I am writing to comment on the Draft Plan Bay Area (The plan) and Draft Plan Bay Area Draft Environmental Impact Report (DEIR). I submitted a request for an extension of time to review the Plan and DEIR, which was not granted. These are complex and difficult documents for ordinary people to understand. The level of communication with the communities you are impacting by this plan is disgraceful. The plan includes a statement, "We reached out to the people who matter most – the 7 million people who live in the region." This is inaccurate as it pertains to my community, Marinwood, designated as a potential Planned Development Area (PDA). Many members of the Marinwood community do not know what Plan Bay Area is and for most that do, they have only heard about it in the past few weeks. I attended one of two planned meetings in my community where there was no verbal presentation or explanation of the plan, but rather boards and remarks from the public. I ask that you reconsider this fast track approach and take the time to educate the community on exactly what it is that you are proposing in this plan and why.

I support truly sustainable land use and development that preserves the qualities of existing neighborhoods. I support additional affordable public transportation that reaches a greater range of areas throughout the Bay Area and operates more frequently with longer hours. I also support a range of housing opportunities, integrated into existing communities that do not adversely affect those communities through expediting environmental and permit review and not contributing a fair share to the tax base. None of these things are supported by this plan and therefore you do not have my support. I vote for no plan and ask that you remove Marinwood as a potential PDA designation.

Although I am writing this letter representing myself, I have spent the past two weeks walking door to door gathering signatures against the proposed development plans affecting Marinwood and Lucas Valley. 90% of the homes visited by myself and fellow neighbors are NOT in support of this plan or the related Housing Element. Since this plan is voluntary and you do not have the support of the Marinwood/ Lucas Valley community I ask again that you remove Marinwood as a potential PDA designation.

I have grave concerns about the environmental, health and safety impacts that could result from the poor land use planning that I see presented in this plan as well as other related plans, such as the Marin County Housing Element. There are numerous holes and inconsistencies in the Plan Bay Area and DEIR which are the basis of my comments that follow:

### Unrealistic employment growth

Projected employment growth in Marin County is half of what is being proposed for housing growth. The largest Bay Area job growth is assumed in major cities and areas such as Silicon Valley that have established industries such as technology. Marin County is not known for any specific industry. For its size, Marin County has very few large scale employers and a low number of high paying jobs compared to the number of residents and high cost of living. The potential growth in local employment projections are assumed to be coming from professional services and retail.

Marin had the largest job growth from 1980 to 1990. In 2011, employment levels were about the same as they were in 1990. There are

documented studies that project a relatively flat growth in jobs in Marin County over the next 30 years. The lack of consistency and equality between the housing and job numbers projected in Marin County will lead to more commuters, thus increasing green house gas (GHG) emissions as there will not be enough jobs for the number of residents moving into the county. This will hurt the workforce that these plans aim to protect as there will be more competition for available jobs and low income earners will not have ample salaries to pay for the high price of transportation to travel to employment throughout the Bay Area.

The lack of continuous transportation will also affect quality of life for those depending on public transportation as it can take hours to get from point A to B if multiple modes of transportation are to be used. In addition, the Housing Element appears to designate almost every available parcel in Marin for housing, not leaving properties available for commercial development. Furthermore, the proposals for mixed use projects do not have an equal balance between jobs and housing.

The discussions around new jobs in Marin have been more focused on filling vacancies than creating new development. This does not leave opportunity for the creation of jobs in areas where housing is being considered. A perfect example of this is the Marinwood area, which has minimal jobs in the near vicinity and yet the projected housing number far exceeds any potential commercial development within the area. Due to the fact that job growth in Marin will likely remain flat and the available capacity for jobs to increase is unlikely, I ask that The Plan Bay Area be revised to include realistic employment projections by area and a specific plan for achieving those projections. I ask that the plan take into account not only the workforce commuting into Marin County for employment, but all commuters into, out of and through Marin County. The approach taken in this plan is shortsighted and not representative of all current commute patterns.

#### Unrealistic Housing numbers

Like the job numbers, the housing numbers also appear to be unrealistic. The January 2013 release of the State Department of Finance (DOF) projections of Marin County's population growth are 10% lower than the growth forecast used for Plan Bay Area. Plan Bay Area forecasts a 13% population growth to 2040 (32,914 more people) but DOF projects a 3% population growth (6,818 more people). This is a significant discrepancy. The Plan Bay Area and the DEIR should be revised to reflect population growth based on DOF projections, not that of an independent consultant hired by ABAG.

The plan needs to include an assessment of the total cost to the County and taxpayers incurred by adding housing. This assessment should include additional services (schools, water, fire, police, ambulance...) and the total cost of development including subsidies to developers and loss of tax base.

The housing assumptions do not reflect accurately the desire of a large group of people to maintain living in rural areas and in single family homes. It makes the assumption that the future housing preference is high density, mixed use housing, located in urban areas. While both are desirable to different groups of people, the plan is not representative of all type of housing desires. I request that the plan be modified to accurately represent the desires for all types of housing.

Inadequate evidence that high density housing near transit reduces green house gases (GHG)

Not only is there no evidence provided that proves placing housing near transit reduces GHG, there is also no analysis validating assumptions that people who move to high density housing near transit will be more likely to take public transit. These ideas or goals focus too much on strategies, which are not valid, and should be substantiated with factual information.

This plan does not take into consideration accurate travel needs, preferences and behaviors and the fact that for many people the preferred mode of travel is by car. The plan does not indicate what other studies have been put forward other than a "one size fits all" determination made by the authors of this plan stating how people are expected to travel. This makes grand assumptions that are unrealistic and should not be used as the basis of such a widespread and impactful plan.

I ask that you provide the analysis to prove that the housing near transit lowers GHG emissions, at what cost and what other options are available to achieve the same results.

Inadequate evidence that the transportation plan reduces GHG

It seems that there are other ways to reduce GHG emissions that should be analyzed as having a potentially more significant impact on reduction than what is being proposed in Plan Bay Area. These options include considering the future automobile technology and incentivizing individuals for the highest fuel efficient cars. Focus on creating a much higher number of localized jobs in Marin County to allow for more existing residents to work close to home rather than just focusing on housing for those commuting into Marin.

Further studies and factual information should be presented to substantiate that switching people from cars to public transit will in fact decrease CO2 emissions, rather than increase emissions. More information is needed on the types of transportation being proposed and a comparison between the emissions from the public transit vs. cars. The Plan focuses on GHG emissions from personal vehicles and light trucks and does not focus on technology improvements made to other forms of transportation including busses, ferries, trains, etc. An assessment should be performed on the potential for reductions by replacing fleets of other modes of transportation and the cost benefit should be analyzed against the plan as currently proposed.

The plan identifies that the "no project" alternative is projected to reduce passenger vehicles CO2 emissions by 23% by 2040 over the existing condition in 2010. The proposed alternative, which is costly and intrusive into basic economic and personal freedoms, is projected to reduce emissions by 25%. The plan does not consider if this extra 2% is worth the additional costs. I ask that a cost benefit analysis be prepared and incorporated into the findings, which includes other options to reach the additional 2% GHG emissions.

Inadequate evidence that placing high density housing next to major transportation corridors will not have significant adverse health effects on those residents.

The Plan proposes placement of housing along transportation corridors, where the objective is to locate jobs and housing in close proximity to each other, with the goal of reducing automobile trips and therefore mobile source emissions. However, in doing so sensitive receptors will be exposed to unhealthy levels of toxic air or particulate concentrations. The DEIR does not provide adequate mitigations to protect sensitive receptors, especially those spending time outdoors, such as children playing outside. The DEIR states: "New research on the health effects of TACs and PM2.5 reinforces earlier findings regarding adverse health impacts on both respiratory and cardiovascular health but also a wider range of potential effects, such as diabetes, autism, cognitive functions in older adults, and oxidative damage to DNA. In addition, US EPA has not identified a level of TAC/ PM2.5 concentration where no negative health effects are observed." There are many reports not disclosed or discussed in the plan that identify causal links between proximity to freeways and highways, asthma, autism and cancer. This should be highlighted as a risk in the plan and study references included.

Implementation of Plan Bay Area would subject sensitive receptors to a significant increased risk of developing life-threatening illnesses from toxic air contaminants and particulate matter emissions. Furthermore, the measures listed to mitigate these significant impacts are inadequate to reduce them to less than significant levels, particularly in regard to protecting sensitive receptors that spend time outdoors. Plan Bay Area's proposal to target residential development in close proximity to highly travelled and congested roadways is irresponsible land use planning and

conflicts with CEQA. Case law clearly shows that CEQA is intended “to compel government at all levels to make decisions with environmental consequences in mind.” I ask that you revise Draft Plan Bay Area and remove all proposed residential development from areas that are located within the zone of influence of toxic air contaminants and/or fine particulate matter emission sources and remove areas situated within the zone of influence of these emissions from Transit Priority Project corridors, Priority Development Areas and Potential Priority Development Areas. Plan does not sufficiently consider that traffic congestion adds to CO2 emissions

The Plan Bay Area does not consider cumulative effects of increased localized traffic. The lack of expansion of the road network will cause an increase in traffic congestion as areas grow more dense. Instead the methodology of this Plan places an over-emphasis on public transit. In reality, congestion will increase, and the resulting standing or slow traffic will cause additional CO2 emissions per passenger mile for the most used form of transit cars and light trucks.

Furthermore the plan does not adequately take into consideration the impact of the time wasted from traffic congestion and the effects on quality of life. The Plan Bay Area does not account for typical family life, taking children to and from school, sports, errands, etc., it only focuses on trying to change the norm. Congested roadways will result in a reduction in the distance that most residents can effectively commute, due to time and family constraints. This in turn means that people are less able to find employment within an acceptable distance.

I ask that the Plan Bay Area be revised to take into consideration additional, localized traffic especially in areas where increases in housing are not balanced with job growth.

Plan fails to disclose subsidization required to encourage residents to move to high density development near transit

The Plan Bay Area fails to identify the true amount of subsidization required to encourage builders to develop high density housing. A survey by the National Association of Realtors in 2011 reveals that the vast majority of Americans prefer to live in single-family homes with privacy and yards.

Evidence exists that subsidies are required in order to encourage people to move to high density housing. There is no analysis included in the Plan to validate the amount of subsidization required to encourage developers to initiate and complete such projects and residents to move into them.

This lack of specificity means that an undefined amount of public money, via state, county or city, will be used to reach the goals of this plan.

The plan does not alert readers to rising taxes needed to raise revenue to cover these subsidies. Alternatively the plan does not provide sufficient analysis of impacts to services such as police, fire and schools. In addition, there is no evidence that the expenditures covered by the plan will achieve the stated goals.

Inadequate information re: water supply, sea level rise, and support for infrastructure

There are 5 significant, irreversible environmental changes, and 39 significant unavoidable impacts of the plan, identified in the DEIR, that should be addressed and mitigated before this plan is accepted. They should not be dismissed with findings of “overriding consideration.” If the organizations that are proposing to implement this plan cannot address these serious affects than perhaps that is a sign that this is not the right plan for the Bay Area. The impacts I am referring to include:

- Insufficient water supply;
- Exposure to hazardous materials;
- Inadequate wastewater treatment capacity;
- Net Increase in Sensitive Receptors located in Transit Priority Project corridors where there are high concentrations of cancer causing Toxic Air Contaminants and fine particulate matter emissions;
- Inundation from sea level rise;
- Direct removal, filling or hydrological interruption of habitat;
- Interference with the movement of native resident or migratory fish or wildlife species.

Plan Bay Area Approval

It is unclear to me how the Plan Bay Area ultimately gets approved and implemented. I request that this be clarified to the population impacted by the Plan. Is the plan subject to voter approval?

Conclusion

The Draft Plan Bay Area’s DEIR is inadequate in numerous instances identified in this comment letter. ABAG must prepare an EIR that adequately analyzes the plans significant impact and meets CEQA guidelines. The conclusions are not supported by substantial evidence. The key assumption regarding population and job growth is inaccurate. A revised EIR should be prepared and circulated for public review and with ample time given to the public to comment.

Thank you,

Amy Fitzgerald

San Rafael, CA 94903  
Marinwood Resident

Email Disclaimer: <http://marincounty.org/nav/misc/EmailDisclaimer.cfm>

## Plan Bay Area 2040 Final Environmental Impact Report

**From:** EnvPlanning <EnvPlanning@marincounty.org>  
**To:** "tenley foran" [REDACTED], "eircomments@mtc.ca.gov" <eircomments@mtc.ca.gov>, "info@OneBayArea.org" <info@OneBayArea.org>  
**Date:** 5/17/2013 11:18 AM  
**Subject:** RE: Comment on Draft Plan Bay and Environmental Impact Report

Hello,

**C115** The County of Marin has received your comment letter on the Draft Plan Bay Area. Plan Bay Area is a regional program that is managed by the Association of Bay Area Governments and the Metropolitan Transportation Commission. For future reference, your Plan Bay Area comments should be submitted via e-mail to [info@OneBayArea.org](mailto:info@OneBayArea.org) <<mailto:info@OneBayArea.org>>, or to comment on the Draft EIR, [eircomments@mtc.ca.gov](mailto:eircomments@mtc.ca.gov) <<mailto:eircomments@mtc.ca.gov>>. The comment period on the Plan Bay Area Draft EIR closed on May 16, 2013 at 4 pm, therefore as a courtesy, this response along with your comments below are being sent to [eircomments@mtc.ca.gov](mailto:eircomments@mtc.ca.gov) <<mailto:eircomments@mtc.ca.gov>> and [info@OneBayArea.org](mailto:info@OneBayArea.org) <<mailto:info@OneBayArea.org>>.

Marin County Draft Housing Element is not related to Plan Bay Area, though they are both planning documents that are being reviewed within the same time period. Information on the Marin County Draft Housing Element can be found at [www.marincounty.org/housingelement](http://www.marincounty.org/housingelement) <<http://www.marincounty.org/housingelement>>. The comment period on the adequacy of the related Supplemental Environmental Impact Report closes today, May 17, 2013 at 5pm. The next Planning Commission hearing on the Housing Element will be June 24, 2013.

Thank you.

Marin County Environmental Planning Staff

From: tenley foran [REDACTED]  
Sent: Thursday, May 16, 2013 10:25 PM  
To: EnvPlanning  
Subject: Comment on Draft Plan Bay and Environmental Impact Report

Re: Public Comment on Draft Plan Bay Area and Draft Plan Bay Area Draft Environmental Impact Report

To Whom It May Concern:

My name is Tenley Foran. I am a resident of Marinwood, located in unincorporated Marin County. I am writing to comment on the Draft Plan Bay Area (The plan) and Draft Plan Bay Area Draft Environmental Impact Report (DEIR).

I support and adopt a letter to you by a fellow member of my community, Deana Dearborn, as follows:

Fellow neighbors requested an extension of time to review the Plan and DEIR, which was not granted. I find the information complex and the documents difficult to understand if you are not a city planner or hold a government position. The plan includes a statement, "We reached out to the people who matter most - the 7 million people who live in the region." This seems inaccurate as the only way I became educated in this matter was through a few neighbors who heard about Plan Bay Area through word of mouth. I have yet to have found anyone in the Marinwood Community who received an official informational document or missive on this topic. I have attended many community meetings on this topic organized by my neighbors, and I have found members of the Marinwood community do not know what Plan Bay Area is and for most, they have only heard about it in the past few weeks. I attended one planned meeting in my community where there was no verbal presentation or explanation of the plan, but rather boards and remarks from the public. I ask that you reconsider this fast track approach and take the time to educate the community on exactly what it is that you are proposing in this plan and why.

I support truly sustainable land use and development that preserves the qualities of existing neighborhoods. I support additional affordable public transportation that reaches a greater range of areas throughout the Bay Area and operates more frequently with longer hours. I also support a range of housing opportunities, integrated into existing communities that do not adversely affect those communities through expediting environmental and permit review and not contributing a fair share to the tax base. I do not see how any of these things are supported by this plan and therefore you do not have my support. I vote for no plan and ask that you remove Marinwood as a potential PDA designation.

I have serious concerns about the environmental, health and safety impacts that could result from the poor land use planning that I see presented in this plan as well as other related plans, such as the Marin County Housing Element. There are numerous holes and inconsistencies in the Plan Bay Area and DEIR which are the basis of my comments that follow:

### Unrealistic employment growth

Projected employment growth in Marin County is half of what is being proposed for housing growth. The largest Bay Area job growth is assumed in major cities and areas such as Silicon Valley that have established industries such as technology. Marin County is not known for any specific industry. For its size, Marin County has very few large scale employers and a low number of high paying jobs compared to the number of residents and high cost of living. The potential growth in local employment projections are assumed to be coming from professional services and retail.

Marin had the largest job growth from 1980 to 1990. In 2011, employment levels were about the same as they were in 1990. There are documented studies that project a relatively flat growth in jobs in Marin County over the next 30 years. The lack of consistency and equality

between the housing and job numbers projected in Marin County will lead to more commuters, thus increasing greenhouse gas (GHG) emissions as there will not be enough jobs for the number of residents moving into the county. This will hurt the workforce that these plans aim to protect as there will be more competition for available jobs and low income earners will not have ample salaries to pay for the high price of transportation to travel to employment throughout the Bay Area.

The lack of continuous transportation will also affect quality of life for those depending on public transportation as it can take hours to get from point A to B if multiple modes of transportation are to be used. In addition, the Housing Element appears to designate almost every available parcel in Marin for housing, not leaving properties available for commercial development. Furthermore, the proposals for mixed use projects do not have an equal balance between jobs and housing.

The discussions around new jobs in Marin have been more focused on filling vacancies than creating new development. This does not leave opportunity for the creation of jobs in areas where housing is being considered. A perfect example of this is the Marinwood area, which has minimal jobs in the near vicinity and yet the projected housing number far exceeds any potential commercial development within the area.

Due to the fact that job growth in Marin will likely remain flat and the available capacity for jobs to increase is unlikely, I ask that The Plan Bay Area be revised to include realistic employment projections by area and a specific plan for achieving those projections. I ask that the plan take into account not only the workforce commuting into Marin County for employment, but all commuters into, out of and through Marin County. The approach taken in this plan is shortsighted and not representative of all current commute patterns.

#### Unrealistic Housing numbers

Like the job numbers, the housing numbers also appear to be unrealistic. The January 2013 release of the State Department of Finance (DOF) projections of Marin County's population growth are 10% lower than the growth forecast used for Plan Bay Area. Plan Bay Area forecasts a 13% population growth to 2040 (32,914 more people) but DOF projects a 3% population growth (6,818 more people). This is a significant discrepancy. The Plan Bay Area and the DEIR should be revised to reflect population growth based on DOF projections, not that of an independent consultant hired by ABAG.

The plan needs to include an assessment of the total cost to the County and taxpayers incurred by adding housing. This assessment should include additional services (schools, water, fire, police, ambulance...) and the total cost of development including subsidies to developers and loss of tax base.

The housing assumptions do not reflect accurately the desire of a large group of people to maintain living in rural areas and in single family homes. It makes the assumption that the future housing preference is high density, mixed use housing, located in urban areas. While both are desirable to different groups of people, the plan is not representative of all type of housing desires. I request that the plan be modified to accurately represent the desires for all types of housing.

#### Inadequate evidence that high density housing near transit reduces greenhouse gases (GHG)

Not only is there no evidence provided that proves placing housing near transit reduces GHG, there is also no analysis validating assumptions that people who move to high density housing near transit will be more likely to take public transit. These ideas or goals focus too much on strategies, which are not valid, and should be substantiated with factual information.

This plan does not take into consideration accurate travel needs, preferences and behaviors and the fact that for many people the preferred or necessary mode of travel is by car. For instance, how are working and commuting parents supposed to drop-off their children at school and pick-up from daycare using public transportation? The plan does not indicate what other studies have been put forward other than a "one size fits all" determination made by the authors of this plan stating how people are expected to travel. This makes grand assumptions that are unrealistic and should not be used as the basis of such a widespread and impactful plan.

I ask that you provide the analysis to prove that the housing near transit lowers GHG emissions, at what cost and what other options are available to achieve the same results.

#### Inadequate evidence that the transportation plan reduces GHG

It seems that there are other ways to reduce GHG emissions that should be analyzed as having a potentially more significant impact on reduction than what is being proposed in Plan Bay Area. These options include considering the future automobile technology and incentivizing individuals for the highest fuel efficient cars. Focus on creating a much higher number of localized jobs in Marin County to allow for more existing residents to work close to home rather than just focusing on housing for those commuting into Marin.

Further studies and factual information should be presented to substantiate that switching people from cars to public transit will in fact decrease CO2 emissions, rather than increase emissions. More information is needed on the types of transportation being proposed and a comparison between the emissions from the public transit vs. cars. The Plan focuses on GHG emissions from personal vehicles and light trucks and does not focus on technology improvements made to other forms of transportation including busses, ferries, trains, etc. An assessment should be performed on the potential for reductions by replacing fleets of other modes of transportation and the cost benefit should be analyzed against the plan as currently proposed.

The plan identifies that the "no project" alternative is projected to reduce passenger vehicles CO2 emissions by 23% by 2040 over the existing condition in 2010. The proposed alternative, which is costly and intrusive into basic economic and personal freedoms, is projected to reduce emissions by 25%. The plan does not consider if this extra 2% is worth the additional costs. I ask that a cost benefit analysis be prepared and incorporated into the findings, which includes other options to reach the additional 2% GHG emissions.

Inadequate evidence that placing high density housing next to major transportation corridors will not have significant adverse health effects on those residents.

## Plan Bay Area 2040 Final Environmental Impact Report

The Plan proposes placement of housing along transportation corridors, where the objective is to locate jobs and housing in close proximity to each other, with the goal of reducing automobile trips and therefore mobile source emissions. However, in doing so sensitive receptors will be exposed to unhealthy levels of toxic air or particulate concentrations. The DEIR does not provide adequate mitigations to protect sensitive receptors, especially those spending time outdoors, such as children playing outside. The World Health Organization has conducted several studies with the conclusion that children are even more susceptible to adverse health problems due to regular exposure to freeway emissions. The DEIR states: "New research on the health effects of TACs and PM2.5 reinforces earlier findings regarding adverse health impacts on both respiratory and cardiovascular health but also a wider range of potential effects, such as diabetes, autism, increased risk of leukemia in children, cognitive functions in older adults, and oxidative damage to DNA. In addition, US EPA has not identified a level of TAC/ PM2.5 concentration where no negative health effects are observed." There are many reports not disclosed or discussed in the plan that identify causal links between proximity to freeways and highways, asthma, autism and cancer. The CA Air Board does not recommend that residences are built within 500 feet of a freeway, and new research was released this year that highway emission plumes travel 0.93 miles from the freeway during the morning hours and seep into buildings and homes. This should be highlighted as a risk in the plan and study references included.

Implementation of Plan Bay Area would subject sensitive receptors to a significant increased risk of developing life-threatening illnesses from toxic air contaminants and particulate matter emissions. Furthermore, the measures listed to mitigate these significant impacts are inadequate to reduce them to less than significant levels, particularly in regard to protecting sensitive receptors that spend time outdoors. Plan Bay Area's proposal to target residential development in close proximity to highly travelled and congested roadways is irresponsible land use planning and conflicts with CEQA. Case law clearly shows that CEQA is intended "to compel government at all levels to make decisions with environmental consequences in mind." I ask that you revise Draft Plan Bay Area and remove all proposed residential development from areas that are located within the zone of influence of toxic air contaminants and/or fine particulate matter emission sources and remove areas situated within the zone of influence of these emissions from Transit Priority Project corridors, Priority Development Areas and Potential Priority Development Areas.

Plan does not sufficiently consider that traffic congestion adds to CO2 emissions

The Plan Bay Area does not consider cumulative effects of increased localized traffic. According to the US Census 2006-10 ACS County-to-County Worker commuting data the number of Marin residents commuting to Marin based jobs is 78,950, which is 48% of all work related commuters passing through Marin. Congestion from that local traffic is already a problem. Adding more density with a lack of expansion of the road network will cause an increase in traffic congestion on top of already very congested roads and freeways. The methodology of this Plan places an over-emphasis on public transit with a huge assumption it will have heavy usage. Current public transit is highly lacking in getting people close to their homes or businesses in Marin, and there are no specifics on how that will be accomplished in the Plan. In reality I see that congestion will increase, and the resulting standing or slow traffic will cause additional CO2 emissions per passenger mile from people driving cars and light trucks.

Furthermore the plan does not adequately take into consideration the impact of the time wasted from traffic congestion and the effects on quality of life. The Plan Bay Area does not account for typical family life, taking children to and from school, sports, errands, etc., it only focuses on trying to change the norm. Congested roadways will result in a reduction in the distance that most residents can effectively commute, due to time and family constraints. This in turn means that people are less able to find employment within an acceptable distance.

I ask that the Plan Bay Area be revised to take into consideration additional, localized traffic especially in areas where increases in housing are not balanced with job growth.

Plan fails to disclose subsidization required to encourage residents to move to high density development near transit

The Plan Bay Area fails to identify the true amount of subsidization required to encourage builders to develop high density housing. A survey by the National Association of Realtors in 2011 reveals that the vast majority of Americans prefer to live in single-family homes with privacy and yards.

Evidence exists that subsidies are required in order to encourage people to move to high density housing. There is no analysis included in the Plan to validate the amount of subsidization required to encourage developers to initiate and complete such projects and residents to move into them.

This lack of specificity means that an undefined amount of public money, via state, county or city, will be used to reach the goals of this plan. The plan does not alert readers to rising taxes needed to raise revenue to cover these subsidies. Alternatively the plan does not provide sufficient analysis of impacts to services such as police, fire and schools. In addition, there is no evidence that the expenditures covered by the plan will achieve the stated goals.

Inadequate information re: water supply, sea level rise, and support for infrastructure

There are 5 significant, irreversible environmental changes, and 39 significant unavoidable impacts of the plan, identified in the DEIR, that should be addressed and mitigated before this plan is accepted. They should not be dismissed with findings of "overriding consideration." If the organizations that are proposing to implement this plan cannot address these serious affects than perhaps that is a sign that this is not the right plan for the Bay Area. The impacts I am referring to include:

- \* Insufficient water supply;
- \* Exposure to hazardous materials;
- \* Inadequate wastewater treatment capacity;
- \* Net Increase in Sensitive Receptors located in Transit Priority Project corridors where there are high concentrations of cancer causing Toxic Air Contaminants and fine particulate matter emissions;
- \* Inundation from sea level rise;
- \* Direct removal, filling or hydrological interruption of habitat;
- \* Interference with the movement of native resident or migratory fish or wildlife species.

Plan Bay Area Approval

It is unclear to me how the Plan Bay Area ultimately gets approved and implemented. I request that this be clarified to the population impacted by the Plan. Is the plan subject to voter approval?



Conclusion

The Draft Plan Bay Area's DEIR is inadequate in numerous instances identified in this comment letter. ABAG must prepare an EIR that adequately analyzes the plans significant impact and meets CEQA guidelines. The conclusions are not supported by substantial evidence. The key assumption regarding population and job growth is inaccurate. A revised EIR should be prepared and circulated for public review and with ample time given to the public to comment.

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## Plan Bay Area 2040 Final Environmental Impact Report

**From:** housingelement <housingelement@marincounty.org>  
**To:** "tenley foran" [REDACTED]  
**CC:** "eircomments@mtc.ca.gov" <eircomments@mtc.ca.gov>, "info@OneBayArea.org" <info@OneBayArea.org>  
**Date:** 5/17/2013 1:23 PM  
**Subject:** RE: Comment on Draft Plan Bay and Environmental Impact Report

Hello Tenley,

**C116** The County of Marin has received your comment letter below on the Draft Plan Bay Area. Plan Bay Area is a regional program that is managed by the Association of Bay Area Governments and the Metropolitan Transportation Commission. For future reference, your Plan Bay Area comments should be submitted via e-mail to [info@OneBayArea.org](mailto:info@OneBayArea.org) <mailto:info@OneBayArea.org>, or to comment on the Draft EIR, [eircomments@mtc.ca.gov](mailto:eircomments@mtc.ca.gov) <mailto:eircomments@mtc.ca.gov>. The comment period on the Plan Bay Area Draft EIR closed May 16, 2013 at 4 pm. As a courtesy, I have herewith forwarded your email to [eircomments@mtc.ca.gov](mailto:eircomments@mtc.ca.gov) <mailto:eircomments@mtc.ca.gov> and [info@OneBayArea.org](mailto:info@OneBayArea.org) <mailto:info@OneBayArea.org>.

Marin County Draft Housing Element is not related to Plan Bay Area, though they are both planning documents that are being reviewed within the same time period. Information on the Marin County Draft Housing Element can be found at [www.marincounty.org/housingelement](http://www.marincounty.org/housingelement) <<http://www.marincounty.org/housingelement>>. The comment period on the adequacy of the related Supplemental Environmental Impact Report closes tomorrow, May 17, 2013 at 5pm. The next Planning Commission hearing on the Housing Element will be June 24, 2013.

Thank you.

Marin County Environmental Planning Staff

From: tenley foran [mailto:[REDACTED]]  
Sent: Thursday, May 16, 2013 10:29 PM  
To: housingelement  
Subject: Comment on Draft Plan Bay and Environmental Impact Report

Re: Public Comment on Draft Plan Bay Area and Draft Plan Bay Area Draft Environmental Impact Report

To Whom It May Concern:

My name is Tenley Foran. I am a resident of Marinwood, located in unincorporated Marin County. I am writing to comment on the Draft Plan Bay Area (The plan) and Draft Plan Bay Area Draft Environmental Impact Report (DEIR).

I support and adopt a letter to you by a fellow member of my community, Deana Dearborn, as follows:

Fellow neighbors requested an extension of time to review the Plan and DEIR, which was not granted. I find the information complex and the documents difficult to understand if you are not a city planner or hold a government position. The plan includes a statement, "We reached out to the people who matter most - the 7 million people who live in the region." This seems inaccurate as the only way I became educated in this matter was through a few neighbors who heard about Plan Bay Area through word of mouth. I have yet to have found anyone in the Marinwood Community who received an official informational document or missive on this topic. I have attended many community meetings on this topic organized by my neighbors, and I have found members of the Marinwood community do not know what Plan Bay Area is and for most, they have only heard about it in the past few weeks. I attended one planned meeting in my community where there was no verbal presentation or explanation of the plan, but rather boards and remarks from the public. I ask that you reconsider this fast track approach and take the time to educate the community on exactly what it is that you are proposing in this plan and why.

I support truly sustainable land use and development that preserves the qualities of existing neighborhoods. I support additional affordable public transportation that reaches a greater range of areas throughout the Bay Area and operates more frequently with longer hours. I also support a range of housing opportunities, integrated into existing communities that do not adversely affect those communities through expediting environmental and permit review and not contributing a fair share to the tax base. I do not see how any of these things are supported by this plan and therefore you do not have my support. I vote for no plan and ask that you remove Marinwood as a potential PDA designation.

I have serious concerns about the environmental, health and safety impacts that could result from the poor land use planning that I see presented in this plan as well as other related plans, such as the Marin County Housing Element. There are numerous holes and inconsistencies in the Plan Bay Area and DEIR which are the basis of my comments that follow:

### Unrealistic employment growth

Projected employment growth in Marin County is half of what is being proposed for housing growth. The largest Bay Area job growth is assumed in major cities and areas such as Silicon Valley that have established industries such as technology. Marin County is not known for any specific industry. For its size, Marin County has very few large scale employers and a low number of high paying jobs compared to the number of residents and high cost of living. The potential growth in local employment projections are assumed to be coming from professional services and retail.

Marin had the largest job growth from 1980 to 1990. In 2011, employment levels were about the same as they were in 1990. There are documented studies that project a relatively flat growth in jobs in Marin County over the next 30 years. The lack of consistency and equality between the housing and job numbers projected in Marin County will lead to more commuters, thus increasing greenhouse gas (GHG) emissions

## Plan Bay Area 2040 Final Environmental Impact Report

as there will not be enough jobs for the number of residents moving into the county. This will hurt the workforce that these plans aim to protect as there will be more competition for available jobs and low income earners will not have ample salaries to pay for the high price of transportation to travel to employment throughout the Bay Area.

The lack of continuous transportation will also affect quality of life for those depending on public transportation as it can take hours to get from point A to B if multiple modes of transportation are to be used. In addition, the Housing Element appears to designate almost every available parcel in Marin for housing, not leaving properties available for commercial development. Furthermore, the proposals for mixed use projects do not have an equal balance between jobs and housing.

The discussions around new jobs in Marin have been more focused on filling vacancies than creating new development. This does not leave opportunity for the creation of jobs in areas where housing is being considered. A perfect example of this is the Marinwood area, which has minimal jobs in the near vicinity and yet the projected housing number far exceeds any potential commercial development within the area.

Due to the fact that job growth in Marin will likely remain flat and the available capacity for jobs to increase is unlikely, I ask that The Plan Bay Area be revised to include realistic employment projections by area and a specific plan for achieving those projections. I ask that the plan take into account not only the workforce commuting into Marin County for employment, but all commuters into, out of and through Marin County. The approach taken in this plan is shortsighted and not representative of all current commute patterns.

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Like the job numbers, the housing numbers also appear to be unrealistic. The January 2013 release of the State Department of Finance (DOF) projections of Marin County's population growth are 10% lower than the growth forecast used for Plan Bay Area. Plan Bay Area forecasts a 13% population growth to 2040 (32,914 more people) but DOF projects a 3% population growth (6,818 more people). This is a significant discrepancy. The Plan Bay Area and the DEIR should be revised to reflect population growth based on DOF projections, not that of an independent consultant hired by ABAG.

The plan needs to include an assessment of the total cost to the County and taxpayers incurred by adding housing. This assessment should include additional services (schools, water, fire, police, ambulance...) and the total cost of development including subsidies to developers and loss of tax base.

The housing assumptions do not reflect accurately the desire of a large group of people to maintain living in rural areas and in single family homes. It makes the assumption that the future housing preference is high density, mixed use housing, located in urban areas. While both are desirable to different groups of people, the plan is not representative of all type of housing desires. I request that the plan be modified to accurately represent the desires for all types of housing.

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Not only is there no evidence provided that proves placing housing near transit reduces GHG, there is also no analysis validating assumptions that people who move to high density housing near transit will be more likely to take public transit. These ideas or goals focus too much on strategies, which are not valid, and should be substantiated with factual information.

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I ask that you provide the analysis to prove that the housing near transit lowers GHG emissions, at what cost and what other options are available to achieve the same results.

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each other, with the goal of reducing automobile trips and therefore mobile source emissions. However, in doing so sensitive receptors will be exposed to unhealthy levels of toxic air or particulate concentrations. The DEIR does not provide adequate mitigations to protect sensitive receptors, especially those spending time outdoors, such as children playing outside. The World Health Organization has conducted several studies with the conclusion that children are even more susceptible to adverse health problems due to regular exposure to freeway emissions. The DEIR states: "New research on the health effects of TACs and PM2.5 reinforces earlier findings regarding adverse health impacts on both respiratory and cardiovascular health but also a wider range of potential effects, such as diabetes, autism, increased risk of leukemia in children, cognitive functions in older adults, and oxidative damage to DNA. In addition, US EPA has not identified a level of TAC/ PM2.5 concentration where no negative health effects are observed." There are many reports not disclosed or discussed in the plan that identify causal links between proximity to freeways and highways, asthma, autism and cancer. The CA Air Board does not recommend that residences are built within 500 feet of a freeway, and new research was released this year that highway emission plumes travel 0.93 miles from the freeway during the morning hours and seep into buildings and homes. This should be highlighted as a risk in the plan and study references included.

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## Plan Bay Area 2040 Final Environmental Impact Report

**From:** Eric Forbes <[REDACTED]>  
**To:** "eircomments@mtc.ca.gov" <eircomments@mtc.ca.gov>  
**Date:** 5/16/2013 12:49 PM  
**Subject:** Draft Plan Bay Area Draft Environmental Impact Report (DEIR)

May 16, 2013

Carolyn Clevenger, MTC EIR Project Manager,  
Metropolitan Transportation Commission  
MTC-ABAG Plan Bay Area Public Comment  
101 8th Street  
Oakland, California 94607  
eircomments@mtc.ca.gov.

**C117** Re: Public Comment on Draft Plan Bay Area and Draft Plan Bay Area Draft Environmental Impact Report

Dear Ms. Clevenger,

My name is Eric Forbes.

I am a resident of Lucas Valley, located in unincorporated Marin County. I support and adopt a letter to you by a fellow member of my community, Lisa Culbertson as follows:

I am writing to comment on the Draft Plan Bay Area (The plan) and Draft Plan Bay Area Draft Environmental Impact Report (DEIR).

I submitted a request for an extension of time to review the Plan and DEIR, which was not granted. These are complex and difficult documents for ordinary people to understand. The level of communication with the communities you are impacting by this plan is disgraceful. The plan includes a statement, "We reached out to the people who matter most – the 7 million people who live in the region." This is inaccurate as it pertains to my community, Marinwood, designated as a potential Planned Development Area (PDA). Many members of the Marinwood community do not know what Plan Bay Area is and for most that do, they have only heard about it in the past few weeks. I attended one of two planned meetings in my community where there was no verbal presentation or explanation of the plan, but rather boards and remarks from the public. I ask that you reconsider this fast track approach and take the time to educate the community on exactly what it is that you are proposing in this plan and why.

I support truly sustainable land use and development that preserves the qualities of existing neighborhoods. I support additional affordable public transportation that reaches a greater range of areas throughout the Bay Area and operates more frequently with longer hours. I also support a range of housing opportunities, integrated into existing communities that do not adversely affect those communities through expediting environmental and permit review and not contributing a fair share to the tax base. None of these things are supported by this plan and therefore you do not have my support. I vote for no plan and ask that you remove Marinwood as a potential PDA designation.

Although I am writing this letter representing myself, I have spent the past two weeks walking door to door gathering signatures against the proposed development plans affecting Marinwood and Lucas Valley. 90% of the homes visited by myself and fellow neighbors are NOT in support of this plan or the related Housing Element. Since this plan is voluntary and you do not have the support of the Marinwood/ Lucas Valley community I ask again that you remove Marinwood as a potential PDA designation.

I have grave concerns about the environmental, health and safety impacts that could result from the poor land use planning that I see presented in this plan as well as other related plans, such as the Marin County Housing Element. There are numerous holes and inconsistencies in the Plan Bay Area and DEIR which are the basis of my comments that follow:

### Unrealistic employment growth

Projected employment growth in Marin County is half of what is being proposed for housing growth. The largest Bay Area job growth is assumed in major cities and areas such as Silicon Valley that have established industries such as technology. Marin County is not known for any specific industry. For its size, Marin County has very few large scale employers and a low number of high paying jobs compared to the number of residents and high cost of living. The potential growth in local employment projections are assumed to be coming from professional services and retail.

Marin had the largest job growth from 1980 to 1990. In 2011, employment levels were about the same as they were in 1990. There are documented studies that project a relatively flat growth in jobs in Marin County over the next 30 years. The lack of consistency and equality between the housing and job numbers projected in Marin County will lead to more commuters, thus increasing green house gas (GHG) emissions as there will not be enough jobs for the number of residents moving into the county. This will hurt the workforce that these plans aim to protect as there will be more competition for available jobs and low income earners will not have ample salaries to pay for the high price of transportation to travel to employment throughout the Bay Area.

The lack of continuous transportation will also affect quality of life for those depending on public transportation as it can take hours to get from point A to B if multiple modes of transportation are to be used. In addition, the Housing Element appears to designate almost every available parcel in Marin for housing, not leaving properties available for commercial development. Furthermore, the proposals for mixed use projects do not have an equal balance between jobs and housing.

## Plan Bay Area 2040 Final Environmental Impact Report

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Due to the fact that job growth in Marin will likely remain flat and the available capacity for jobs to increase is unlikely, I ask that The Plan Bay Area be revised to include realistic employment projections by area and a specific plan for achieving those projections. I ask that the plan take into account not only the workforce commuting into Marin County for employment, but all commuters into, out of and through Marin County. The approach taken in this plan is shortsighted and not representative of all current commute patterns.

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The plan needs to include an assessment of the total cost to the County and taxpayers incurred by adding housing. This assessment should include additional services (schools, water, fire, police, ambulance...) and the total cost of development including subsidies to developers and loss of tax base.

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### Inadequate evidence that high density housing near transit reduces green house gases (GHG)

Not only is there no evidence provided that proves placing housing near transit reduces GHG, there is also no analysis validating assumptions that people who move to high density housing near transit will be more likely to take public transit. These ideas or goals focus too much on strategies, which are not valid, and should be substantiated with factual information.

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I ask that you provide the analysis to prove that the housing near transit lowers GHG emissions, at what cost and what other options are available to achieve the same results.

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It seems that there are other ways to reduce GHG emissions that should be analyzed as having a potentially more significant impact on reduction than what is being proposed in Plan Bay Area. These options include considering the future automobile technology and incentivizing individuals for the highest fuel efficient cars. Focus on creating a much higher number of localized jobs in Marin County to allow for more existing residents to work close to home rather than just focusing on housing for those commuting into Marin.

Further studies and factual information should be presented to substantiate that switching people from cars to public transit will in fact decrease CO2 emissions, rather than increase emissions. More information is needed on the types of transportation being proposed and a comparison between the emissions from the public transit vs. cars. The Plan focuses on GHG emissions from personal vehicles and light trucks and does not focus on technology improvements made to other forms of transportation including busses, ferries, trains, etc. An assessment should be performed on the potential for reductions by replacing fleets of other modes of transportation and the cost benefit should be analyzed against the plan as currently proposed.

The plan identifies that the "no project" alternative is projected to reduce passenger vehicles CO2 emissions by 23% by 2040 over the existing condition in 2010. The proposed alternative, which is costly and intrusive into basic economic and personal freedoms, is projected to reduce emissions by 25%. The plan does not consider if this extra 2% is worth the additional costs. I ask that a cost benefit analysis be prepared and incorporated into the findings, which includes other options to reach the additional 2% GHG emissions.

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The Plan proposes placement of housing along transportation corridors, where the objective is to locate jobs and housing in close proximity to each other, with the goal of reducing automobile trips and therefore mobile source emissions. However, in doing so sensitive receptors will be exposed to unhealthy levels of toxic air or particulate concentrations. The DEIR does not provide adequate mitigations to protect sensitive receptors, especially those spending time outdoors, such as children playing outside. The DEIR states: "New research on the health effects of TACs and PM2.5 reinforces earlier findings regarding adverse health impacts on both respiratory and cardiovascular health but also a wider range of potential effects, such as diabetes, autism, cognitive functions in older adults, and oxidative damage to DNA. In addition, US EPA has not identified a level of TAC/ PM2.5 concentration where no negative health effects are observed." There are many reports not disclosed or discussed in the plan that identify causal links between proximity to freeways and highways, asthma, autism and cancer. This should be highlighted as a risk

## Plan Bay Area 2040 Final Environmental Impact Report

in the plan and study references included.

Implementation of Plan Bay Area would subject sensitive receptors to a significant increased risk of developing life-threatening illnesses from toxic air contaminants and particulate matter emissions. Furthermore, the measures listed to mitigate these significant impacts are inadequate to reduce them to less than significant levels, particularly in regard to protecting sensitive receptors that spend time outdoors. Plan Bay Area's proposal to target residential development in close proximity to highly travelled and congested roadways is irresponsible land use planning and conflicts with CEQA. Case law clearly shows that CEQA is intended "to compel government at all levels to make decisions with environmental consequences in mind." I ask that you revise Draft Plan Bay Area and remove all proposed residential development from areas that are located within the zone of influence of toxic air contaminants and/or fine particulate matter emission sources and remove areas situated within the zone of influence of these emissions from Transit Priority Project corridors, Priority Development Areas and Potential Priority Development Areas.

Plan does not sufficiently consider that traffic congestion adds to CO2 emissions

The Plan Bay Area does not consider cumulative effects of increased localized traffic. The lack of expansion of the road network will cause an increase in traffic congestion as areas grow more dense. Instead the methodology of this Plan places an over-emphasis on public transit. In reality, congestion will increase, and the resulting standing or slow traffic will cause additional CO2 emissions per passenger mile for the most used form of transit cars and light trucks.

Furthermore the plan does not adequately take into consideration the impact of the time wasted from traffic congestion and the effects on quality of life. The Plan Bay Area does not account for typical family life, taking children to and from school, sports, errands, etc., it only focuses on trying to change the norm. Congested roadways will result in a reduction in the distance that most residents can effectively commute, due to time and family constraints. This in turn means that people are less able to find employment within an acceptable distance.

I ask that the Plan Bay Area be revised to take into consideration additional, localized traffic especially in areas where increases in housing are not balanced with job growth.

Plan fails to disclose subsidization required to encourage residents to move to high density development near transit

The Plan Bay Area fails to identify the true amount of subsidization required to encourage builders to develop high density housing. A survey by the National Association of Realtors in 2011 reveals that the vast majority of Americans prefer to live in single-family homes with privacy and yards.

Evidence exists that subsidies are required in order to encourage people to move to high density housing. There is no analysis included in the Plan to validate the amount of subsidization required to encourage developers to initiate and complete such projects and residents to move into them.

This lack of specificity means that an undefined amount of public money, via state, county or city, will be used to reach the goals of this plan. The plan does not alert readers to rising taxes needed to raise revenue to cover these subsidies. Alternatively the plan does not provide sufficient analysis of impacts to services such as police, fire and schools. In addition, there is no evidence that the expenditures covered by the plan will achieve the stated goals.

Inadequate information re: water supply, sea level rise, and support for infrastructure

There are 5 significant, irreversible environmental changes, and 39 significant unavoidable impacts of the plan, identified in the DEIR, that should be addressed and mitigated before this plan is accepted. They should not be dismissed with findings of "overriding consideration." If the organizations that are proposing to implement this plan cannot address these serious affects than perhaps that is a sign that this is not the right plan for the Bay Area. The impacts I am referring to include:

- Insufficient water supply;
- Exposure to hazardous materials;
- Inadequate wastewater treatment capacity;
- Net Increase in Sensitive Receptors located in Transit Priority Project corridors where there are high concentrations of cancer causing Toxic Air Contaminants and fine particulate matter emissions;
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Plan Bay Area Approval

It is unclear to me how the Plan Bay Area ultimately gets approved and implemented. I request that this be clarified to the population impacted by the Plan. Is the plan subject to voter approval?

Conclusion

The Draft Plan Bay Area's DEIR is inadequate in numerous instances identified in this comment letter. ABAG must prepare an EIR that adequately analyzes the plans significant impact and meets CEQA guidelines. The conclusions are not supported by substantial evidence. The key assumption regarding population and job growth is inaccurate. A revised EIR should be prepared and circulated for public review and with ample time given to the public to comment.

Thank you,



Eric Forbes



San Rafael, CA 94903

Lucas Valley Resident

I, Eric Forbes, support and adopt the aforementioned letter.

## Plan Bay Area 2040 Final Environmental Impact Report

**From:** Paul Franjieh [REDACTED] >  
**To:** <eircomments@mtc.ca.gov>  
**Date:** 5/17/2013 9:38 AM  
**Subject:** Re: Public Comment on Draft Plan Bay Area and Draft Plan Bay Area Draft

May 17, 2013

**C118** Carolyn Clevenger, MTC EIR Project Manager,  
Metropolitan Transportation Commission  
MTC-ABAG Plan Bay Area Public Comment  
101 8th Street  
Oakland, California 94607  
eircomments@mtc.ca.gov.

Re: Public Comment on Draft Plan Bay Area and Draft Plan Bay Area Draft  
Environmental Impact Report

To Whom It May Concern,

My name is Paul Franjieh

I am a resident of Lucas Valley, located in unincorporated Marin County. I support and adopt a letter to you by a fellow member of my community, Lisa Culbertson as follows:

I am writing to comment on the Draft Plan Bay Area (The plan) and Draft Plan Bay Area Draft Environmental Impact Report (DEIR).

I submitted a request for an extension of time to review the Plan and DEIR, which was not granted. These are complex and difficult documents for ordinary people to understand. The level of communication with the communities you are impacting by this plan is disgraceful. The plan includes a statement, "We reached out to the people who matter most – the 7 million people who live in the region." This is inaccurate as it pertains to my community, Marinwood, designated as a potential Planned Development Area (PDA). Many members of the Marinwood community do not know what Plan Bay Area is and for most that do, they have only heard about it in the past few weeks. I attended one of two planned meetings in my community where there was no verbal presentation or explanation of the plan, but rather boards and remarks from the public. I ask that you reconsider this fast track approach and take the time to educate the community on exactly what it is that you are proposing in this plan and why.

I support truly sustainable land use and development that preserves the qualities of existing neighborhoods. I support additional affordable public transportation that reaches a greater range of areas throughout the Bay Area and operates more frequently with longer hours. I also support a range of housing opportunities, integrated into existing communities that do not adversely affect those communities through expediting environmental and permit review and not contributing a fair share to the tax base. None of these things are supported by this plan and therefore you do not have my support. I vote for no plan and ask that you remove Marinwood as a potential PDA designation.

Although I am writing this letter representing myself, I have spent the past two weeks walking door to door gathering signatures against the proposed development plans affecting Marinwood and Lucas Valley. 90% of the homes visited by myself and fellow neighbors are NOT in support of this plan or the related Housing Element. Since this plan is voluntary and you do not have the support of the Marinwood/ Lucas Valley community I ask again that you remove Marinwood as a potential PDA designation.

I have grave concerns about the environmental, health and safety impacts that could result from the poor land use planning that I see presented in this plan as well as other related plans, such as the Marin County Housing Element. There are numerous holes and inconsistencies in the Plan Bay Area and DEIR which are the basis of my comments that follow:

Unrealistic employment growth  
Projected employment growth in Marin County is half of what is being

proposed for housing growth. The largest Bay Area job growth is assumed in major cities and areas such as Silicon Valley that have established industries such as technology. Marin County is not known for any specific industry. For its size, Marin County has very few large scale employers and a low number of high paying jobs compared to the number of residents and high cost of living. The potential growth in local employment projections are assumed to be coming from professional services and retail.

Marin had the largest job growth from 1980 to 1990. In 2011, employment levels were about the same as they were in 1990. There are documented studies that project a relatively flat growth in jobs in Marin County over the next 30 years. The lack of consistency and equality between the housing and job numbers projected in Marin County will lead to more commuters, thus increasing green house gas (GHG) emissions as there will not be enough jobs for the number of residents moving into the county. This will hurt the workforce that these plans aim to protect as there will be more competition for available jobs and low income earners will not have ample salaries to pay for the high price of transportation to travel to employment throughout the Bay Area.

The lack of continuous transportation will also affect quality of life for those depending on public transportation as it can take hours to get from point A to B if multiple modes of transportation are to be used. In addition, the Housing Element appears to designate almost every available parcel in Marin for housing, not leaving properties available for commercial development. Furthermore, the proposals for mixed use projects do not have an equal balance between jobs and housing.

The discussions around new jobs in Marin have been more focused on filling vacancies than creating new development. This does not leave opportunity for the creation of jobs in areas where housing is being considered. A perfect example of this is the Marinwood area, which has minimal jobs in the near vicinity and yet the projected housing number far exceeds any potential commercial development within the area.

Due to the fact that job growth in Marin will likely remain flat and the available capacity for jobs to increase is unlikely, I ask that The Plan Bay Area be revised to include realistic employment projections by area and a specific plan for achieving those projections. I ask that the plan take into account not only the workforce commuting into Marin County for employment, but all commuters into, out of and through Marin County. The approach taken in this plan is shortsighted and not representative of all current commute patterns.

#### Unrealistic Housing numbers

Like the job numbers, the housing numbers also appear to be unrealistic. The January 2013 release of the State Department of Finance (DOF) projections of Marin County's population growth are 10% lower than the growth forecast used for Plan Bay Area. Plan Bay Area forecasts a 13% population growth to 2040 (32,914 more people) but DOF projects a 3% population growth (6,818 more people). This is a significant discrepancy. The Plan Bay Area and the DEIR should be revised to reflect population growth based on DOF projections, not that of an independent consultant hired by ABAG.

The plan needs to include an assessment of the total cost to the County and taxpayers incurred by adding housing. This assessment should include additional services (schools, water, fire, police, ambulance...) and the total cost of development including subsidies to developers and loss of tax base.

The housing assumptions do not reflect accurately the desire of a large group of people to maintain living in rural areas and in single family homes. It makes the assumption that the future housing preference is high density, mixed use housing, located in urban areas. While both are desirable to different groups of people, the plan is not representative of all type of housing desires. I request that the plan be modified to accurately represent the desires for all types of housing.

Inadequate evidence that high density housing near transit reduces green

house gases (GHG)

Not only is there no evidence provided that proves placing housing near transit reduces GHG, there is also no analysis validating assumptions that people who move to high density housing near transit will be more likely to take public transit. These ideas or goals focus too much on strategies, which are not valid, and should be substantiated with factual information.

This plan does not take into consideration accurate travel needs, preferences and behaviors and the fact that for many people the preferred mode of travel is by car. The plan does not indicate what other studies have been put forward other than a “one size fits all” determination made by the authors of this plan stating how people are expected to travel. This makes grand assumptions that are unrealistic and should not be used as the basis of such a widespread and impactful plan.

I ask that you provide the analysis to prove that the housing near transit lowers GHG emissions, at what cost and what other options are available to achieve the same results.

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It seems that there are other ways to reduce GHG emissions that should be analyzed as having a potentially more significant impact on reduction than what is being proposed in Plan Bay Area. These options include considering the future automobile technology and incentivizing individuals for the highest fuel efficient cars. Focus on creating a much higher number of localized jobs in Marin County to allow for more existing residents to work close to home rather than just focusing on housing for those commuting into Marin.

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Thank you,  
Paul Franjeh

San Rafael, CA 94903  
Lucas Valley Resident

I, Paul Franjeh, support and adopt the aforementioned letter:

Signature \_\_\_\_\_

## Plan Bay Area 2040 Final Environmental Impact Report

**From:** Becca Friedman [REDACTED] >  
**To:** <eircomments@mtc.ca.gov>  
**Date:** 5/16/2013 9:42 PM  
**Subject:** Public Comment on Draft Plan Bay Area and Draft Plan Bay Area Draft Environmental Impact Report

C119

> May 16, 2013  
>  
> Carolyn Clevenger, MTC EIR Project Manager,  
> Metropolitan Transportation Commission  
> MTC-ABAG Plan Bay Area Public Comment  
> 101 8th Street  
> Oakland, California 94607  
> eircomments@mtc.ca.gov.  
>  
> Re: Public Comment on Draft Plan Bay Area and Draft Plan Bay Area Draft  
> Environmental Impact Report  
>  
> To Whom It May Concern,  
>  
> My name is Becca Friedman.  
>  
> I am a resident of Marinwood, located in unincorporated Marin County. I support and adopt a letter to you by a fellow member of my  
community, Lisa Culbertson as follows:  
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## Plan Bay Area 2040 Final Environmental Impact Report

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>

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>

> Inadequate information re: water supply, sea level rise, and support for infrastructure

> There are 5 significant, irreversible environmental changes, and 39 significant unavoidable impacts of the plan, identified in the DEIR, that should be addressed and mitigated before this plan is accepted. They should not be dismissed with findings of “overriding consideration.” If the organizations that are proposing to implement this plan cannot address these serious affects than perhaps that is a sign that this is not the right plan for the Bay Area. The impacts I am referring to include:

> • Insufficient water supply;

> • Exposure to hazardous materials;

> • Inadequate wastewater treatment capacity;

> • Net Increase in Sensitive Receptors located in Transit Priority Project corridors where there are high concentrations of cancer causing Toxic Air Contaminants and fine particulate matter emissions;

> • Inundation from sea level rise;

> • Direct removal, filling or hydrological interruption of habitat;

> • Interference with the movement of native resident or migratory fish or wildlife species.

>

> Plan Bay Area Approval

> It is unclear to me how the Plan Bay Area ultimately gets approved and implemented. I request that this be clarified to the population impacted by the Plan. Is the plan subject to voter approval?

>

> Conclusion

> The Draft Plan Bay Area’s DEIR is inadequate in numerous instances identified in this comment letter. ABAG must prepare an EIR that adequately analyzes the plans significant impact and meets CEQA guidelines. The conclusions are not supported by substantial evidence. The key assumption regarding population and job growth is inaccurate. A revised EIR should be prepared and circulated for public review and with ample time given to the public to comment.

>

> Thank you,

> Becca Friedman

> Marinwood Resident

>

> I, Becca Friedman, support and adopt the aforementioned letter

## Plan Bay Area 2040 Final Environmental Impact Report

**From:** "Jean Gallagher" [REDACTED] >  
**To:** <eircomments@mtc.ca.gov>  
**CC:** "Supervisor Adams" <sadams@co.marin.ca.us>, "Supervisor Steve Kinsey" <skinsey@co.marin.ca.us>, "Supervisor Judy Arnold" <jarnold@co.marin.ca.us>, "Supervisor Kathrin Sears" <ksears@marincounty.org>, "Supervisor Katie Rice" <krice@marincounty.org>  
**Date:** 5/17/2013 11:03 AM  
**Subject:** FW: Comment on Plan Bay Area and EIR

C120

From: Jean Gallagher [mailto:jeangallagher@comcast.net]  
Sent: Friday, May 17, 2013 11:01 AM  
To: 'eircomments@mtc.ca.gov.'  
Cc: Supervisor Adams; Supervisor Steve Kinsey; Supervisor Katie Rice;  
Supervisor Judy Arnold; Supervisor Kathrin Sears  
Subject: Comment on Plan Bay Area and EIR

May16, 2013

Carolyn Clevenger, MTC EIR Project Manager,  
Metropolitan Transportation Commission  
MTC-ABAG Plan Bay Area Public Comment  
101 8th Street  
Oakland, California 94607  
eircomments@mtc.ca.gov.

Re: Public Comment on Draft Plan Bay Area and Draft Plan Bay Area Draft  
Environmental Impact Report

To Whom It May Concern,

My name is Jean Gallagher.

I am a resident of Lucas Valley, located in unincorporated Marin County. I support and adopt a letter to you by a fellow member of my community, Lisa Culbertson, which follows after this paragraph. Like Ms. Culbertson, I recently attended two Plan Bay Area Meetings in my community. Although I have lived in Marin for more than 30 years, 20 of them in Lucas Valley, and read our local paper, I don't recall announcements of any prior meetings or information distribution about the Plan and am just now becoming aware of the scope and consequences of Plan Bay Area on Marin County. The meetings were supposed to help me make an informed decision, but they were clearly public relations events designed to sell the Plan. There was no serious pro and con discussion and what was presented raised more questions than answers for me. With completely inadequate time to draft a comment myself, I am extremely grateful to Ms. Culbertson for representing my concerns in her communication.

I am writing to comment on the Draft Plan Bay Area (The plan) and Draft Plan Bay Area Draft Environmental Impact Report (DEIR).

I submitted a request for an extension of time to review the Plan and DEIR, which was not granted. These are complex and difficult documents for ordinary people to understand. The level of communication with the communities you are impacting by this plan is disgraceful. The plan includes a statement, "We reached out to the people who matter most - the 7 million people who live in the region." This is inaccurate as it pertains to my community, Marinwood, designated as a potential Planned Development Area (PDA). Many members of the Lucas Valley community do not know what Plan Bay Area is and for most that do, they have only heard about it in the past few weeks. I attended one of two planned meetings in my community where there was no verbal presentation or explanation of the plan, but rather boards and remarks from the public. I ask that you reconsider this fast track approach and take the time to educate the community on exactly what it is that you are proposing in this plan and why.

I support truly sustainable land use and development that preserves the

qualities of existing neighborhoods. I support additional affordable public transportation that reaches a greater range of areas throughout the Bay Area and operates more frequently with longer hours. I also support a range of housing opportunities, integrated into existing communities that do not adversely affect those communities through expediting environmental and permit review and not contributing a fair share to the tax base. None of these things are supported by this plan and therefore you do not have my support. I vote for no plan and ask that you remove Marinwood as a potential PDA designation.

Although I am writing this letter representing myself, I have spent the past two weeks walking door to door gathering signatures against the proposed development plans affecting Marinwood and Lucas Valley. 90% of the homes visited by myself and fellow neighbors are NOT in support of this plan or the related Housing Element. Since this plan is voluntary and you do not have the support of the Marinwood/ Lucas Valley community I ask again that you remove Marinwood as a potential PDA designation.

I have grave concerns about the environmental, health and safety impacts that could result from the poor land use planning that I see presented in this plan as well as other related plans, such as the Marin County Housing Element. There are numerous holes and inconsistencies in the Plan Bay Area and DEIR which are the basis of my comments that follow:

#### Unrealistic employment growth

Projected employment growth in Marin County is half of what is being proposed for housing growth. The largest Bay Area job growth is assumed in major cities and areas such as Silicon Valley that have established industries such as technology. Marin County is not known for any specific industry. For its size, Marin County has very few large scale employers and a low number of high paying jobs compared to the number of residents and high cost of living. The potential growth in local employment projections are assumed to be coming from professional services and retail.

Marin had the largest job growth from 1980 to 1990. In 2011, employment levels were about the same as they were in 1990. There are documented studies that project a relatively flat growth in jobs in Marin County over the next 30 years. The lack of consistency and equality between the housing and job numbers projected in Marin County will lead to more commuters, thus increasing green house gas (GHG) emissions as there will not be enough jobs for the number of residents moving into the county. This will hurt the workforce that these plans aim to protect as there will be more competition for available jobs and low income earners will not have ample salaries to pay for the high price of transportation to travel to employment throughout the Bay Area.

The lack of continuous transportation will also affect quality of life for those depending on public transportation as it can take hours to get from point A to B if multiple modes of transportation are to be used. In addition, the Housing Element appears to designate almost every available parcel in Marin for housing, not leaving properties available for commercial development. Furthermore, the proposals for mixed use projects do not have an equal balance between jobs and housing.

The discussions around new jobs in Marin have been more focused on filling vacancies than creating new development. This does not leave opportunity for the creation of jobs in areas where housing is being considered. A perfect example of this is the Marinwood area, which has minimal jobs in the near vicinity and yet the projected housing number far exceeds any potential commercial development within the area.

Due to the fact that job growth in Marin will likely remain flat and the available capacity for jobs to increase is unlikely, I ask that The Plan Bay Area be revised to include realistic employment projections by area and a specific plan for achieving those projections. I ask that the plan take into account not only the workforce commuting into Marin County for employment, but all commuters into, out of and through Marin County. The approach taken in this plan is shortsighted and not representative of all current commute patterns.

#### Unrealistic Housing numbers

Like the job numbers, the housing numbers also appear to be unrealistic. The January 2013 release of the State Department of Finance (DOF) projections of Marin County's population growth are 10% lower than the growth forecast used for Plan Bay Area. Plan Bay Area forecasts a 13% population growth to 2040 (32,914 more people) but DOF projects a 3% population growth (6,818 more people). This is a significant discrepancy. The Plan Bay Area and the DEIR should be revised to reflect population growth based on DOF projections, not that of an independent consultant hired by ABAG.

The plan needs to include an assessment of the total cost to the County and taxpayers incurred by adding housing. This assessment should include additional services (schools, water, fire, police, ambulance...) and the total cost of development including subsidies to developers and loss of tax base.

The housing assumptions do not reflect accurately the desire of a large group of people to maintain living in rural areas and in single family homes. It makes the assumption that the future housing preference is high density, mixed use housing, located in urban areas. While both are desirable to different groups of people, the plan is not representative of all type of housing desires. I request that the plan be modified to accurately represent the desires for all types of housing.

#### Inadequate evidence that high density housing near transit reduces green house gases (GHG)

Not only is there no evidence provided that proves placing housing near transit reduces GHG, there is also no analysis validating assumptions that people who move to high density housing near transit will be more likely to take public transit. These ideas or goals focus too much on strategies, which are not valid, and should be substantiated with factual information.

This plan does not take into consideration accurate travel needs, preferences and behaviors and the fact that for many people the preferred mode of travel is by car. The plan does not indicate what other studies have been put forward other than a "one size fits all" determination made by the authors of this plan stating how people are expected to travel. This makes grand assumptions that are unrealistic and should not be used as the basis of such a widespread and impactful plan.

I ask that you provide the analysis to prove that the housing near transit lowers GHG emissions, at what cost and what other options are available to achieve the same results.

#### Inadequate evidence that the transportation plan reduces GHG

It seems that there are other ways to reduce GHG emissions that should be analyzed as having a potentially more significant impact on reduction than what is being proposed in Plan Bay Area. These options include considering the future automobile technology and incentivizing individuals for the highest fuel efficient cars. Focus on creating a much higher number of localized jobs in Marin County to allow for more existing residents to work close to home rather than just focusing on housing for those commuting into Marin.

Further studies and factual information should be presented to substantiate that switching people from cars to public transit will in fact decrease CO2 emissions, rather than increase emissions. More information is needed on the types of transportation being proposed and a comparison between the emissions from the public transit vs. cars. The Plan focuses on GHG emissions from personal vehicles and light trucks and does not focus on technology improvements made to other forms of transportation including busses, ferries, trains, etc. An assessment should be performed on the potential for reductions by replacing fleets of other modes of transportation and the cost benefit should be analyzed against the plan as currently proposed.

The plan identifies that the "no project" alternative is projected to reduce passenger vehicles CO2 emissions by 23% by 2040 over the existing condition in 2010. The proposed alternative, which is costly and intrusive into basic economic and personal freedoms, is projected to reduce emissions by 25%. The

plan does not consider if this extra 2% is worth the additional costs. I ask that a cost benefit analysis be prepared and incorporated into the findings, which includes other options to reach the additional 2% GHG emissions. Inadequate evidence that placing high density housing next to major transportation corridors will not have significant adverse health effects on those residents.

The Plan proposes placement of housing along transportation corridors, where the objective is to locate jobs and housing in close proximity to each other, with the goal of reducing automobile trips and therefore mobile source emissions. However, in doing so sensitive receptors will be exposed to unhealthy levels of toxic air or particulate concentrations. The DEIR does not provide adequate mitigations to protect sensitive receptors, especially those spending time outdoors, such as children playing outside. The DEIR states: "New research on the health effects of TACs and PM2.5 reinforces earlier findings regarding adverse health impacts on both respiratory and cardiovascular health but also a wider range of potential effects, such as diabetes, autism, cognitive functions in older adults, and oxidative damage to DNA. In addition, US EPA has not identified a level of TAC/ PM2.5 concentration where no negative health effects are observed." There are many reports not disclosed or discussed in the plan that identify causal links between proximity to freeways and highways, asthma, autism and cancer. This should be highlighted as a risk in the plan and study references included.

Implementation of Plan Bay Area would subject sensitive receptors to a significant increased risk of developing life-threatening illnesses from toxic air contaminants and particulate matter emissions. Furthermore, the measures listed to mitigate these significant impacts are inadequate to reduce them to less than significant levels, particularly in regard to protecting sensitive receptors that spend time outdoors. Plan Bay Area's proposal to target residential development in close proximity to highly travelled and congested roadways is irresponsible land use planning and conflicts with CEQA. Case law clearly shows that CEQA is intended "to compel government at all levels to make decisions with environmental consequences in mind." I ask that you revise Draft Plan Bay Area and remove all proposed residential development from areas that are located within the zone of influence of toxic air contaminants and/or fine particulate matter emission sources and remove areas situated within the zone of influence of these emissions from Transit Priority Project corridors, Priority Development Areas and Potential Priority Development Areas.

Plan does not sufficiently consider that traffic congestion adds to CO2 emissions

The Plan Bay Area does not consider cumulative effects of increased localized traffic. The lack of expansion of the road network will cause an increase in traffic congestion as areas grow more dense. Instead the methodology of this Plan places an over-emphasis on public transit. In reality, congestion will increase, and the resulting standing or slow traffic will cause additional CO2 emissions per passenger mile for the most used form of transit cars and light trucks.

Furthermore the plan does not adequately take into consideration the impact of the time wasted from traffic congestion and the effects on quality of life. The Plan Bay Area does not account for typical family life, taking children to and from school, sports, errands, etc., it only focuses on trying to change the norm. Congested roadways will result in a reduction in the distance that most residents can effectively commute, due to time and family constraints. This in turn means that people are less able to find employment within an acceptable distance.

I ask that the Plan Bay Area be revised to take into consideration additional, localized traffic especially in areas where increases in housing are not balanced with job growth.

Plan fails to disclose subsidization required to encourage residents to move to high density development near transit

The Plan Bay Area fails to identify the true amount of subsidization required to encourage builders to develop high density housing. A survey by the National Association of Realtors in 2011 reveals that the vast majority of Americans prefer to live in single-family homes with privacy and yards.

Evidence exists that subsidies are required in order to encourage people to move to high density housing. There is no analysis included in the Plan to validate the amount of subsidization required to encourage developers to initiate and complete such projects and residents to move into them.

This lack of specificity means that an undefined amount of public money, via state, county or city, will be used to reach the goals of this plan. The plan does not alert readers to rising taxes needed to raise revenue to cover these subsidies. Alternatively the plan does not provide sufficient analysis of impacts to services such as police, fire and schools. In addition, there is no evidence that the expenditures covered by the plan will achieve the stated goals.

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It is unclear to me how the Plan Bay Area ultimately gets approved and implemented. I request that this be clarified to the population impacted by the Plan. Is the plan subject to voter approval?

Conclusion

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Thank you,  
Jean Gallagher



San Rafael, CA 94903

**From:** "Sabine Grandke-Taft" <[REDACTED]>  
**To:** <eircomments@mtc.ca.gov>  
**Date:** 5/16/2013 3:19 PM  
**Subject:** Public Comment on Draft Plan Bay Area and Draft Plan Bay Area Draft

C121

May 15, 2013

Carolyn Clevenger, MTC EIR Project Manager,  
Metropolitan Transportation Commission  
MTC-ABAG Plan Bay Area Public Comment  
101 8th Street  
Oakland, California 94607  
eircomments@mtc.ca.gov.

Re: Public Comment on Draft Plan Bay Area and Draft Plan Bay Area Draft  
Environmental Impact Report

To Whom It May Concern,

My name is Sabine Grandke-Taft,

I am a resident of Marinwood, located in unincorporated Marin County. I support and adopt a letter to you by a fellow member of my community, Lisa Culbertson as follows:

I am writing to comment on the Draft Plan Bay Area (The plan) and Draft Plan Bay Area Draft Environmental Impact Report (DEIR).

I submitted a request for an extension of time to review the Plan and DEIR, which was not granted. These are complex and difficult documents for ordinary people to understand. The level of communication with the communities you are impacting by this plan is disgraceful. The plan includes a statement, "We reached out to the people who matter most - the 7 million people who live in the region." This is inaccurate as it pertains to my community, Marinwood, designated as a potential Planned Development Area (PDA). Many members of the Marinwood community do not know what Plan Bay Area is and for most that do, they have only heard about it in the past few weeks. I attended one of two planned meetings in my community where there was no verbal presentation or explanation of the plan, but rather boards and remarks from the public. I ask that you reconsider this fast track approach and take the time to educate the community on exactly what it is that you are proposing in this plan and why.

I support truly sustainable land use and development that preserves the qualities of existing neighborhoods. I support additional affordable public transportation that reaches a greater range of areas throughout the Bay Area and operates more frequently with longer hours. I also support a range of housing opportunities, integrated into existing communities that do not adversely affect those communities through expediting environmental and permit review and not contributing a fair share to the tax base. None of these things are supported by this plan and therefore you do not have my support. I vote for no plan and ask that you remove Marinwood as a potential PDA designation.

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- . Insufficient water supply;
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#### Plan Bay Area Approval

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#### Conclusion

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Thank you,  
Sabine Grandke-Taft  
[REDACTED]  
San Rafael, CA 94903  
Marinwood Resident

I, Sabine Grandke-Taft, support and adopt the aforementioned letter:

Signature \_\_Sabine Grandke-Taft\_\_\_\_\_

This message was sent by Save Marinwood using the Change.org system. You received this email because you signed a petition started by Save Marinwood on Change.org: "Marin County Board of Supervisors: Suspend approval of the 2012 Housing Element ." Change.org does not endorse contents of this message.

#### View

<[http://www.change.org/petitions/marin-county-board-of-supervisors-suspend-a-approval-of-the-2012-housing-element?utm\\_source=supporter\\_message&utm\\_medium=email&utm\\_campaign=petition\\_message\\_notice](http://www.change.org/petitions/marin-county-board-of-supervisors-suspend-a-approval-of-the-2012-housing-element?utm_source=supporter_message&utm_medium=email&utm_campaign=petition_message_notice)> the petition | Reply  
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## Plan Bay Area 2040 Final Environmental Impact Report

**From:** Maria Gregoriev <[REDACTED]>  
**To:** "eircomments@mtc.ca.gov" <eircomments@mtc.ca.gov>  
**Date:** 5/16/2013 1:55 PM  
**Subject:** Re: Responses from Bay Area One

C122

May 16, 2013

Carolyn Clevenger, MTC EIR Project Manager,

Metropolitan Transportation Commission

MTC-ABAG Plan Bay Area Public Comment

101 8th Street

Oakland, California  
94607

eircomments@mtc.ca.gov.

Re: Public Comment on Draft  
Plan Bay  
Area and Draft Plan Bay  
Area Draft

Environmental Impact Report

To Whom It May Concern,

My name is Maria Gregoriev.

I am a resident of Marinwood, located in unincorporated Marin County.  
I support and adopt a letter to you by a fellow member of my community, Lisa  
Culbertson as follows:

I am writing to comment on the Draft Plan Bay Area (The plan) and  
Draft Plan Bay Area Draft Environmental Impact Report (DEIR).

I submitted a request for an extension of time to review the Plan  
and DEIR, which was not granted. These are complex and difficult documents for  
ordinary people to understand. The level of communication with the communities  
you are impacting by this plan is disgraceful. The plan includes a statement,  
"We reached out to the people who matter most – the 7 million people who live  
in the region." This is inaccurate as it pertains to my community, Marinwood,  
designated as a potential Planned Development Area (PDA). Many members of the  
Marinwood community do not know what Plan Bay Area is and for most that do,  
they have only heard about it in the past few weeks. I attended one of two  
planned meetings in my community where there was no verbal presentation or  
explanation of the plan, but rather boards and remarks from the public. I ask  
that you reconsider this fast track approach and take the time to educate the  
community on exactly what it is that you are proposing in this plan and why.

I support truly sustainable land use and development that  
preserves the qualities of existing neighborhoods. I support additional  
affordable public transportation that reaches a greater range of areas  
throughout the Bay Area and operates more frequently with longer hours. I also  
support a range of housing opportunities, integrated into existing communities

that do not adversely affect those communities through expediting environmental and permit review and not contributing a fair share to the tax base. None of these things are supported by this plan and therefore you do not have my support. I vote for no plan and ask that you remove Marinwood as a potential PDA designation.

(page 2)

Since this plan is voluntary and you do not have the support of the Marinwood/ Lucas Valley community I ask again that you remove Marinwood as a potential PDA designation.

I have grave concerns about the environmental, health and safety impacts that could result from the poor land use planning that I see presented in this plan as well as other related plans, such as the Marin County Housing Element. There are numerous holes and inconsistencies in the Plan Bay Area and DEIR which are the basis of my comments that follow:

#### Unrealistic employment growth

Projected employment growth in Marin County is half of what is being proposed for housing growth. The largest Bay Area job growth is assumed in major cities and areas such as Silicon Valley that have established industries such as technology. Marin County is not known for any specific industry. For its size, Marin County has very few large scale employers and a low number of high paying jobs compared to the number of residents and high cost of living. The potential growth in local employment projections are assumed to be coming from professional services and retail.

Marin had the largest job growth from 1980 to 1990. In 2011, employment levels were about the same as they were in 1990. There are documented studies that project a relatively flat growth in jobs in Marin County over the next 30 years. The lack of consistency and equality between the housing and job numbers projected in Marin County will lead to more commuters, thus increasing green house gas (GHG) emissions as there will not be enough jobs for the number of residents moving into the county. This will hurt the workforce that these plans aim to protect as there will be more competition for available jobs and low income earners will not have ample salaries to pay for the high price of transportation to travel to employment throughout the Bay Area.

The lack of continuous transportation will also affect quality of life for those depending on public transportation as it can take hours to get from point A to B if multiple modes of transportation are to be used. In addition, the Housing Element appears to designate almost every available parcel in Marin for housing, not leaving properties available for commercial development. Furthermore, the proposals for mixed use projects do not have an equal balance between jobs and housing.

(page 3)

The discussions around new jobs in Marin have been more focused on filling vacancies than creating new development. This does not leave opportunity for the creation of jobs in areas where housing is being considered. A perfect example of this is the Marinwood area, which has minimal jobs in the near vicinity and yet the projected housing number far exceeds any potential commercial development within the area.

Due to the fact that job growth in Marin will likely remain flat and the available capacity for jobs to increase is unlikely, I ask that The Plan Bay Area be revised to include realistic employment projections by area and a specific plan for achieving those projections. I ask that the plan take into account not only the workforce commuting into Marin County for employment, but all commuters into, out of and through Marin County. The approach taken in this plan is shortsighted and not representative of all current commute patterns.

#### Unrealistic Housing numbers

Like the job numbers, the housing numbers also appear to be unrealistic. The January 2013 release of the State Department of Finance (DOF) projections of Marin County's population growth are 10% lower than the growth forecast used for Plan Bay Area. Plan Bay Area forecasts a 13% population growth to 2040 (32,914 more people) but DOF projects a 3% population growth (6,818 more people). This is a significant discrepancy. The Plan Bay Area and the DEIR should be revised to reflect population growth based on DOF projections, not that of an independent consultant hired by ABAG.

The plan needs to include an assessment of the total cost to the County and taxpayers incurred by adding housing. This assessment should include additional services (schools, water, fire, police, ambulance...) and the total cost of development including subsidies to developers and loss of tax base.

The housing assumptions do not reflect accurately the desire of a large group of people to maintain living in rural areas and in single family homes. It makes the assumption that the future housing preference is high density, mixed use housing, located in urban areas. While both are desirable to different groups of people, the plan is not representative of all type of housing desires. I request that the plan be modified to accurately represent the desires for all types of housing.

#### Inadequate evidence that high density housing near transit reduces green house gases (GHG)

Not only is there no evidence provided that proves placing housing near transit reduces GHG, there is also no analysis validating assumptions that people who move to high density housing near transit will be more likely to take public transit. These ideas or goals focus too much on strategies, which are not valid, and should be substantiated with factual information.

(page 4)

This plan does not take into consideration accurate travel needs, preferences and behaviors and the fact that for many people the preferred mode of travel is by car. The plan does not indicate what other studies have been put forward other than a “one size fits all” determination made by the authors of this plan stating how people are expected to travel. This makes grand assumptions that are unrealistic and should not be used as the basis of such a widespread and impactful plan.

I ask that you provide the analysis to prove that the housing near transit lowers GHG emissions, at what cost and what other options are available to achieve the same results.

Inadequate evidence that the transportation plan reduces GHG

It seems that there are other ways to reduce GHG emissions that should be analyzed as having a potentially more significant impact on reduction than what is being proposed in Plan Bay Area. These options include considering the future automobile technology and incentivizing individuals for the highest fuel efficient cars. Focus on creating a much higher number of localized jobs in Marin County to allow for more existing residents to work close to home rather than just focusing on housing for those commuting into Marin.

Further studies and factual information should be presented to substantiate that switching people from cars to public transit will in fact decrease CO2 emissions, rather than increase emissions. More information is needed on the types of transportation being proposed and a comparison between the emissions from the public transit vs. cars. The Plan focuses on GHG emissions from personal vehicles and light trucks and does not focus on technology improvements made to other forms of transportation including busses, ferries, trains, etc. An assessment should be performed on the potential for reductions by replacing fleets of other modes of transportation and the cost benefit should be analyzed against the plan as currently proposed.

The plan identifies that the “no project” alternative is projected to reduce passenger vehicles CO2 emissions by 23% by 2040 over the existing condition in 2010. The proposed alternative, which is costly and intrusive into basic economic and personal freedoms, is projected to reduce emissions by 25%. The plan does not consider if this extra 2% is worth the additional costs. I ask that a cost benefit analysis be prepared and incorporated into the findings, which includes other options to reach the additional 2% GHG emissions.

Inadequate evidence that placing high density housing next to major transportation corridors will not have significant adverse health effects on those residents.

The Plan proposes placement of housing along transportation corridors, where the objective

(page 5)

is to locate jobs and housing in close proximity to each other, with the goal of reducing automobile trips and therefore mobile source emissions. However, in doing so sensitive receptors will be exposed to

unhealthy levels of toxic air or particulate concentrations. The DEIR does not provide adequate mitigations to protect sensitive receptors, especially those spending time outdoors, such as children playing outside. The DEIR states: “New research on the health effects of TACs and PM2.5 reinforces earlier findings regarding adverse health impacts on both respiratory and cardiovascular health but also a wider range of potential effects, such as diabetes, autism, cognitive functions in older adults, and oxidative damage to DNA. In addition, US EPA has not identified a level of TAC/ PM2.5 concentration where no negative health effects are observed.” There are many reports not disclosed or discussed in the plan that identify causal links between proximity to freeways and highways, asthma, autism and cancer. This should be highlighted as a risk in the plan and study references included.

Implementation of Plan Bay Area would subject sensitive receptors to a significant increased risk of developing life-threatening illnesses from toxic air contaminants and particulate matter emissions. Furthermore, the measures listed to mitigate these significant impacts are inadequate to reduce them to less than significant levels, particularly in regard to protecting sensitive receptors that spend time outdoors. Plan Bay Area’s proposal to target residential development in close proximity to highly travelled and congested roadways is irresponsible land use planning and conflicts with CEQA. Case law clearly shows that CEQA is intended “to compel government at all levels to make decisions with environmental consequences in mind.” I ask that you revise Draft Plan Bay Area and remove all proposed residential development from areas that are located within the zone of influence of toxic air contaminants and/or fine particulate matter emission sources and remove areas situated within the zone of influence of these emissions from Transit Priority Project corridors, Priority Development Areas and Potential Priority Development Areas.

Plan does not sufficiently consider that traffic congestion adds to CO2 emissions

The Plan Bay Area does not consider cumulative effects of increased localized traffic. The lack of expansion of the road network will cause an increase in traffic congestion as areas grow more dense. Instead the methodology of this Plan places an over-emphasis on public transit. In reality, congestion will increase, and the resulting standing or slow traffic will cause additional CO2 emissions per passenger mile for the most used form of transit cars and light trucks.

Furthermore the plan does not adequately take into consideration the impact of the time wasted from traffic congestion and the effects on quality of life. The Plan Bay Area does not account for typical family life, taking children to and from school, sports, errands, etc., it only

(page 6)

focuses on trying to change the norm. Congested roadways will result in a reduction in the distance that most residents can effectively commute, due to time and family constraints. This in turn means that people are less able to find employment within an acceptable distance.

I ask that the Plan Bay Area be revised to take into consideration additional, localized traffic especially in areas where increases in housing



are not balanced with job growth.

Plan fails to disclose subsidization required to encourage residents to move to high density development near transit

The Plan Bay Area fails to identify the true amount of subsidization required to encourage builders to develop high density housing. A survey by the National Association of Realtors in 2011 reveals that the vast majority of Americans prefer to live in single-family homes with privacy and yards.

Evidence exists that subsidies are required in order to encourage people to move to high density housing. There is no analysis included in the Plan to validate the amount of subsidization required to encourage developers to initiate and complete such projects and residents to move into them.

This lack of specificity means that an undefined amount of public money, via state, county or city, will be used to reach the goals of this plan. The plan does not alert readers to rising taxes needed to raise revenue to cover these subsidies. Alternatively the plan does not provide sufficient analysis of impacts to services such as police, fire and schools. In addition, there is no evidence that the expenditures covered by the plan will achieve the stated goals.

Inadequate information re: water supply, sea level rise, and support for infrastructure

There are 5 significant, irreversible environmental changes, and 39 significant unavoidable impacts of the plan, identified in the DEIR, that should be addressed and mitigated before this plan is accepted. They should not be dismissed with findings of “overriding consideration.” If the organizations that are proposing to implement this plan cannot address these serious affects than perhaps that is a sign that this is not the right plan for the Bay Area. The impacts I am referring to include:

- Insufficient water supply;
- Exposure to hazardous materials;
- Inadequate wastewater treatment capacity;

(page 7)

- Net Increase in Sensitive Receptors located in Transit Priority Project corridors where there are high concentrations of cancer causing Toxic Air Contaminants and fine particulate matter emissions;
- Inundation from sea level rise;
- Direct removal, filling or hydrological interruption of habitat;
- Interference with the movement of native resident or migratory fish or wildlife species.

Plan Bay Area Approval

It is unclear to me how the Plan Bay Area ultimately gets approved and implemented. I request that this be clarified to the population impacted by the Plan. Is the plan subject to voter approval?

Conclusion

The Draft Plan Bay Area's DEIR is inadequate in numerous instances identified in this comment letter. ABAG must prepare an EIR that adequately analyzes the plans significant impact and meets CEQA guidelines. The conclusions are not supported by substantial evidence. The key assumption regarding population and job growth is inaccurate. A revised EIR should be prepared and circulated for public review and with ample time given to the public to comment.

Sincerely,

Maria Gregoriev

A black rectangular redaction box covering the signature of Maria Gregoriev.

San Rafael,  
Ca. 949903

## Plan Bay Area 2040 Final Environmental Impact Report

**From:** Igor Grinchenko [REDACTED]  
**To:** <eircomments@mtc.ca.gov>  
**Date:** 5/16/2013 2:16 PM  
**Subject:** Re: Public Comment on Draft Plan Bay Area and Draft Plan Bay Area Draft

May 16, 2013

C123

Carolyn Clevenger, MTC EIR Project Manager,  
Metropolitan Transportation Commission  
MTC-ABAG Plan Bay Area Public Comment  
101 8th Street  
Oakland, California 94607  
eircomments@mtc.ca.gov.

Re: Public Comment on Draft Plan Bay Area and Draft Plan Bay Area Draft  
Environmental Impact Report

To Whom It May Concern,

My name is Igor Grinchenko.

I am a resident of Marinwood, located in unincorporated Marin County. I support and adopt a letter to you by a fellow member of my community, Lisa Culbertson as follows:

I am writing to comment on the Draft Plan Bay Area (The plan) and Draft Plan Bay Area Draft Environmental Impact Report (DEIR).

I submitted a request for an extension of time to review the Plan and DEIR, which was not granted. These are complex and difficult documents for ordinary people to understand. The level of communication with the communities you are impacting by this plan is disgraceful. The plan includes a statement, "We reached out to the people who matter most – the 7 million people who live in the region." This is inaccurate as it pertains to my community, Marinwood, designated as a potential Planned Development Area (PDA). Many members of the Marinwood community do not know what Plan Bay Area is and for most that do, they have only heard about it in the past few weeks. I attended one of two planned meetings in my community where there was no verbal presentation or explanation of the plan, but rather boards and remarks from the public. I ask that you reconsider this fast track approach and take the time to educate the community on exactly what it is that you are proposing in this plan and why.

I support truly sustainable land use and development that preserves the qualities of existing neighborhoods. I support additional affordable public transportation that reaches a greater range of areas throughout the Bay Area and operates more frequently with longer hours. I also support a range of housing opportunities, integrated into existing communities that do not adversely affect those communities through expediting environmental and permit review and not contributing a fair share to the tax base. None of these things are supported by this plan and therefore you do not have my support. I vote for no plan and ask that you remove Marinwood as a potential PDA designation.

Although I am writing this letter representing myself, I have spent the past two weeks walking door to door gathering signatures against the proposed development plans affecting Marinwood and Lucas Valley. 90% of the homes visited by myself and fellow neighbors are NOT in support of this plan or the related Housing Element. Since this plan is voluntary and you do not have the support of the Marinwood/ Lucas Valley community I ask again that you remove Marinwood as a potential PDA designation.

I have grave concerns about the environmental, health and safety impacts that could result from the poor land use planning that I see presented in this plan as well as other related plans, such as the Marin County Housing Element. There are numerous holes and inconsistencies in the Plan Bay Area and DEIR which are the basis of my comments that follow:

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- Direct removal, filling or hydrological interruption of habitat;
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It is unclear to me how the Plan Bay Area ultimately gets approved and implemented. I request that this be clarified to the population impacted by the Plan. Is the plan subject to voter approval?

#### Conclusion

The Draft Plan Bay Area’s DEIR is inadequate in numerous instances identified in this comment letter. ABAG must prepare an EIR that adequately analyzes the plans significant impact and meets CEQA guidelines. The conclusions are not supported by substantial evidence. The key assumption regarding population and job growth is inaccurate. A revised EIR should be prepared and circulated for public review and with ample time given to the public to comment.

Thank you,  
Igor Grinchenko  
[REDACTED]  
San Rafael, CA 94903  
Marinwood Resident

I, Igor Grinchenko, support and adopt the aforementioned letter:

Signature \_\_\_\_\_ Igor Grinchenko \_\_\_\_\_

P.S. we love our home and our neighborhood. please don't kill it.

## Plan Bay Area 2040 Final Environmental Impact Report

**From:** Adrienne Hart [REDACTED] >  
**To:** <eircomments@mtc.ca.gov>  
**Date:** 5/17/2013 2:39 PM  
**Subject:** Public Comment on Draft Plan Bay Area and Draft Plan Bay Area Draft Environmental Impact Report

May 15, 2013

**C124** Carolyn Clevenger, MTC EIR Project Manager,  
Metropolitan Transportation Commission  
MTC-ABAG Plan Bay Area Public Comment  
101 8th Street  
Oakland, California 94607  
eircomments@mtc.ca.gov.

Re: Public Comment on Draft Plan Bay Area and Draft Plan Bay Area Draft  
Environmental Impact Report

To Whom It May Concern,

My name is Adrienne Hart.

I am a resident of Lucas Valley, located in unincorporated Marin County. I support and adopt a letter to you by a fellow member of my community, Lisa Culbertson as follows:

I am writing to comment on the Draft Plan Bay Area (The plan) and Draft Plan Bay Area Draft Environmental Impact Report (DEIR).

I submitted a request for an extension of time to review the Plan and DEIR, which was not granted. These are complex and difficult documents for ordinary people to understand. The level of communication with the communities you are impacting by this plan is disgraceful. The plan includes a statement, "We reached out to the people who matter most – the 7 million people who live in the region." This is inaccurate as it pertains to my community, Marinwood, designated as a potential Planned Development Area (PDA). Many members of the Marinwood community do not know what Plan Bay Area is and for most that do, they have only heard about it in the past few weeks. I attended one of two planned meetings in my community where there was no verbal presentation or explanation of the plan, but rather boards and remarks from the public. I ask that you reconsider this fast track approach and take the time to educate the community on exactly what it is that you are proposing in this plan and why.

I support truly sustainable land use and development that preserves the qualities of existing neighborhoods. I support additional affordable public transportation that reaches a greater range of areas throughout the Bay Area and operates more frequently with longer hours. I also support a range of housing opportunities, integrated into existing communities that do not adversely affect those communities through expediting environmental and permit review and not contributing a fair share to the tax base. None of these things are supported by this plan and therefore you do not have my support. I vote for no plan and ask that you remove Marinwood as a potential PDA designation.

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I have grave concerns about the environmental, health and safety impacts that could result from the poor land use planning that I see presented in this plan as well as other related plans, such as the Marin County Housing Element. There are numerous holes and inconsistencies in the Plan Bay Area and DEIR which are the basis of my comments that follow:

### Unrealistic employment growth

Projected employment growth in Marin County is half of what is being proposed for housing growth. The largest Bay Area job growth is assumed in major cities and areas such as Silicon Valley that have established industries such as technology. Marin County is not known for any specific industry. For its size, Marin County has very few large scale employers and a low number of high paying jobs compared to the number of residents and high cost of living. The potential growth in local employment projections are assumed to be coming from professional services and retail.

Marin had the largest job growth from 1980 to 1990. In 2011, employment levels were about the same as they were in 1990. There are documented studies that project a relatively flat growth in jobs in Marin County over the next 30 years. The lack of consistency and equality between the housing and job numbers projected in Marin County will lead to more commuters, thus increasing green house gas (GHG) emissions as there will not be enough jobs for the number of residents moving into the county. This will hurt the workforce that these plans aim to protect as there will be more competition for available jobs and low income earners will not have ample salaries to pay for the high price of transportation to travel to employment throughout the Bay Area.

The lack of continuous transportation will also affect quality of life for those depending on public transportation as it can take hours to get from point A to B if multiple modes of transportation are to be used. In addition, the Housing Element appears to designate almost every available parcel in Marin for housing, not leaving properties available for commercial development. Furthermore, the proposals for mixed use projects do not have an equal balance between jobs and housing.

The discussions around new jobs in Marin have been more focused on filling vacancies than creating new development. This does not leave



opportunity for the creation of jobs in areas where housing is being considered. A perfect example of this is the Marinwood area, which has minimal jobs in the near vicinity and yet the projected housing number far exceeds any potential commercial development within the area.

Due to the fact that job growth in Marin will likely remain flat and the available capacity for jobs to increase is unlikely, I ask that The Plan Bay Area be revised to include realistic employment projections by area and a specific plan for achieving those projections. I ask that the plan take into account not only the workforce commuting into Marin County for employment, but all commuters into, out of and through Marin County. The approach taken in this plan is shortsighted and not representative of all current commute patterns.

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Like the job numbers, the housing numbers also appear to be unrealistic. The January 2013 release of the State Department of Finance (DOF) projections of Marin County's population growth are 10% lower than the growth forecast used for Plan Bay Area. Plan Bay Area forecasts a 13% population growth to 2040 (32,914 more people) but DOF projects a 3% population growth (6,818 more people). This is a significant discrepancy. The Plan Bay Area and the DEIR should be revised to reflect population growth based on DOF projections, not that of an independent consultant hired by ABAG.

The plan needs to include an assessment of the total cost to the County and taxpayers incurred by adding housing. This assessment should include additional services (schools, water, fire, police, ambulance...) and the total cost of development including subsidies to developers and loss of tax base.

The housing assumptions do not reflect accurately the desire of a large group of people to maintain living in rural areas and in single family homes. It makes the assumption that the future housing preference is high density, mixed use housing, located in urban areas. While both are desirable to different groups of people, the plan is not representative of all type of housing desires. I request that the plan be modified to accurately represent the desires for all types of housing.

### Inadequate evidence that high density housing near transit reduces green house gases (GHG)

Not only is there no evidence provided that proves placing housing near transit reduces GHG, there is also no analysis validating assumptions that people who move to high density housing near transit will be more likely to take public transit. These ideas or goals focus too much on strategies, which are not valid, and should be substantiated with factual information.

This plan does not take into consideration accurate travel needs, preferences and behaviors and the fact that for many people the preferred mode of travel is by car. The plan does not indicate what other studies have been put forward other than a "one size fits all" determination made by the authors of this plan stating how people are expected to travel. This makes grand assumptions that are unrealistic and should not be used as the basis of such a widespread and impactful plan.

I ask that you provide the analysis to prove that the housing near transit lowers GHG emissions, at what cost and what other options are available to achieve the same results.

### Inadequate evidence that the transportation plan reduces GHG

It seems that there are other ways to reduce GHG emissions that should be analyzed as having a potentially more significant impact on reduction than what is being proposed in Plan Bay Area. These options include considering the future automobile technology and incentivizing individuals for the highest fuel efficient cars. Focus on creating a much higher number of localized jobs in Marin County to allow for more existing residents to work close to home rather than just focusing on housing for those commuting into Marin.

Further studies and factual information should be presented to substantiate that switching people from cars to public transit will in fact decrease CO2 emissions, rather than increase emissions. More information is needed on the types of transportation being proposed and a comparison between the emissions from the public transit vs. cars. The Plan focuses on GHG emissions from personal vehicles and light trucks and does not focus on technology improvements made to other forms of transportation including busses, ferries, trains, etc. An assessment should be performed on the potential for reductions by replacing fleets of other modes of transportation and the cost benefit should be analyzed against the plan as currently proposed.

The plan identifies that the "no project" alternative is projected to reduce passenger vehicles CO2 emissions by 23% by 2040 over the existing condition in 2010. The proposed alternative, which is costly and intrusive into basic economic and personal freedoms, is projected to reduce emissions by 25%. The plan does not consider if this extra 2% is worth the additional costs. I ask that a cost benefit analysis be prepared and incorporated into the findings, which includes other options to reach the additional 2% GHG emissions.

Inadequate evidence that placing high density housing next to major transportation corridors will not have significant adverse health effects on those residents.

The Plan proposes placement of housing along transportation corridors, where the objective is to locate jobs and housing in close proximity to each other, with the goal of reducing automobile trips and therefore mobile source emissions. However, in doing so sensitive receptors will be exposed to unhealthy levels of toxic air or particulate concentrations. The DEIR does not provide adequate mitigations to protect sensitive receptors, especially those spending time outdoors, such as children playing outside. The DEIR states: "New research on the health effects of TACs and PM2.5 reinforces earlier findings regarding adverse health impacts on both respiratory and cardiovascular health but also a wider range of potential effects, such as diabetes, autism, cognitive functions in older adults, and oxidative damage to DNA. In addition, US EPA has not identified a level of TAC/ PM2.5 concentration where no negative health effects are observed." There are many reports not disclosed or discussed in the plan that identify causal links between proximity to freeways and highways, asthma, autism and cancer. This should be highlighted as a risk in the plan and study references included.

Implementation of Plan Bay Area would subject sensitive receptors to a significant increased risk of developing life-threatening illnesses from toxic air contaminants and particulate matter emissions. Furthermore, the measures listed to mitigate these significant impacts are inadequate to reduce them to less than significant levels, particularly in regard to protecting sensitive receptors that spend time outdoors. Plan Bay Area's proposal to target residential development in close proximity to highly travelled and congested roadways is irresponsible land use planning and

## Plan Bay Area 2040 Final Environmental Impact Report

conflicts with CEQA. Case law clearly shows that CEQA is intended “to compel government at all levels to make decisions with environmental consequences in mind.” I ask that you revise Draft Plan Bay Area and remove all proposed residential development from areas that are located within the zone of influence of toxic air contaminants and/or fine particulate matter emission sources and remove areas situated within the zone of influence of these emissions from Transit Priority Project corridors, Priority Development Areas and Potential Priority Development Areas.

Plan does not sufficiently consider that traffic congestion adds to CO2 emissions

The Plan Bay Area does not consider cumulative effects of increased localized traffic. The lack of expansion of the road network will cause an increase in traffic congestion as areas grow more dense. Instead the methodology of this Plan places an over-emphasis on public transit. In reality, congestion will increase, and the resulting standing or slow traffic will cause additional CO2 emissions per passenger mile for the most used form of transit cars and light trucks.

Furthermore the plan does not adequately take into consideration the impact of the time wasted from traffic congestion and the effects on quality of life. The Plan Bay Area does not account for typical family life, taking children to and from school, sports, errands, etc., it only focuses on trying to change the norm. Congested roadways will result in a reduction in the distance that most residents can effectively commute, due to time and family constraints. This in turn means that people are less able to find employment within an acceptable distance.

I ask that the Plan Bay Area be revised to take into consideration additional, localized traffic especially in areas where increases in housing are not balanced with job growth.

Plan fails to disclose subsidization required to encourage residents to move to high density development near transit

The Plan Bay Area fails to identify the true amount of subsidization required to encourage builders to develop high density housing. A survey by the National Association of Realtors in 2011 reveals that the vast majority of Americans prefer to live in single-family homes with privacy and yards.

Evidence exists that subsidies are required in order to encourage people to move to high density housing. There is no analysis included in the Plan to validate the amount of subsidization required to encourage developers to initiate and complete such projects and residents to move into them.

This lack of specificity means that an undefined amount of public money, via state, county or city, will be used to reach the goals of this plan. The plan does not alert readers to rising taxes needed to raise revenue to cover these subsidies. Alternatively the plan does not provide sufficient analysis of impacts to services such as police, fire and schools. In addition, there is no evidence that the expenditures covered by the plan will achieve the stated goals.

Inadequate information re: water supply, sea level rise, and support for infrastructure

There are 5 significant, irreversible environmental changes, and 39 significant unavoidable impacts of the plan, identified in the DEIR, that should be addressed and mitigated before this plan is accepted. They should not be dismissed with findings of “overriding consideration.” If the organizations that are proposing to implement this plan cannot address these serious affects than perhaps that is a sign that this is not the right plan for the Bay Area. The impacts I am referring to include:

- Insufficient water supply;
- Exposure to hazardous materials;
- Inadequate wastewater treatment capacity;
- Net Increase in Sensitive Receptors located in Transit Priority Project corridors where there are high concentrations of cancer causing Toxic Air Contaminants and fine particulate matter emissions;
- Inundation from sea level rise;
- Direct removal, filling or hydrological interruption of habitat;
- Interference with the movement of native resident or migratory fish or wildlife species.


Plan Bay Area Approval

It is unclear to me how the Plan Bay Area ultimately gets approved and implemented. I request that this be clarified to the population impacted by the Plan. Is the plan subject to voter approval?

Conclusion

The Draft Plan Bay Area’s DEIR is inadequate in numerous instances identified in this comment letter. ABAG must prepare an EIR that adequately analyzes the plans significant impact and meets CEQA guidelines. The conclusions are not supported by substantial evidence. The key assumption regarding population and job growth is inaccurate. A revised EIR should be prepared and circulated for public review and with ample time given to the public to comment.

Thank you,  
Adrienne Hart

  
San Rafael, CA 94903  
Lucas Valley Resident

I, Adrienne Hart, support and adopt the aforementioned letter.

May 15, 2013

Carolyn Clevenger, MTC EIR Project Manager,  
Metropolitan Transportation Commission  
MTC-ABAG Plan Bay Area Public Comment  
101 8th Street  
Oakland, California 94607  
[eircomments@mtc.ca.gov](mailto:eircomments@mtc.ca.gov).

C125

Re: Public Comment on Draft Plan Bay Area and Draft Plan Bay Area Draft  
Environmental Impact Report

To Whom It May Concern,

My name is Joanne Hernon.

I am a resident of Marinwood, located in unincorporated Marin County. I support and adopt a letter to you by a fellow member of my community, Marinwood, as follows:

I am writing to comment on the Draft Plan Bay Area (The plan) and Draft Plan Bay Area Draft Environmental Impact Report (DEIR).

I submitted a request for an extension of time to review the Plan and DEIR, which was not granted. These are complex and difficult documents for ordinary people to understand. The level of communication with the communities you are impacting by this plan is disgraceful. The plan includes a statement, "We reached out to the people who matter most – the 7 million people who live in the region." This is inaccurate as it pertains to my community, Marinwood, designated as a potential Planned Development Area (PDA). Many members of the Marinwood community do not know what Plan Bay Area is and for most that do, they have only heard about it in the past few weeks. I attended one of two planned meetings in my community where there was no verbal presentation or explanation of the plan, but rather boards and remarks from the public. I ask that you reconsider this fast track approach and take the time to educate the community on exactly what it is that you are proposing in this plan and why.

I support truly sustainable land use and development that preserves the qualities of existing neighborhoods. I support additional affordable public transportation that reaches a greater range of areas throughout the Bay Area and operates more frequently with longer hours. I also support a range of housing opportunities, integrated into existing communities that do not adversely affect those communities through expediting environmental and permit review and not contributing a fair share to the tax base. None of these things are supported by this plan and therefore you do not have my support. I vote for no plan and ask that you remove Marinwood as a potential PDA designation.

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County Housing Element. There are numerous holes and inconsistencies in the Plan Bay Area and DEIR which are the basis of my comments that follow:

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Thank you,

Joanne Hernon  
Marinwood Resident

I, Joanne Hernon, support and adopt the aforementioned letter:



## Plan Bay Area 2040 Final Environmental Impact Report

**From:** Scott Johnson <[REDACTED]>  
**To:** "eircomments@mtc.ca.gov" <eircomments@mtc.ca.gov>  
**Date:** 5/17/2013 1:38 PM  
**Subject:** Public Comment on Draft Plan Bay Area and Draft Plan Bay Area Draft Environmental Impact Report - Please Confirm Receipt

**C126** May Seventeenth of 2013

Carolyn Clevenger, MTC EIR Project Manager,  
Metropolitan Transportation Commission  
MTC-ABAG Plan Bay Area Public Comment  
101 8th Street  
Oakland, California 94607  
eircomments@mtc.ca.gov.

Re: Public Comment on Draft Plan Bay Area and Draft Plan Bay Area Draft  
Environmental Impact Report

To Whom It May Concern,

My name is Scott W Johnson I am a resident of Lucas Valley and Marinwood located in unincorporated Marin County. I support and adopt a letter to you by a fellow member of my community, Lisa Culbertson as follows:

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#### Inadequate evidence that high density housing near transit reduces green house gases (GHG)

Not only is there no evidence provided that proves placing housing near transit reduces GHG, there is also no analysis validating assumptions that people who move to high density housing near transit will be more likely to take public transit. These ideas or goals focus too much on strategies, which are not valid, and should be substantiated with factual information. This plan does not take into consideration accurate travel needs, preferences and behaviors and the fact that for many people the preferred mode of travel is by car. The plan does not indicate what other studies have been put forward other than a "one size fits all" determination made by the authors of this plan stating how people are expected to travel. This makes grand assumptions that are unrealistic and should not be used as the basis of such a widespread and

impactful plan. I ask that you provide the analysis to prove that the housing near transit lowers GHG emissions, at what cost and what other options are available to achieve the same results.

Inadequate evidence that the transportation plan reduces GHG

It seems that there are other ways to reduce GHG emissions that should be analyzed as having a potentially more significant impact on reduction than what is being proposed in Plan Bay Area. These options include considering the future automobile technology and incentivizing individuals for the highest fuel efficient cars. Focus on creating a much higher number of localized jobs in Marin County to allow for more existing residents to work close to home rather than just focusing on housing for those commuting into Marin.

Further studies and factual information should be presented to substantiate that switching people from cars to public transit will in fact decrease CO2 emissions, rather than increase emissions. More information is needed on the types of transportation being proposed and a comparison between the emissions from the public transit vs. cars. The Plan focuses on GHG emissions from personal vehicles and light trucks and does not focus on technology improvements made to other forms of transportation including busses, ferries, trains, etc. An assessment should be performed on the potential for reductions by replacing fleets of other modes of transportation and the cost benefit should be analyzed against the plan as currently proposed.

The plan identifies that the “no project” alternative is projected to reduce passenger vehicles CO2 emissions by 23% by 2040 over the existing condition in 2010. The proposed alternative, which is costly and intrusive into basic economic and personal freedoms, is projected to reduce emissions by 25%. The plan does not consider if this extra 2% is worth the additional costs. I ask that a cost benefit analysis be prepared and incorporated into the findings, which includes other options to reach the additional 2% GHG emissions.

Inadequate evidence that placing high density housing next to major transportation corridors will not have significant adverse health effects on those residents.

The Plan proposes placement of housing along transportation corridors, where the objective is to locate jobs and housing in close proximity to each other, with the goal of reducing automobile trips and therefore mobile source emissions. However, in doing so sensitive receptors will be exposed to unhealthy levels of toxic air or particulate concentrations. The DEIR does not provide adequate mitigations to protect sensitive receptors, especially those spending time outdoors, such as children playing outside. The DEIR states: “New research on the health effects of TACs and PM2.5 reinforces earlier findings regarding adverse health impacts on both respiratory and cardiovascular health but also a wider range of potential effects, such as diabetes, autism, cognitive functions in older adults, and oxidative damage to DNA. In addition, US EPA has not identified a level of TAC/PM2.5 concentration where no negative health effects are observed.” There are many reports not disclosed or discussed in the plan that identify causal links between proximity to freeways and highways, asthma, autism and cancer. This should be highlighted as a risk in the plan and study references included.

Implementation of Plan Bay Area would subject sensitive receptors to a significant increased risk of developing life-threatening illnesses from toxic air contaminants and particulate matter emissions.

Furthermore, the measures listed to mitigate these significant impacts are inadequate to reduce them to less than significant levels, particularly in regard to protecting sensitive receptors that spend time outdoors. Plan Bay Area’s proposal to target residential development in close proximity to highly travelled and congested roadways is irresponsible land use planning and conflicts with CEQA. Case law clearly shows that CEQA is intended “to compel government at all levels to make decisions with environmental consequences in mind.” I ask that you revise Draft Plan Bay Area and remove all proposed residential development from areas that are located within the zone of influence of toxic air contaminants and/or fine particulate matter emission sources and remove areas situated within the zone of influence of these emissions from Transit Priority Project corridors, Priority Development Areas and Potential Priority Development Areas.

Plan does not sufficiently consider that traffic congestion adds to CO2 emissions

The Plan Bay Area does not consider cumulative effects of increased localized traffic. The lack of expansion of the road network will cause an increase in traffic congestion as areas grow more dense. Instead the methodology of this Plan places an over-emphasis on public transit. In reality, congestion will increase, and the resulting standing or slow

traffic will cause additional CO2 emissions per passenger mile for the most used form of transit cars and light trucks.

Furthermore the plan does not adequately take into consideration the impact of the time wasted from traffic congestion and the effects on quality of life. The Plan Bay Area does not account for typical family life, taking children to and from school, sports, errands, etc., it only focuses on trying to change the norm. Congested roadways will result in a reduction in the distance that most residents can effectively commute, due to time and family constraints. This in turn means that people are less able to find employment within an acceptable distance. I ask that the Plan Bay Area be revised to take into consideration additional, localized traffic especially in areas where increases in housing are not balanced with job growth.

Plan fails to disclose subsidization required to encourage residents to move to high density development near transit

The Plan Bay Area fails to identify the true amount of subsidization required to encourage builders to develop high density housing. A survey by the National Association of Realtors in 2011 reveals that the vast majority of Americans prefer to live in single-family homes with privacy and yards. Evidence exists that subsidies are required in order to encourage people to move to high density housing. There is no analysis included in the Plan to validate the amount of subsidization required to encourage developers to initiate and complete such projects and residents to move into them. This lack of specificity means that an undefined amount of public money, via state, county or city, will be used to reach the goals of this plan. The plan does not alert readers to rising taxes needed to raise revenue to cover these subsidies.

Alternatively the plan does not provide sufficient analysis of impacts to services such as police, fire and schools. In addition, there is no evidence that the expenditures covered by the plan will achieve the stated goals.

Inadequate information re: water supply, sea level rise, and support for infrastructure

There are 5 significant, irreversible environmental changes, and 39 significant unavoidable impacts of the plan, identified in the DEIR, that should be addressed and mitigated before this plan is accepted. They should not be dismissed with findings of "overriding consideration." If the organizations that are proposing to implement this plan cannot address these serious affects than perhaps that is a sign that this is not the right plan for the Bay Area. The impacts I am referring to include:

- Insufficient water supply;
- Exposure to hazardous materials;
- Inadequate wastewater treatment capacity;
- Net Increase in Sensitive Receptors located in Transit Priority Project corridors where there are high concentrations of cancer causing Toxic Air Contaminants and fine particulate matter emissions;
- Inundation from sea level rise;
- Direct removal, filling or hydrological interruption of habitat;
- Interference with the movement of native resident or migratory fish or wildlife species.


Plan Bay Area Approval

It is unclear to me how the Plan Bay Area ultimately gets approved and implemented. I request that this be clarified to the population impacted by the Plan. Is the plan subject to voter approval?

Conclusion

The Draft Plan Bay Area's DEIR is inadequate in numerous instances identified in this comment letter. ABAG must prepare an EIR that adequately analyzes the plans significant impact and meets CEQA guidelines. The conclusions are not supported by substantial evidence. The key assumption regarding population and job growth is inaccurate. A revised EIR should be prepared and circulated for public review and with ample time given to the public to comment.

Thank you,  
Scott W Johnson

  
San Rafael, CA 94903  
Lucas Valley Resident

Kindly Confirm Receipt of this Email

I, Scott W Johnson support and adopt the aforementioned letter:

## Plan Bay Area 2040 Final Environmental Impact Report

**From:** Rob Jones <[REDACTED]>  
**To:** <eircomments@mtc.ca.gov>  
**Date:** 5/16/2013 2:01 PM  
**Subject:** Fwd: please personalize this email and send it now to eircomments@mtc.ca.gov

May 15, 2013

**C127** Carolyn Clevenger, MTC EIR Project Manager,  
Metropolitan Transportation Commission  
MTC-ABAG Plan Bay Area Public Comment  
101 8th Street  
Oakland, California 94607  
eircomments@mtc.ca.gov.

Re: Public Comment on Draft Plan Bay Area and Draft Plan Bay Area Draft  
Environmental Impact Report

To Whom It May Concern,

My name is Robert Jones,

I am a resident of Marinwood, located in unincorporated Marin County. I support and adopt a letter to you by a fellow member of my community, Lisa Culbertson as follows:

I am writing to comment on the Draft Plan Bay Area (The plan) and Draft Plan Bay Area Draft Environmental Impact Report (DEIR).

I submitted a request for an extension of time to review the Plan and DEIR, which was not granted. These are complex and difficult documents for ordinary people to understand. The level of communication with the communities you are impacting by this plan is disgraceful. The plan includes a statement, "We reached out to the people who matter most – the 7 million people who live in the region." This is inaccurate as it pertains to my community, Marinwood, designated as a potential Planned Development Area (PDA). Many members of the Marinwood community do not know what Plan Bay Area is and for most that do, they have only heard about it in the past few weeks. I attended one of two planned meetings in my community where there was no verbal presentation or explanation of the plan, but rather boards and remarks from the public. I ask that you reconsider this fast track approach and take the time to educate the community on exactly what it is that you are proposing in this plan and why.

I support truly sustainable land use and development that preserves the qualities of existing neighborhoods. I support additional affordable public transportation that reaches a greater range of areas throughout the Bay Area and operates more frequently with longer hours. I also support a range of housing opportunities, integrated into existing communities that do not adversely affect those communities through expediting environmental and permit review and not contributing a fair share to the tax base. None of these things are supported by this plan and therefore you do not have my support. I vote for no plan and ask that you remove Marinwood as a potential PDA designation.

Although I am writing this letter representing myself, I have spent the past two weeks walking door to door gathering signatures against the proposed development plans affecting Marinwood and Lucas Valley. 90% of the homes visited by myself and fellow neighbors are NOT in support of this plan or the related Housing Element. Since this plan is voluntary and you do not have the support of the Marinwood/ Lucas Valley community I ask again that you remove Marinwood as a potential PDA designation.

I have grave concerns about the environmental, health and safety impacts that could result from the poor land use planning that I see presented in this plan as well as other related plans, such as the Marin County Housing Element. There are numerous holes and inconsistencies in the Plan Bay Area and DEIR which are the basis of my comments that follow:

Unrealistic employment growth  
Projected employment growth in Marin County is half of what is being

proposed for housing growth. The largest Bay Area job growth is assumed in major cities and areas such as Silicon Valley that have established industries such as technology. Marin County is not known for any specific industry. For its size, Marin County has very few large scale employers and a low number of high paying jobs compared to the number of residents and high cost of living. The potential growth in local employment projections are assumed to be coming from professional services and retail.

Marin had the largest job growth from 1980 to 1990. In 2011, employment levels were about the same as they were in 1990. There are documented studies that project a relatively flat growth in jobs in Marin County over the next 30 years. The lack of consistency and equality between the housing and job numbers projected in Marin County will lead to more commuters, thus increasing green house gas (GHG) emissions as there will not be enough jobs for the number of residents moving into the county. This will hurt the workforce that these plans aim to protect as there will be more competition for available jobs and low income earners will not have ample salaries to pay for the high price of transportation to travel to employment throughout the Bay Area.

The lack of continuous transportation will also affect quality of life for those depending on public transportation as it can take hours to get from point A to B if multiple modes of transportation are to be used. In addition, the Housing Element appears to designate almost every available parcel in Marin for housing, not leaving properties available for commercial development. Furthermore, the proposals for mixed use projects do not have an equal balance between jobs and housing.

The discussions around new jobs in Marin have been more focused on filling vacancies than creating new development. This does not leave opportunity for the creation of jobs in areas where housing is being considered. A perfect example of this is the Marinwood area, which has minimal jobs in the near vicinity and yet the projected housing number far exceeds any potential commercial development within the area.

Due to the fact that job growth in Marin will likely remain flat and the available capacity for jobs to increase is unlikely, I ask that The Plan Bay Area be revised to include realistic employment projections by area and a specific plan for achieving those projections. I ask that the plan take into account not only the workforce commuting into Marin County for employment, but all commuters into, out of and through Marin County. The approach taken in this plan is shortsighted and not representative of all current commute patterns.

#### Unrealistic Housing numbers

Like the job numbers, the housing numbers also appear to be unrealistic. The January 2013 release of the State Department of Finance (DOF) projections of Marin County's population growth are 10% lower than the growth forecast used for Plan Bay Area. Plan Bay Area forecasts a 13% population growth to 2040 (32,914 more people) but DOF projects a 3% population growth (6,818 more people). This is a significant discrepancy. The Plan Bay Area and the DEIR should be revised to reflect population growth based on DOF projections, not that of an independent consultant hired by ABAG.

The plan needs to include an assessment of the total cost to the County and taxpayers incurred by adding housing. This assessment should include additional services (schools, water, fire, police, ambulance...) and the total cost of development including subsidies to developers and loss of tax base.

The housing assumptions do not reflect accurately the desire of a large group of people to maintain living in rural areas and in single family homes. It makes the assumption that the future housing preference is high density, mixed use housing, located in urban areas. While both are desirable to different groups of people, the plan is not representative of all type of housing desires. I request that the plan be modified to accurately represent the desires for all types of housing.

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house gases (GHG)

Not only is there no evidence provided that proves placing housing near transit reduces GHG, there is also no analysis validating assumptions that people who move to high density housing near transit will be more likely to take public transit. These ideas or goals focus too much on strategies, which are not valid, and should be substantiated with factual information.

This plan does not take into consideration accurate travel needs, preferences and behaviors and the fact that for many people the preferred mode of travel is by car. The plan does not indicate what other studies have been put forward other than a “one size fits all” determination made by the authors of this plan stating how people are expected to travel. This makes grand assumptions that are unrealistic and should not be used as the basis of such a widespread and impactful plan.

I ask that you provide the analysis to prove that the housing near transit lowers GHG emissions, at what cost and what other options are available to achieve the same results.

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Implementation of Plan Bay Area would subject sensitive receptors to a significant increased risk of developing life-threatening illnesses from toxic air contaminants and particulate matter emissions. Furthermore, the measures listed to mitigate these significant impacts are inadequate to reduce them to less than significant levels, particularly in regard to protecting sensitive receptors that spend time outdoors. Plan Bay Area's proposal to target residential development in close proximity to highly travelled and congested roadways is irresponsible land use planning and conflicts with CEQA. Case law clearly shows that CEQA is intended "to compel government at all levels to make decisions with environmental consequences in mind." I ask that you revise Draft Plan Bay Area and remove all proposed residential development from areas that are located within the zone of influence of toxic air contaminants and/or fine particulate matter emission sources and remove areas situated within the zone of influence of these emissions from Transit Priority Project corridors, Priority Development Areas and Potential Priority Development Areas.

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- Exposure to hazardous materials;
- Inadequate wastewater treatment capacity;
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- Inundation from sea level rise;
- Direct removal, filling or hydrological interruption of habitat;
- Interference with the movement of native resident or migratory fish or wildlife species.

#### Plan Bay Area Approval

It is unclear to me how the Plan Bay Area ultimately gets approved and implemented. I request that this be clarified to the population impacted by the Plan. Is the plan subject to voter approval?

#### Conclusion

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Thank you,  
Robert Jones

[REDACTED]  
San Rafael, CA 94903  
Marinwood Resident

I, Robert Jones, support and adopt the aforementioned letter:

Signature \_\_\_\_\_

This message was sent by Save Marinwood using the Change.org system. You received this email because you signed a petition started by Save Marinwood on Change.org: "Marin County Board of Supervisors: Suspend approval of the 2012 Housing Element ." Change.org does not endorse contents of this message.

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May 15, 2013

Carolyn Clevenger, MTC EIR Project Manager,  
Metropolitan Transportation Commission  
MTC-ABAG Plan Bay Area Public Comment  
101 8th Street Oakland,  
California 94607  
[eircomments@mtc.ca.gov](mailto:eircomments@mtc.ca.gov).

Re: Public Comment on Draft Plan Bay Area and Draft Plan Bay Area Draft  
Environmental Impact Report

To Whom It May Concern,

I am a resident of Lucas Valley in the Marin County, and I am writing to comment on the Draft Plan Bay Area (The plan) and Draft Plan Bay Area Draft Environmental Impact Report (DEIR).

C128-1 I submitted a request for an extension of time to review the Plan and DEIR, which was not granted. These are complex and difficult documents for ordinary people to understand. The level of communication with the communities you are impacting by this plan is disgraceful. I support truly sustainable land use and development that preserves the qualities of existing neighborhoods. I support additional affordable public transportation that reaches a greater range of areas throughout the Bay Area and operates more frequently with longer hours. I also support a range of housing opportunities, integrated into existing communities that do not adversely affect those communities through expediting environmental and permit review and not contributing a fair share to the tax base. None of these things are supported by this plan and therefore you do not have my support. I vote for no plan and ask that you remove Marinwood as a potential PDA designation.

Although I am writing this letter representing myself, I have spent the past two weeks walking door to door gathering signatures against the proposed development plans affecting Marinwood and Lucas Valley. 90% of the homes visited by myself and fellow neighbors are NOT in support of this plan or the related Housing Element. Since this plan is voluntary and you do not have the support of the Marinwood/ Lucas Valley community I ask again that you remove Marinwood as a potential PDA designation.

I have grave concerns about the environmental, health and safety impacts that could result from the poor land use planning that I see presented in this plan as well as other related plans, such as the Marin County Housing Element. There are numerous holes and inconsistencies in the Plan Bay Area and DEIR which are the basis of my comments that follow:

As a Marin County resident, I oppose implementation of the current Plan Bay Area draft for the following reasons:

C128-2 1. Lack of transparency: The officials who are responsible for disseminating information in this plan to their constituents have failed in this task. The vast majority of effected residents are currently unaware of this plan. This is not the fault of the residents and they should not be penalized. Extend the comment period of the DEIR by six (6) months.

C128-3 2. An outdated and unsubstantiated plan: Plan Bay Area is based on static data, not currently relevant, and a lack of sufficient planning. Before implementing a plan that radically impacts this community for the next 50 years, any projections and resulting analysis must rely on current statistics at a minimum. The fact that no plan co-exists to support the necessary resources diminished by this planned growth further supports this point.

3. Failure to address vital infrastructure issues: As one example, this plan fails to address water and sewer requirements for the region; of significance, schools are completely overlooked. As such, no official can rightfully make an informed decision as to its viability.

C128-4

4. Prioritizing housing development over, and prior to, building jobs: There are many negative consequences in promoting so much housing without commensurate employment opportunities. We need to learn from mistakes made by Bay neighbors. Vallejo, Stockton, Modesto and San Bernardino all went bankrupt as a result of incorrect job and growth projections, in over-building their cities.

5. Prioritizing housing over transportation: Planning for mass housing prior to implementing sufficient public transportation places the cart before the horse. A legitimate transportation infrastructure needs to be effectuated before any housing developments are discussed.

C128-5

6. Permanent and Irreversible Damage to Marin County's Natural Character: Marin County is geographically unique and merits preservation for countless beneficial reasons despite, and because of, its proximity to a major city. Formulaically rezoning parts of Marin to urban density based on (1) flawed projections and (2) from the distance of an outside perspective makes no sense locally. Historically, imposition of drastic changes from the outside rarely brings the intended results - too often to the contrary, colossal failure. Our community needs local review and input toward a plan that makes sense locally in truly evolving for the better. A viable plan comes from the arduous but wise collaboration of competent minds working together with the community that must live with the long-term consequences of that plan.

C128-6

7. Social inequity: Building high density housing near highways and segregating the poor into those areas is socially unfair. Real integration allows the less fortunate to be mixed in with those of varying income; successful integration provides affordable housing at a sustainable proportion to market-rate homes, to ensure a healthy community continues to thrive - it does not risk ghettoization of a well-resourced community. There are other ways to integrate people currently in place. A second unit ordinance, as one example, effectively doubles the housing stock. Integration happens organically through creating equal opportunities and improving resources in existing communities, not by government mandates. What people need is fair paying jobs, not segregated housing. Finally, there is inequity in amassing the housing in our neighborhood in that it really does nothing toward diversifying the entire county. If anything, it creates yet one more under-resourced community.

C128-7

## Conclusion

The Draft Plan Bay Area's DEIR is inadequate in numerous instances identified in this comment letter. ABAG must prepare an EIR that adequately analyzes the plans significant impact and meets CEQA guidelines. The conclusions are not supported by substantial evidence. The key assumption regarding population and job growth is inaccurate. A revised EIR should be prepared and circulated for public review and with ample time given to the public to comment.

Meehyun Kim Kurtzman AIA LEED AP

Lucas Valley Resident

## Plan Bay Area 2040 Final Environmental Impact Report

C129

**From:** <bjlaylor [REDACTED]>  
**To:** <eircomments@mtc.ca.gov>  
**Date:** 5/16/2013 1:19 PM  
**Subject:** Public Comment on Draft Plan Bay Area and Draft Plan Bay Area Draft  
**Attachments:** image001.jpg

May 15, 2013

Carolyn Clevenger, MTC EIR Project Manager,  
Metropolitan Transportation Commission  
MTC-ABAG Plan Bay Area Public Comment  
101 8th Street  
Oakland, California 94607  
eircomments@mtc.ca.gov .

Re: Public Comment on Draft Plan Bay Area and Draft Plan Bay Area Draft  
Environmental Impact Report

To Whom It May Concern,

My name is Barbara Layton,

I am a resident of Marinwood, located in unincorporated Marin County. I am outraged by the indifference to our valid concerns that has been displayed by Marin government agencies supported by our tax dollars. I want to support and adopt a letter to you by a fellow member of my community, Lisa Culbertson as follows:

I am writing to comment on the Draft Plan Bay Area (The plan) and Draft Plan Bay Area Draft Environmental Impact Report (DEIR).

I submitted a request for an extension of time to review the Plan and DEIR, which was not granted. These are complex and difficult documents for ordinary people to understand. The level of communication with the communities you are impacting by this plan is disgraceful. The plan includes a statement, "We reached out to the people who matter most – the 7 million people who live in the region." This is inaccurate as it pertains to my community, Marinwood, designated as a potential Planned Development Area (PDA). Many members of the Marinwood community do not know what Plan Bay Area is and for most that do, they have only heard about it in the past few weeks. I attended one of two planned meetings in my community where there was no verbal presentation or explanation of the plan, but rather boards and remarks from the public. I ask that you reconsider this fast track approach and take the time to educate the community on exactly what it is that you are proposing in this plan and why.

I support truly sustainable land use and development that preserves the qualities of existing neighborhoods. I support additional affordable public transportation that reaches a greater range of areas throughout the Bay Area and operates more frequently with longer hours. I also support a range of housing opportunities, integrated into existing communities that do not adversely affect those communities through expediting environmental and permit review and not contributing a fair share to the tax base. None of these things are supported by this plan and therefore you do not have my support. I vote for no plan and ask that you remove Marinwood as a potential PDA designation.

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Area and DEIR which are the basis of my comments that follow:

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Marin had the largest job growth from 1980 to 1990. In 2011, employment levels were about the same as they were in 1990. There are documented studies that project a relatively flat growth in jobs in Marin County over the next 30 years. The lack of consistency and equality between the housing and job numbers projected in Marin County will lead to more commuters, thus increasing green house gas (GHG) emissions as there will not be enough jobs for the number of residents moving into the county. This will hurt the workforce that these plans aim to protect as there will be more competition for available jobs and low income earners will not have ample salaries to pay for the high price of transportation to travel to employment throughout the Bay Area.

The lack of continuous transportation will also affect quality of life for those depending on public transportation as it can take hours to get from point A to B if multiple modes of transportation are to be used. In addition, the Housing Element appears to designate almost every available parcel in Marin for housing, not leaving properties available for commercial development. Furthermore, the proposals for mixed use projects do not have an equal balance between jobs and housing.

The discussions around new jobs in Marin have been more focused on filling vacancies than creating new development. This does not leave opportunity for the creation of jobs in areas where housing is being considered. A perfect example of this is the Marinwood area, which has minimal jobs in the near vicinity and yet the projected housing number far exceeds any potential commercial development within the area.

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The plan needs to include an assessment of the total cost to the County and taxpayers incurred by adding housing. This assessment should include additional services (schools, water, fire, police, ambulance...) and the total cost of development including subsidies to developers and loss of tax base.

The housing assumptions do not reflect accurately the desire of a large group of people to maintain living in rural areas and in single family homes. It makes the assumption that the future housing preference is high density, mixed use housing, located in urban areas. While both are desirable to different groups of people, the plan is not representative of all type of housing desires. I request that the plan be modified to accurately represent the desires for all types of housing.

### Inadequate evidence that high density housing near transit reduces green house gases (GHG)

Not only is there no evidence provided that proves placing housing near transit reduces GHG, there is also no analysis validating assumptions that people who move to high density housing near transit will be more likely to take public transit. These ideas or goals focus too much on strategies, which are not valid, and should be substantiated with factual information.

This plan does not take into consideration accurate travel needs, preferences and behaviors and the fact that for many people the preferred mode of travel is by car. The plan does not indicate what other studies have been put forward other than a "one size fits all" determination made by the authors of this plan stating how people are expected to travel. This makes grand assumptions that are unrealistic and should not be used as the basis of such a widespread and impactful plan.

I ask that you provide the analysis to prove that the housing near transit lowers GHG emissions, at what cost and what other options are available to achieve the same results.

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It seems that there are other ways to reduce GHG emissions that should be analyzed as having a potentially more significant impact on reduction than what is being proposed in Plan Bay Area. These options include considering the future automobile technology and incentivizing individuals for the highest fuel efficient cars. Focus on creating a much higher number of localized jobs in Marin County to allow for more existing residents to work close to home rather than just focusing on housing for those commuting into Marin.

Further studies and factual information should be presented to substantiate that switching people from cars to public transit will in fact decrease CO2 emissions, rather than increase emissions. More information is needed on the types of transportation being proposed and a comparison between the emissions from the public transit vs. cars. The Plan focuses on GHG emissions from personal vehicles and light trucks and does not focus on technology improvements made to other forms of transportation including busses, ferries, trains, etc. An assessment should be performed on the potential for reductions by replacing fleets of other modes of transportation and the cost benefit should be analyzed against the

plan as currently proposed.

The plan identifies that the “no project” alternative is projected to reduce passenger vehicles CO2 emissions by 23% by 2040 over the existing condition in 2010. The proposed alternative, which is costly and intrusive into basic economic and personal freedoms, is projected to reduce emissions by 25%. The plan does not consider if this extra 2% is worth the additional costs. I ask that a cost benefit analysis be prepared and incorporated into the findings, which includes other options to reach the additional 2% GHG emissions.

Inadequate evidence that placing high density housing next to major transportation corridors will not have significant adverse health effects on those residents.

The Plan proposes placement of housing along transportation corridors, where the objective is to locate jobs and housing in close proximity to each other, with the goal of reducing automobile trips and therefore mobile source emissions. However, in doing so sensitive receptors will be exposed to unhealthy levels of toxic air or particulate concentrations. The DEIR does not provide adequate mitigations to protect sensitive receptors, especially those spending time outdoors, such as children playing outside. The DEIR states: “New research on the health effects of TACs and PM2.5 reinforces earlier findings regarding adverse health impacts on both respiratory and cardiovascular health but also a wider range of potential effects, such as diabetes, autism, cognitive functions in older adults, and oxidative damage to DNA. In addition, US EPA has not identified a level of TAC/ PM2.5 concentration where no negative health effects are observed.” There are many reports not disclosed or discussed in the plan that identify causal links between proximity to freeways and highways, asthma, autism and cancer. This should be highlighted as a risk in the plan and study references included.

Implementation of Plan Bay Area would subject sensitive receptors to a significant increased risk of developing life-threatening illnesses from toxic air contaminants and particulate matter emissions. Furthermore, the measures listed to mitigate these significant impacts are inadequate to reduce them to less than significant levels, particularly in regard to protecting sensitive receptors that spend time outdoors. Plan Bay Area’s proposal to target residential development in close proximity to highly travelled and congested roadways is irresponsible land use planning and conflicts with CEQA. Case law clearly shows that CEQA is intended “to compel government at all levels to make decisions with environmental consequences in mind.” I ask that you revise Draft Plan Bay Area and remove all proposed residential development from areas that are located within the zone of influence of toxic air contaminants and/or fine particulate matter emission sources and remove areas situated within the zone of influence of these emissions from Transit Priority Project corridors, Priority Development Areas and Potential Priority Development Areas.

Plan does not sufficiently consider that traffic congestion adds to CO2 emissions

The Plan Bay Area does not consider cumulative effects of increased localized traffic. The lack of expansion of the road network will cause an increase in traffic congestion as areas grow more dense. Instead the methodology of this Plan places an over-emphasis on public transit. In reality, congestion will increase, and the resulting standing or slow traffic will cause additional CO2 emissions per passenger mile for the most used form of transit cars and light trucks.

Furthermore the plan does not adequately take into consideration the impact of the time wasted from traffic congestion and the effects on quality of life. The Plan Bay Area does not account for typical family life, taking children to and from school, sports, errands, etc., it only focuses on trying to change the norm. Congested roadways will result in a reduction in the distance that most residents can effectively commute, due to time and family constraints. This in turn means that people are less able to find employment within an acceptable distance.

I ask that the Plan Bay Area be revised to take into consideration additional, localized traffic especially in areas where increases in housing are not balanced with job growth.

Plan fails to disclose subsidization required to encourage residents to move to high density development near transit

The Plan Bay Area fails to identify the true amount of subsidization required to encourage builders to develop high density housing. A survey by the National Association of Realtors in 2011 reveals that the vast majority of Americans prefer to live in single-family homes with privacy and yards.

Evidence exists that subsidies are required in order to encourage people to move to high density housing. There is no analysis included in the Plan to validate the amount of subsidization required to encourage developers to initiate and complete such projects and residents to move into them.

This lack of specificity means that an undefined amount of public money, via state, county or city, will be used to reach the goals of this plan. The plan does not alert readers to rising taxes needed to raise revenue to cover these subsidies. Alternatively the plan does not provide sufficient analysis of impacts to services such as police, fire and schools. In addition, there is no evidence that the expenditures covered by the plan will achieve the stated goals.

Inadequate information re: water supply, sea level rise, and support for infrastructure

There are 5 significant, irreversible environmental changes, and 39 significant unavoidable impacts of the plan, identified in the DEIR, that should be addressed and mitigated before this plan is accepted. They should not be dismissed with findings of “overriding consideration.” If the organizations that are proposing to implement this plan cannot address these serious affects than perhaps that is a sign that this is not the right plan for the Bay Area. The impacts I am referring to include:

- Insufficient water supply;
- Exposure to hazardous materials;
- Inadequate wastewater treatment capacity;
- Net Increase in Sensitive Receptors located in Transit Priority Project corridors where there are high concentrations of cancer causing Toxic Air Contaminants and fine particulate matter emissions;
- Inundation from sea level rise;
- Direct removal, filling or hydrological interruption of habitat;
- Interference with the movement of native resident or migratory fish or wildlife species.

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It is unclear to me how the Plan Bay Area ultimately gets approved and implemented. I request that this be clarified to the population impacted by

the Plan. Is the plan subject to voter approval?

Conclusion

The Draft Plan Bay Area's DEIR is inadequate in numerous instances identified in this comment letter. ABAG must prepare an EIR that adequately analyzes the plans significant impact and meets CEQA guidelines. The conclusions are not supported by substantial evidence. The key assumption regarding population and job growth is inaccurate. A revised EIR should be prepared and circulated for public review and with ample time given to the public to comment.

Thank you,

Barbara Layton



San Rafael, CA 94903  
Marinwood Resident

I, Barbara Layton, support and adopt the aforementioned letter:

Signature

Barbara Layton

This message was sent by Save Marinwood using the Change.org system. You received this email because you signed a petition started by Save Marinwood on Change.org : "Marin County Board of Supervisors: Suspend approval of the 2012 Housing Element ." Change.org does not endorse contents of this message.

[View the petition](#) | [Reply to this message via Change.org](#)

[Unsubscribe from updates about this petition](#)

Image removed by sender.

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## Plan Bay Area 2040 Final Environmental Impact Report

**From:** Katherine <[REDACTED]>  
**To:** <eircomments@mtc.ca.gov>  
**Date:** 5/16/2013 10:08 PM  
**Subject:** Fwd: Lisa Culbertson said "Excellent info in public comment letter regarding Plan Bay Area"

5-16-13

**C130** Carolyn Clevenger, MTC EIR Project Manager,  
Metropolitan Transportation Commission  
MTC-ABAG Plan Bay Area Public Comment  
101 8th Street  
Oakland, California 94607  
eircomments@mtc.ca.gov .

Re: Public Comment on Draft Plan Bay Area and Draft Plan Bay Area Draft  
Environmental Impact Report

To Whom It May Concern,

My name is Katherine Lorber. I am a resident of Marinwood, located in unincorporated Marin County. I support and adopt a letter to you by a fellow member of my community, Lisa Culbertson, as follows:

I am writing to comment on the Draft Plan Bay Area (The plan) and Draft Plan Bay Area Draft Environmental Impact Report (DEIR).

I submitted a request for an extension of time to review the Plan and DEIR, which was not granted. These are complex and difficult documents for ordinary people to understand. The level of communication with the communities you are impacting by this plan is disgraceful. The plan includes a statement, "We reached out to the people who matter most – the 7 million people who live in the region." This is inaccurate as it pertains to my community, Marinwood, designated as a potential Planned Development Area (PDA). Many members of the Marinwood community do not know what Plan Bay Area is and for most that do, they have only heard about it in the past few weeks. I attended one of two planned meetings in my community where there was no verbal presentation or explanation of the plan, but rather boards and remarks from the public. I ask that you reconsider this fast track approach and take the time to educate the community on exactly what it is that you are proposing in this plan and why.

I support truly sustainable land use and development that preserves the qualities of existing neighborhoods. I support additional affordable public transportation that reaches a greater range of areas throughout the Bay Area and operates more frequently with longer hours. I also support a range of housing opportunities, integrated into existing communities that do not adversely affect those communities through expediting environmental and permit review and not contributing a fair share to the tax base. None of these things are supported by this plan and therefore you do not have my support. I vote for no plan and ask that you remove Marinwood as a potential PDA designation.

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I have grave concerns about the environmental, health and safety impacts that could result from the poor land use planning that I see presented in this plan as well as other related plans, such as the Marin County Housing Element. There are numerous holes and inconsistencies in the Plan Bay Area and DEIR which are the basis of my comments that follow:

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## Plan Bay Area 2040 Final Environmental Impact Report

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Thank you,

Katherine Lorber  
Marinwood Resident

Date: May 16, 2013

## Plan Bay Area 2040 Final Environmental Impact Report

**From:** Molly MacDaniel <[REDACTED]>  
**To:** <eircomments@mtc.ca.gov>  
**Date:** 5/16/2013 1:00 PM  
**Subject:** Marinwood

May 16, 2013

**C131** Carolyn Clevenger, MTC EIR Project Manager,  
Metropolitan Transportation Commission  
MTC-ABAG Plan Bay Area Public Comment  
101 8th Street  
Oakland, California 94607  
eircomments@mtc.ca.gov.

Re: Public Comment on Draft Plan Bay Area and Draft Plan Bay Area Draft  
Environmental Impact Report

To Whom It May Concern,

My name is Molly MacDaniel.

I am a resident of Marinwood, located in unincorporated Marin County. I support and adopt a letter to you by a fellow member of my community, Lisa Culbertson as follows:

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house gases (GHG)

Not only is there no evidence provided that proves placing housing near transit reduces GHG, there is also no analysis validating assumptions that people who move to high density housing near transit will be more likely to take public transit. These ideas or goals focus too much on strategies, which are not valid, and should be substantiated with factual information.

This plan does not take into consideration accurate travel needs, preferences and behaviors and the fact that for many people the preferred mode of travel is by car. The plan does not indicate what other studies have been put forward other than a “one size fits all” determination made by the authors of this plan stating how people are expected to travel. This makes grand assumptions that are unrealistic and should not be used as the basis of such a widespread and impactful plan.

I ask that you provide the analysis to prove that the housing near transit lowers GHG emissions, at what cost and what other options are available to achieve the same results.

Inadequate evidence that the transportation plan reduces GHG

It seems that there are other ways to reduce GHG emissions that should be analyzed as having a potentially more significant impact on reduction than what is being proposed in Plan Bay Area. These options include considering the future automobile technology and incentivizing individuals for the highest fuel efficient cars. Focus on creating a much higher number of localized jobs in Marin County to allow for more existing residents to work close to home rather than just focusing on housing for those commuting into Marin.

Further studies and factual information should be presented to substantiate that switching people from cars to public transit will in fact decrease CO2 emissions, rather than increase emissions. More information is needed on the types of transportation being proposed and a comparison between the emissions from the public transit vs. cars. The Plan focuses on GHG emissions from personal vehicles and light trucks and does not focus on technology improvements made to other forms of transportation including busses, ferries, trains, etc. An assessment should be performed on the potential for reductions by replacing fleets of other modes of transportation and the cost benefit should be analyzed against the plan as currently proposed.

The plan identifies that the “no project” alternative is projected to reduce passenger vehicles CO2 emissions by 23% by 2040 over the existing condition in 2010. The proposed alternative, which is costly and intrusive into basic economic and personal freedoms, is projected to reduce emissions by 25%. The plan does not consider if this extra 2% is worth the additional costs. I ask that a cost benefit analysis be prepared and incorporated into the findings, which includes other options to reach the additional 2% GHG emissions.

Inadequate evidence that placing high density housing next to major transportation corridors will not have significant adverse health effects on those residents.

The Plan proposes placement of housing along transportation corridors, where the objective is to locate jobs and housing in close proximity to each other, with the goal of reducing automobile trips and therefore mobile source emissions. However, in doing so sensitive receptors will be exposed to unhealthy levels of toxic air or particulate concentrations. The DEIR does not provide adequate mitigations to protect sensitive receptors, especially those spending time outdoors, such as children playing outside. The DEIR states: “New research on the health effects of TACs and PM2.5 reinforces earlier findings regarding adverse health impacts on both respiratory and cardiovascular health but also a wider range of potential effects, such as diabetes, autism, cognitive functions in older adults, and oxidative damage to DNA. In addition, US EPA has not identified a level of TAC/ PM2.5 concentration where no negative health effects are observed.” There are many reports not disclosed or discussed in the plan that identify causal links between proximity to freeways and highways, asthma, autism and cancer. This should be highlighted as a risk in the plan and study references included.

Implementation of Plan Bay Area would subject sensitive receptors to a significant increased risk of developing life-threatening illnesses from toxic air contaminants and particulate matter emissions. Furthermore, the measures listed to mitigate these significant impacts are inadequate to reduce them to less than significant levels, particularly in regard to protecting sensitive receptors that spend time outdoors. Plan Bay Area's proposal to target residential development in close proximity to highly travelled and congested roadways is irresponsible land use planning and conflicts with CEQA. Case law clearly shows that CEQA is intended "to compel government at all levels to make decisions with environmental consequences in mind." I ask that you revise Draft Plan Bay Area and remove all proposed residential development from areas that are located within the zone of influence of toxic air contaminants and/or fine particulate matter emission sources and remove areas situated within the zone of influence of these emissions from Transit Priority Project corridors, Priority Development Areas and Potential Priority Development Areas.

Plan does not sufficiently consider that traffic congestion adds to CO2 emissions

The Plan Bay Area does not consider cumulative effects of increased localized traffic. The lack of expansion of the road network will cause an increase in traffic congestion as areas grow more dense. Instead the methodology of this Plan places an over-emphasis on public transit. In reality, congestion will increase, and the resulting standing or slow traffic will cause additional CO2 emissions per passenger mile for the most used form of transit cars and light trucks.

Furthermore the plan does not adequately take into consideration the impact of the time wasted from traffic congestion and the effects on quality of life. The Plan Bay Area does not account for typical family life, taking children to and from school, sports, errands, etc., it only focuses on trying to change the norm. Congested roadways will result in a reduction in the distance that most residents can effectively commute, due to time and family constraints. This in turn means that people are less able to find employment within an acceptable distance.

I ask that the Plan Bay Area be revised to take into consideration additional, localized traffic especially in areas where increases in housing are not balanced with job growth.

Plan fails to disclose subsidization required to encourage residents to move to high density development near transit

The Plan Bay Area fails to identify the true amount of subsidization required to encourage builders to develop high density housing. A survey by the National Association of Realtors in 2011 reveals that the vast majority of Americans prefer to live in single-family homes with privacy and yards.

Evidence exists that subsidies are required in order to encourage people to move to high density housing. There is no analysis included in the Plan to validate the amount of subsidization required to encourage developers to initiate and complete such projects and residents to move into them.

This lack of specificity means that an undefined amount of public money, via state, county or city, will be used to reach the goals of this plan.

The plan does not alert readers to rising taxes needed to raise revenue to cover these subsidies. Alternatively the plan does not provide sufficient analysis of impacts to services such as police, fire and schools. In addition, there is no evidence that the expenditures covered by the plan will achieve the stated goals.

Inadequate information re: water supply, sea level rise, and support for infrastructure

There are 5 significant, irreversible environmental changes, and 39 significant unavoidable impacts of the plan, identified in the DEIR, that should be addressed and mitigated before this plan is accepted. They should not be dismissed with findings of "overriding consideration." If the organizations that are proposing to implement this plan cannot address these serious affects than perhaps that is a sign that this is not the right plan for the Bay Area. The impacts I am referring to include:

- Insufficient water supply;

- Exposure to hazardous materials;
- Inadequate wastewater treatment capacity;
- Net Increase in Sensitive Receptors located in Transit Priority Project corridors where there are high concentrations of cancer causing Toxic Air Contaminants and fine particulate matter emissions;
- Inundation from sea level rise;
- Direct removal, filling or hydrological interruption of habitat;
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#### Plan Bay Area Approval

It is unclear to me how the Plan Bay Area ultimately gets approved and implemented. I request that this be clarified to the population impacted by the Plan. Is the plan subject to voter approval?

#### Conclusion

The Draft Plan Bay Area's DEIR is inadequate in numerous instances identified in this comment letter. ABAG must prepare an EIR that adequately analyzes the plans significant impact and meets CEQA guidelines. The conclusions are not supported by substantial evidence. The key assumption regarding population and job growth is inaccurate. A revised EIR should be prepared and circulated for public review and with ample time given to the public to comment.

Thank you,

Molly MacDaniel

[REDACTED]

San Rafael, CA 94903

## Plan Bay Area 2040 Final Environmental Impact Report

**C132**      **From:** Carolyn Margiotti <[REDACTED]>  
**To:** "eircomments@mtc.ca.gov" <eircomments@mtc.ca.gov>  
**Date:** 5/17/2013 1:21 PM  
**Subject:** Public Comment on Draft Plan Bay Area and Draft Plan Bay Area Draft

May 17, 2013

Carolyn Clevenger, MTC EIR Project Manager,  
Metropolitan Transportation Commission  
MTC-ABAG Plan Bay Area Public Comment  
101 8th Street  
Oakland, California 94607  
eircomments@mtc.ca.gov.

Re: Public Comment on Draft Plan Bay Area and Draft Plan Bay Area Draft  
Environmental Impact Report

To Whom It May Concern,

My name is Carolyn Margiotti. I am a resident of Lucas Valley, located in unincorporated Marin County. I support and adopt a letter to you by a fellow member of my community, Lisa Culbertson as follows:

I am writing to comment on the Draft Plan Bay Area (The plan) and Draft Plan Bay Area Draft Environmental Impact Report (DEIR). I submitted a request for an extension of time to review the Plan and DEIR, which was not granted. These are complex and difficult documents for ordinary people to understand. The level of communication with the communities you are impacting by this plan is disgraceful. The plan includes a statement, "We reached out to the people who matter most – the 7 million people who live in the region." This is inaccurate as it pertains to my community, Marinwood, designated as a potential Planned Development Area (PDA). Many members of the Marinwood community do not know what Plan Bay Area is and for most that do, they have only heard about it in the past few weeks. I attended one of two planned meetings in my community where there was no verbal presentation or explanation of the plan, but rather boards and remarks from the public. I ask that you reconsider this fast track approach and take the time to educate the community on exactly what it is that you are proposing in this plan and why.

I support truly sustainable land use and development that preserves the qualities of existing neighborhoods. I support additional affordable public transportation that reaches a greater range of areas throughout the Bay Area and operates more frequently with longer hours. I also support a range of housing opportunities, integrated into existing communities that do not adversely affect those communities through expediting environmental and permit review and not contributing a fair share to the tax base. None of these things are supported by this plan and therefore you do not have my support. I vote for no plan and ask that you remove Marinwood as a potential PDA designation.

Although I am writing this letter representing myself, I have spent the past two weeks walking door to door gathering signatures against the proposed development plans affecting Marinwood and Lucas Valley. 90% of the homes visited by myself and fellow neighbors are NOT in support of this plan or the related Housing Element. Since this plan is voluntary and you do not have the support of the Marinwood/ Lucas Valley community I ask again that you remove Marinwood as a potential PDA designation.

I have grave concerns about the environmental, health and safety impacts that could result from the poor land use planning that I see presented in this plan as well as other related plans, such as the Marin County Housing Element. There are numerous holes and inconsistencies in the Plan Bay Area and DEIR which are the basis of my comments that follow:

### Unrealistic employment growth

Projected employment growth in Marin County is half of what is being proposed for housing growth. The largest Bay Area job growth is assumed in major cities and areas such as Silicon Valley that have established industries such as technology. Marin County is not known for any specific industry. For its size, Marin County has very few large scale employers and a low number of high paying jobs compared to the number of residents and high cost of living. The potential growth in local employment projections are assumed to be coming from professional services and retail.

Marin had the largest job growth from 1980 to 1990. In 2011, employment levels were about the same as they were in 1990. There are documented studies that project a relatively flat growth in jobs in Marin County over the next 30 years. The lack of consistency and equality between the housing and job numbers projected in Marin County will lead to more commuters, thus increasing green house gas (GHG) emissions as there will not be enough jobs for the number of residents moving into the county. This will hurt the workforce that these plans aim to protect as there will be more competition for available jobs and low income earners will not have ample salaries to pay for the high price of transportation to travel to employment throughout the Bay Area.

The lack of continuous transportation will also affect quality of life for those depending on public transportation as it can take hours to get from point A to B if multiple modes of transportation are to be used. In addition, the Housing Element appears to designate almost every available parcel in Marin for housing, not leaving properties available for commercial development. Furthermore, the proposals for mixed use projects do not have an equal balance between jobs and housing.

The discussions around new jobs in Marin have been more focused on filling vacancies than creating new development. This does not leave opportunity for the creation of jobs in areas where housing is being considered. A perfect example of this is the Marinwood area, which has minimal jobs in the near vicinity and yet the projected housing number far exceeds any potential commercial development within the area.

Due to the fact that job growth in Marin will likely remain flat and the available capacity for jobs to increase is unlikely, I ask that The Plan Bay Area be revised to include realistic employment projections by area and a specific plan for achieving those projections. I ask that the plan take into account not only the workforce commuting into Marin County for employment, but all commuters into, out of and through Marin County. The approach taken in this plan is shortsighted and not representative of all current commute patterns.



#### Unrealistic Housing numbers

Like the job numbers, the housing numbers also appear to be unrealistic. The January 2013 release of the State Department of Finance (DOF) projections of Marin County's population growth are 10% lower than the growth forecast used for Plan Bay Area. Plan Bay Area forecasts a 13% population growth to 2040 (32,914 more people) but DOF projects a 3% population growth (6,818 more people). This is a significant discrepancy. The Plan Bay Area and the DEIR should be revised to reflect population growth based on DOF projections, not that of an independent consultant hired by ABAG. The plan needs to include an assessment of the total cost to the County and taxpayers incurred by adding housing. This assessment should include additional services (schools, water, fire, police, ambulance...) and the total cost of development including subsidies to developers and loss of tax base. The housing assumptions do not reflect accurately the desire of a large group of people to maintain living in rural areas and in single family homes. It makes the assumption that the future housing preference is high density, mixed use housing, located in urban areas. While both are desirable to different groups of people, the plan is not representative of all type of housing desires. I request that the plan be modified to accurately represent the desires for all types of housing.

#### Inadequate evidence that high density housing near transit reduces green house gases (GHG)

Not only is there no evidence provided that proves placing housing near transit reduces GHG, there is also no analysis validating assumptions that people who move to high density housing near transit will be more likely to take public transit. These ideas or goals focus too much on strategies, which are not valid, and should be substantiated with factual information. This plan does not take into consideration accurate travel needs, preferences and behaviors and the fact that for many people the preferred mode of travel is by car. The plan does not indicate what other studies have been put forward other than a "one size fits all" determination made by the authors of this plan stating how people are expected to travel. This makes grand assumptions that are unrealistic and should not be used as the basis of such a widespread and impactful plan. I ask that you provide the analysis to prove that the housing near transit lowers GHG emissions, at what cost and what other options are available to achieve the same results.

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Further studies and factual information should be presented to substantiate that switching people from cars to public transit will in fact decrease CO2 emissions, rather than increase emissions. More information is needed on the types of transportation being proposed and a comparison between the emissions from the public transit vs. cars. The Plan focuses on GHG emissions from personal vehicles and light trucks and does not focus on technology improvements made to other forms of transportation including busses, ferries, trains, etc. An assessment should be performed on the potential for reductions by replacing fleets of other modes of transportation and the cost benefit should be analyzed against the plan as currently proposed.

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Conclusion

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Thank you,  
Carolyn Margiotti  
[REDACTED]  
San Rafael, CA 94903  
Lucas Valley Resident

I, Carolyn Margiotti, support and adopt the aforementioned letter:

This message was sent by Save Marinwood using the Change.org system. You received this email because you signed a petition started by Save Marinwood on Change.org: "Marin County Board of Supervisors: Suspend approval of the 2012 Housing Element ." Change.org does not endorse contents of this message.

[View the petition](#) | [Reply to this message via Change.org](#)  
[Unsubscribe from updates about this petition](#)

**C133** **From:** "Stephen Nestel" [REDACTED] >  
**To:** <eircomments@mtc.ca.gov>  
**Date:** 5/16/2013 11:21 AM  
**Subject:** Public Comment on Draft Plan Bay Area and Draft Plan Bay Area Draft.

May 15, 2013

Carolyn Clevenger, MTC EIR Project Manager,  
Metropolitan Transportation Commission  
MTC-ABAG Plan Bay Area Public Comment  
101 8th Street  
Oakland, California 94607  
eircomments@mtc.ca.gov.

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My name is Stephen Nestel.

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The Plan Bay Area fails to identify the true amount of subsidization required to encourage builders to develop high density housing. A survey by the National Association of Realtors in 2011 reveals that the vast majority of Americans prefer to live in single-family homes with privacy and yards.

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Inadequate information re: water supply, sea level rise, and support for infrastructure

There are 5 significant, irreversible environmental changes, and 39 significant unavoidable impacts of the plan, identified in the DEIR, that should be addressed and mitigated before this plan is accepted. They should not be dismissed with findings of "overriding consideration." If the organizations that are proposing to implement this plan cannot address these serious affects than perhaps that is a sign that this is not the right plan for the Bay Area. The impacts I am referring to include:

- . Insufficient water supply;
- . Exposure to hazardous materials;
- . Inadequate wastewater treatment capacity;

- . Net Increase in Sensitive Receptors located in Transit Priority Project corridors where there are high concentrations of cancer causing Toxic Air Contaminants and fine particulate matter emissions;
- . Inundation from sea level rise;
- . Direct removal, filling or hydrological interruption of habitat;
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Plan Bay Area Approval

It is unclear to me how the Plan Bay Area ultimately gets approved and implemented. I request that this be clarified to the population impacted by the Plan. Is the plan subject to voter approval?

Conclusion

The Draft Plan Bay Area's DEIR is inadequate in numerous instances identified in this comment letter. ABAG must prepare an EIR that adequately analyzes the plans significant impact and meets CEQA guidelines. The conclusions are not supported by substantial evidence. The key assumption regarding population and job growth is inaccurate. A revised EIR should be prepared and circulated for public review and with ample time given to the public to comment.

Thank you,

Stephen Nestel



San Rafael, CA 94903  
Marinwood Resident

I, Stephen Nestel, support and adopt the aforementioned letter:

Signature \_\_\_\_\_

## Plan Bay Area 2040 Final Environmental Impact Report

**From:** "Shawna O'Connor" <[REDACTED]>  
**To:** <eircomments@mtc.ca.gov>  
**Date:** 5/16/2013 12:33 PM  
**Subject:** Public Comment on Draft Plan Bay Area and Draft Plan Bay Area Draft Environmental Impact Report

May 15, 2013

C134

Carolyn Clevenger, MTC EIR Project Manager,  
Metropolitan Transportation Commission  
MTC-ABAG Plan Bay Area Public Comment  
101 8th Street  
Oakland, California 94607  
eircomments@mtc.ca.gov.

Re: Public Comment on Draft Plan Bay Area and Draft Plan Bay Area Draft  
Environmental Impact Report

To Whom It May Concern,

My name is Shawna O'Connor.

I am a resident of Marinwood, located in unincorporated Marin County. I support and adopt a letter to you by a fellow member of my community, Lisa Culbertson as follows:

I am writing to comment on the Draft Plan Bay Area (The plan) and Draft Plan Bay Area Draft Environmental Impact Report (DEIR).

I submitted a request for an extension of time to review the Plan and DEIR, which was not granted. These are complex and difficult documents for ordinary people to understand. The level of communication with the communities you are impacting by this plan is disgraceful. The plan includes a statement, "We reached out to the people who matter most – the 7 million people who live in the region." This is inaccurate as it pertains to my community, Marinwood, designated as a potential Planned Development Area (PDA). Many members of the Marinwood community do not know what Plan Bay Area is and for most that do, they have only heard about it in the past few weeks. I attended one of two planned meetings in my community where there was no verbal presentation or explanation of the plan, but rather boards and remarks from the public. I ask that you reconsider this fast track approach and take the time to educate the community on exactly what it is that you are proposing in this plan and why.

I support truly sustainable land use and development that preserves the qualities of existing neighborhoods. I support additional affordable public transportation that reaches a greater range of areas throughout the Bay Area and operates more frequently with longer hours. I also support a range of housing opportunities, integrated into existing communities that do not adversely affect those communities through expediting environmental and permit review and not contributing a fair share to the tax base. None of these things are supported by this plan and therefore you do not have my support. I vote for no plan and ask that you remove Marinwood as a potential PDA designation.

Although I am writing this letter representing myself, I have spent the past two weeks walking door to door gathering signatures against the proposed development plans affecting Marinwood and Lucas Valley. 90% of the homes visited by myself and fellow neighbors are NOT in support of this plan or the related Housing Element. Since this plan is voluntary and you do not have the support of the Marinwood/ Lucas Valley community I ask again that you remove Marinwood as a potential PDA designation.

I have grave concerns about the environmental, health and safety impacts that could result from the poor land use planning that I see presented in this plan as well as other related plans, such as the Marin County Housing Element. There are numerous holes and inconsistencies in the Plan Bay Area and DEIR which are the basis of my comments that follow:

Unrealistic employment growth  
Projected employment growth in Marin County is half of what is being



proposed for housing growth. The largest Bay Area job growth is assumed in major cities and areas such as Silicon Valley that have established industries such as technology. Marin County is not known for any specific industry. For its size, Marin County has very few large scale employers and a low number of high paying jobs compared to the number of residents and high cost of living. The potential growth in local employment projections are assumed to be coming from professional services and retail.

Marin had the largest job growth from 1980 to 1990. In 2011, employment levels were about the same as they were in 1990. There are documented studies that project a relatively flat growth in jobs in Marin County over the next 30 years. The lack of consistency and equality between the housing and job numbers projected in Marin County will lead to more commuters, thus increasing green house gas (GHG) emissions as there will not be enough jobs for the number of residents moving into the county. This will hurt the workforce that these plans aim to protect as there will be more competition for available jobs and low income earners will not have ample salaries to pay for the high price of transportation to travel to employment throughout the Bay Area.

The lack of continuous transportation will also affect quality of life for those depending on public transportation as it can take hours to get from point A to B if multiple modes of transportation are to be used. In addition, the Housing Element appears to designate almost every available parcel in Marin for housing, not leaving properties available for commercial development. Furthermore, the proposals for mixed use projects do not have an equal balance between jobs and housing.

The discussions around new jobs in Marin have been more focused on filling vacancies than creating new development. This does not leave opportunity for the creation of jobs in areas where housing is being considered. A perfect example of this is the Marinwood area, which has minimal jobs in the near vicinity and yet the projected housing number far exceeds any potential commercial development within the area.

Due to the fact that job growth in Marin will likely remain flat and the available capacity for jobs to increase is unlikely, I ask that The Plan Bay Area be revised to include realistic employment projections by area and a specific plan for achieving those projections. I ask that the plan take into account not only the workforce commuting into Marin County for employment, but all commuters into, out of and through Marin County. The approach taken in this plan is shortsighted and not representative of all current commute patterns.

#### Unrealistic Housing numbers

Like the job numbers, the housing numbers also appear to be unrealistic. The January 2013 release of the State Department of Finance (DOF) projections of Marin County's population growth are 10% lower than the growth forecast used for Plan Bay Area. Plan Bay Area forecasts a 13% population growth to 2040 (32,914 more people) but DOF projects a 3% population growth (6,818 more people). This is a significant discrepancy. The Plan Bay Area and the DEIR should be revised to reflect population growth based on DOF projections, not that of an independent consultant hired by ABAG.

The plan needs to include an assessment of the total cost to the County and taxpayers incurred by adding housing. This assessment should include additional services (schools, water, fire, police, ambulance...) and the total cost of development including subsidies to developers and loss of tax base.

The housing assumptions do not reflect accurately the desire of a large group of people to maintain living in rural areas and in single family homes. It makes the assumption that the future housing preference is high density, mixed use housing, located in urban areas. While both are desirable to different groups of people, the plan is not representative of all type of housing desires. I request that the plan be modified to accurately represent the desires for all types of housing.

Inadequate evidence that high density housing near transit reduces green

house gases (GHG)

Not only is there no evidence provided that proves placing housing near transit reduces GHG, there is also no analysis validating assumptions that people who move to high density housing near transit will be more likely to take public transit. These ideas or goals focus too much on strategies, which are not valid, and should be substantiated with factual information.

This plan does not take into consideration accurate travel needs, preferences and behaviors and the fact that for many people the preferred mode of travel is by car. The plan does not indicate what other studies have been put forward other than a “one size fits all” determination made by the authors of this plan stating how people are expected to travel. This makes grand assumptions that are unrealistic and should not be used as the basis of such a widespread and impactful plan.

I ask that you provide the analysis to prove that the housing near transit lowers GHG emissions, at what cost and what other options are available to achieve the same results.

Inadequate evidence that the transportation plan reduces GHG

It seems that there are other ways to reduce GHG emissions that should be analyzed as having a potentially more significant impact on reduction than what is being proposed in Plan Bay Area. These options include considering the future automobile technology and incentivizing individuals for the highest fuel efficient cars. Focus on creating a much higher number of localized jobs in Marin County to allow for more existing residents to work close to home rather than just focusing on housing for those commuting into Marin.

Further studies and factual information should be presented to substantiate that switching people from cars to public transit will in fact decrease CO2 emissions, rather than increase emissions. More information is needed on the types of transportation being proposed and a comparison between the emissions from the public transit vs. cars. The Plan focuses on GHG emissions from personal vehicles and light trucks and does not focus on technology improvements made to other forms of transportation including busses, ferries, trains, etc. An assessment should be performed on the potential for reductions by replacing fleets of other modes of transportation and the cost benefit should be analyzed against the plan as currently proposed.

The plan identifies that the “no project” alternative is projected to reduce passenger vehicles CO2 emissions by 23% by 2040 over the existing condition in 2010. The proposed alternative, which is costly and intrusive into basic economic and personal freedoms, is projected to reduce emissions by 25%. The plan does not consider if this extra 2% is worth the additional costs. I ask that a cost benefit analysis be prepared and incorporated into the findings, which includes other options to reach the additional 2% GHG emissions.

Inadequate evidence that placing high density housing next to major transportation corridors will not have significant adverse health effects on those residents.

The Plan proposes placement of housing along transportation corridors, where the objective is to locate jobs and housing in close proximity to each other, with the goal of reducing automobile trips and therefore mobile source emissions. However, in doing so sensitive receptors will be exposed to unhealthy levels of toxic air or particulate concentrations. The DEIR does not provide adequate mitigations to protect sensitive receptors, especially those spending time outdoors, such as children playing outside. The DEIR states: “New research on the health effects of TACs and PM2.5 reinforces earlier findings regarding adverse health impacts on both respiratory and cardiovascular health but also a wider range of potential effects, such as diabetes, autism, cognitive functions in older adults, and oxidative damage to DNA. In addition, US EPA has not identified a level of TAC/ PM2.5 concentration where no negative health effects are observed.” There are many reports not disclosed or discussed in the plan that identify causal links between proximity to freeways and highways, asthma, autism and cancer. This should be highlighted as a risk in the plan and study references included.

Implementation of Plan Bay Area would subject sensitive receptors to a significant increased risk of developing life-threatening illnesses from toxic air contaminants and particulate matter emissions. Furthermore, the measures listed to mitigate these significant impacts are inadequate to reduce them to less than significant levels, particularly in regard to protecting sensitive receptors that spend time outdoors. Plan Bay Area's proposal to target residential development in close proximity to highly travelled and congested roadways is irresponsible land use planning and conflicts with CEQA. Case law clearly shows that CEQA is intended "to compel government at all levels to make decisions with environmental consequences in mind." I ask that you revise Draft Plan Bay Area and remove all proposed residential development from areas that are located within the zone of influence of toxic air contaminants and/or fine particulate matter emission sources and remove areas situated within the zone of influence of these emissions from Transit Priority Project corridors, Priority Development Areas and Potential Priority Development Areas.

Plan does not sufficiently consider that traffic congestion adds to CO2 emissions

The Plan Bay Area does not consider cumulative effects of increased localized traffic. The lack of expansion of the road network will cause an increase in traffic congestion as areas grow more dense. Instead the methodology of this Plan places an over-emphasis on public transit. In reality, congestion will increase, and the resulting standing or slow traffic will cause additional CO2 emissions per passenger mile for the most used form of transit cars and light trucks.

Furthermore the plan does not adequately take into consideration the impact of the time wasted from traffic congestion and the effects on quality of life. The Plan Bay Area does not account for typical family life, taking children to and from school, sports, errands, etc., it only focuses on trying to change the norm. Congested roadways will result in a reduction in the distance that most residents can effectively commute, due to time and family constraints. This in turn means that people are less able to find employment within an acceptable distance.

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Evidence exists that subsidies are required in order to encourage people to move to high density housing. There is no analysis included in the Plan to validate the amount of subsidization required to encourage developers to initiate and complete such projects and residents to move into them.

This lack of specificity means that an undefined amount of public money, via state, county or city, will be used to reach the goals of this plan.

The plan does not alert readers to rising taxes needed to raise revenue to cover these subsidies. Alternatively the plan does not provide sufficient analysis of impacts to services such as police, fire and schools. In addition, there is no evidence that the expenditures covered by the plan will achieve the stated goals.

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- Insufficient water supply;

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#### Plan Bay Area Approval

It is unclear to me how the Plan Bay Area ultimately gets approved and implemented. I request that this be clarified to the population impacted by the Plan. Is the plan subject to voter approval?

#### Conclusion

The Draft Plan Bay Area's DEIR is inadequate in numerous instances identified in this comment letter. ABAG must prepare an EIR that adequately analyzes the plans significant impact and meets CEQA guidelines. The conclusions are not supported by substantial evidence. The key assumption regarding population and job growth is inaccurate. A revised EIR should be prepared and circulated for public review and with ample time given to the public to comment.

Thank you,  
Shawna O'Connor  
[REDACTED]  
San Rafael, CA 94903  
Marinwood Resident

I, Shawna M. O'Connor, support and adopt the aforementioned letter:

Signature \_\_Shawna M. O'Connor\_\_\_\_\_

--

This Little Piggy ceramic keepsakes  
[REDACTED]  
[www.yourpiggyprints.com](http://www.yourpiggyprints.com)

## Plan Bay Area 2040 Final Environmental Impact Report

C135

**From:** "Laurie A. Pirini" <[REDACTED]>  
**To:** <eircomments@mtc.ca.gov>  
**Date:** 5/16/2013 1:35 PM  
**Subject:** Public Comment on Draft Plan Bay Area and Draft Plan Bay Area Draft Environmental Impact Report

May 16, 2013

Carolyn Clevenger, MTC EIR Project Manager,  
Metropolitan Transportation Commission  
MTC-ABAG Plan Bay Area Public Comment  
101 8th Street  
Oakland, California 94607  
eircomments@mtc.ca.gov.

Re: Public Comment on Draft Plan Bay Area and Draft Plan Bay Area Draft  
Environmental Impact Report  
To Whom It May Concern,  
My name is Laurie A. Pirini.

I am a resident of Terra Linda, located in Marin County. I support and adopt a letter to you by a fellow member of my community, Lisa Culbertson as follows:

I am writing to comment on the Draft Plan Bay Area (The plan) and Draft Plan Bay Area Draft Environmental Impact Report (DEIR). I submitted a request for an extension of time to review the Plan and DEIR, which was not granted. These are complex and difficult documents for ordinary people to understand. The level of communication with the communities you are impacting by this plan is disgraceful. The plan includes a statement, "We reached out to the people who matter most – the 7 million people who live in the region." This is inaccurate as it pertains to my community, Marinwood, designated as a potential Planned Development Area (PDA). Many members of the Marinwood community do not know what Plan Bay Area is and for most that do, they have only heard about it in the past few weeks. I attended one of two planned meetings in my community where there was no verbal presentation or explanation of the plan, but rather boards and remarks from the public. I ask that you reconsider this fast track approach and take the time to educate the community on exactly what it is that you are proposing in this plan and why.

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## Plan Bay Area 2040 Final Environmental Impact Report

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Conclusion

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Thank you,

Laurie A. Pirini

727 Tamarack Drive

San Rafael, CA 94903

Terra Linda Resident

I, Laurie A. Pirini, support and adopt the aforementioned letter:

Signature \_Laurie A. Pirini\_

This message was sent by Save Marinwood using the Change.org system. You received this email because you signed a petition started by Save Marinwood on Change.org: "Marin County Board of Supervisors: Suspend approval of the 2012 Housing Element ." Change.org does not endorse contents of this message.

[View the petition](#) | [Reply to this message via Change.org](#)

[Unsubscribe from updates about this petition](#)

Laurie A. PiriniWarm Solutions, Inc.

South San Francisco, CA 94080

[www.warmsolutions.com](http://www.warmsolutions.com)

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C136

**From:** Tanya Powell [REDACTED] >  
**To:** <eircomments@mtc.ca.gov>  
**Date:** 5/16/2013 2:11 PM  
**Subject:** Fwd: please personalize this email and send it now to eircomments@mtc.ca.gov

May 15, 2013

Carolyn Clevenger, MTC EIR Project Manager,  
Metropolitan Transportation Commission  
MTC-ABAG Plan Bay Area Public Comment  
101 8th Street  
Oakland, California 94607  
eircomments@mtc.ca.gov.

Re: Public Comment on Draft Plan Bay Area and Draft Plan Bay Area Draft  
Environmental Impact Report

To Whom It May Concern,

I am writing to voice my concerns regarding how Plan Bay Area will affect our community here in Marinwood, Marin County. Please know that this plan, as is, has almost zero support in our community. I, personally, am very concerned about high-density housing being built in our neighborhood without a supporting tax base for our schools, fire and police. We pay our taxes and support our community, and any new residents, regardless of the cost of their home, must do the same. If an affordable housing unit costs \$200,000, it's owners should pay the same tax rate as the rest of the community. It still would be only a third of what the average household pays in our community.

I also want to note that we have been in this neighborhood for 3 years, and I only heard about this plan a month ago. I am very connected with other families and I seek out information about our community. You have an obligation to reach out to this community and explain exactly what the plan is here and how it will impact us.

I also support and adopt a letter to you by a fellow member of my community, Lisa Culbertson as follows:

I am writing to comment on the Draft Plan Bay Area (The plan) and Draft Plan Bay Area Draft Environmental Impact Report (DEIR).

I submitted a request for an extension of time to review the Plan and DEIR, which was not granted. These are complex and difficult documents for ordinary people to understand. The level of communication with the communities you are impacting by this plan is disgraceful. The plan includes a statement, "We reached out to the people who matter most – the 7 million people who live in the region." This is inaccurate as it pertains to my community, Marinwood, designated as a potential Planned Development Area (PDA). Many members of the Marinwood community do not know what Plan Bay Area is and for most that do, they have only heard about it in the past few weeks. I attended one of two planned meetings in my community where there was no verbal presentation or explanation of the plan, but rather boards and remarks from the public. I ask that you reconsider this fast track approach and take the time to educate the community on exactly what it is that you are proposing in this plan and why.

I support truly sustainable land use and development that preserves the qualities of existing neighborhoods. I support additional affordable public transportation that reaches a greater range of areas throughout the Bay Area and operates more frequently with longer hours. I also support a range of housing opportunities, integrated into existing communities that do not adversely affect those communities through expediting environmental and permit review and not contributing a fair share to the tax base. None of these things are supported by this plan and therefore you do not have my support. I vote for no plan and ask that you remove Marinwood as a potential PDA designation.

Although I am writing this letter representing myself, I have spent the past two weeks walking door to door gathering signatures against the proposed development plans affecting Marinwood and Lucas Valley. 90% of the



homes visited by myself and fellow neighbors are NOT in support of this plan or the related Housing Element. Since this plan is voluntary and you do not have the support of the Marinwood/ Lucas Valley community I ask again that you remove Marinwood as a potential PDA designation.

I have grave concerns about the environmental, health and safety impacts that could result from the poor land use planning that I see presented in this plan as well as other related plans, such as the Marin County Housing Element. There are numerous holes and inconsistencies in the Plan Bay Area and DEIR which are the basis of my comments that follow:

#### Unrealistic employment growth

Projected employment growth in Marin County is half of what is being proposed for housing growth. The largest Bay Area job growth is assumed in major cities and areas such as Silicon Valley that have established industries such as technology. Marin County is not known for any specific industry. For its size, Marin County has very few large scale employers and a low number of high paying jobs compared to the number of residents and high cost of living. The potential growth in local employment projections are assumed to be coming from professional services and retail.

Marin had the largest job growth from 1980 to 1990. In 2011, employment levels were about the same as they were in 1990. There are documented studies that project a relatively flat growth in jobs in Marin County over the next 30 years. The lack of consistency and equality between the housing and job numbers projected in Marin County will lead to more commuters, thus increasing green house gas (GHG) emissions as there will not be enough jobs for the number of residents moving into the county. This will hurt the workforce that these plans aim to protect as there will be more competition for available jobs and low income earners will not have ample salaries to pay for the high price of transportation to travel to employment throughout the Bay Area.

The lack of continuous transportation will also affect quality of life for those depending on public transportation as it can take hours to get from point A to B if multiple modes of transportation are to be used. In addition, the Housing Element appears to designate almost every available parcel in Marin for housing, not leaving properties available for commercial development. Furthermore, the proposals for mixed use projects do not have an equal balance between jobs and housing.

The discussions around new jobs in Marin have been more focused on filling vacancies than creating new development. This does not leave opportunity for the creation of jobs in areas where housing is being considered. A perfect example of this is the Marinwood area, which has minimal jobs in the near vicinity and yet the projected housing number far exceeds any potential commercial development within the area.

Due to the fact that job growth in Marin will likely remain flat and the available capacity for jobs to increase is unlikely, I ask that The Plan Bay Area be revised to include realistic employment projections by area and a specific plan for achieving those projections. I ask that the plan take into account not only the workforce commuting into Marin County for employment, but all commuters into, out of and through Marin County. The approach taken in this plan is shortsighted and not representative of all current commute patterns.

#### Unrealistic Housing numbers

Like the job numbers, the housing numbers also appear to be unrealistic. The January 2013 release of the State Department of Finance (DOF) projections of Marin County's population growth are 10% lower than the growth forecast used for Plan Bay Area. Plan Bay Area forecasts a 13% population growth to 2040 (32,914 more people) but DOF projects a 3% population growth (6,818 more people). This is a significant discrepancy. The Plan Bay Area and the DEIR should be revised to reflect population growth based on DOF projections, not that of an independent consultant hired by ABAG.

The plan needs to include an assessment of the total cost to the County and taxpayers incurred by adding housing. This assessment should include

additional services (schools, water, fire, police, ambulance...) and the total cost of development including subsidies to developers and loss of tax base.

The housing assumptions do not reflect accurately the desire of a large group of people to maintain living in rural areas and in single family homes. It makes the assumption that the future housing preference is high density, mixed use housing, located in urban areas. While both are desirable to different groups of people, the plan is not representative of all type of housing desires. I request that the plan be modified to accurately represent the desires for all types of housing.

Inadequate evidence that high density housing near transit reduces green house gases (GHG)

Not only is there no evidence provided that proves placing housing near transit reduces GHG, there is also no analysis validating assumptions that people who move to high density housing near transit will be more likely to take public transit. These ideas or goals focus too much on strategies, which are not valid, and should be substantiated with factual information.

This plan does not take into consideration accurate travel needs, preferences and behaviors and the fact that for many people the preferred mode of travel is by car. The plan does not indicate what other studies have been put forward other than a "one size fits all" determination made by the authors of this plan stating how people are expected to travel. This makes grand assumptions that are unrealistic and should not be used as the basis of such a widespread and impactful plan.

I ask that you provide the analysis to prove that the housing near transit lowers GHG emissions, at what cost and what other options are available to achieve the same results.

Inadequate evidence that the transportation plan reduces GHG

It seems that there are other ways to reduce GHG emissions that should be analyzed as having a potentially more significant impact on reduction than what is being proposed in Plan Bay Area. These options include considering the future automobile technology and incentivizing individuals for the highest fuel efficient cars. Focus on creating a much higher number of localized jobs in Marin County to allow for more existing residents to work close to home rather than just focusing on housing for those commuting into Marin.

Further studies and factual information should be presented to substantiate that switching people from cars to public transit will in fact decrease CO2 emissions, rather than increase emissions. More information is needed on the types of transportation being proposed and a comparison between the emissions from the public transit vs. cars. The Plan focuses on GHG emissions from personal vehicles and light trucks and does not focus on technology improvements made to other forms of transportation including busses, ferries, trains, etc. An assessment should be performed on the potential for reductions by replacing fleets of other modes of transportation and the cost benefit should be analyzed against the plan as currently proposed.

The plan identifies that the "no project" alternative is projected to reduce passenger vehicles CO2 emissions by 23% by 2040 over the existing condition in 2010. The proposed alternative, which is costly and intrusive into basic economic and personal freedoms, is projected to reduce emissions by 25%. The plan does not consider if this extra 2% is worth the additional costs. I ask that a cost benefit analysis be prepared and incorporated into the findings, which includes other options to reach the additional 2% GHG emissions.

Inadequate evidence that placing high density housing next to major transportation corridors will not have significant adverse health effects on those residents.

The Plan proposes placement of housing along transportation corridors, where the objective is to locate jobs and housing in close proximity to each other, with the goal of reducing automobile trips and therefore mobile source emissions. However, in doing so sensitive receptors will be exposed to unhealthy levels of toxic air or particulate concentrations. The DEIR

does not provide adequate mitigations to protect sensitive receptors, especially those spending time outdoors, such as children playing outside. The DEIR states: "New research on the health effects of TACs and PM2.5 reinforces earlier findings regarding adverse health impacts on both respiratory and cardiovascular health but also a wider range of potential effects, such as diabetes, autism, cognitive functions in older adults, and oxidative damage to DNA. In addition, US EPA has not identified a level of TAC/ PM2.5 concentration where no negative health effects are observed." There are many reports not disclosed or discussed in the plan that identify causal links between proximity to freeways and highways, asthma, autism and cancer. This should be highlighted as a risk in the plan and study references included.

Implementation of Plan Bay Area would subject sensitive receptors to a significant increased risk of developing life-threatening illnesses from toxic air contaminants and particulate matter emissions. Furthermore, the measures listed to mitigate these significant impacts are inadequate to reduce them to less than significant levels, particularly in regard to protecting sensitive receptors that spend time outdoors. Plan Bay Area's proposal to target residential development in close proximity to highly travelled and congested roadways is irresponsible land use planning and conflicts with CEQA. Case law clearly shows that CEQA is intended "to compel government at all levels to make decisions with environmental consequences in mind." I ask that you revise Draft Plan Bay Area and remove all proposed residential development from areas that are located within the zone of influence of toxic air contaminants and/or fine particulate matter emission sources and remove areas situated within the zone of influence of these emissions from Transit Priority Project corridors, Priority Development Areas and Potential Priority Development Areas.

Plan does not sufficiently consider that traffic congestion adds to CO2 emissions

The Plan Bay Area does not consider cumulative effects of increased localized traffic. The lack of expansion of the road network will cause an increase in traffic congestion as areas grow more dense. Instead the methodology of this Plan places an over-emphasis on public transit. In reality, congestion will increase, and the resulting standing or slow traffic will cause additional CO2 emissions per passenger mile for the most used form of transit cars and light trucks.

Furthermore the plan does not adequately take into consideration the impact of the time wasted from traffic congestion and the effects on quality of life. The Plan Bay Area does not account for typical family life, taking children to and from school, sports, errands, etc., it only focuses on trying to change the norm. Congested roadways will result in a reduction in the distance that most residents can effectively commute, due to time and family constraints. This in turn means that people are less able to find employment within an acceptable distance.

I ask that the Plan Bay Area be revised to take into consideration additional, localized traffic especially in areas where increases in housing are not balanced with job growth.

Plan fails to disclose subsidization required to encourage residents to move to high density development near transit

The Plan Bay Area fails to identify the true amount of subsidization required to encourage builders to develop high density housing. A survey by the National Association of Realtors in 2011 reveals that the vast majority of Americans prefer to live in single-family homes with privacy and yards.

Evidence exists that subsidies are required in order to encourage people to move to high density housing. There is no analysis included in the Plan to validate the amount of subsidization required to encourage developers to initiate and complete such projects and residents to move into them.

This lack of specificity means that an undefined amount of public money, via state, county or city, will be used to reach the goals of this plan. The plan does not alert readers to rising taxes needed to raise revenue to cover these subsidies. Alternatively the plan does not provide sufficient analysis of impacts to services such as police, fire and schools. In

addition, there is no evidence that the expenditures covered by the plan will achieve the stated goals.

Inadequate information re: water supply, sea level rise, and support for infrastructure

There are 5 significant, irreversible environmental changes, and 39 significant unavoidable impacts of the plan, identified in the DEIR, that should be addressed and mitigated before this plan is accepted. They should not be dismissed with findings of "overriding consideration." If the organizations that are proposing to implement this plan cannot address these serious affects than perhaps that is a sign that this is not the right plan for the Bay Area. The impacts I am referring to include:

- Insufficient water supply;
- Exposure to hazardous materials;
- Inadequate wastewater treatment capacity;
- Net Increase in Sensitive Receptors located in Transit Priority Project corridors where there are high concentrations of cancer causing Toxic Air Contaminants and fine particulate matter emissions;
- Inundation from sea level rise;
- Direct removal, filling or hydrological interruption of habitat;
- Interference with the movement of native resident or migratory fish or wildlife species.

#### Plan Bay Area Approval

It is unclear to me how the Plan Bay Area ultimately gets approved and implemented. I request that this be clarified to the population impacted by the Plan. Is the plan subject to voter approval?

#### Conclusion

The Draft Plan Bay Area's DEIR is inadequate in numerous instances identified in this comment letter. ABAG must prepare an EIR that adequately analyzes the plans significant impact and meets CEQA guidelines. The conclusions are not supported by substantial evidence. The key assumption regarding population and job growth is inaccurate. A revised EIR should be prepared and circulated for public review and with ample time given to the public to comment.

Thank you,  
Tanya Powell

[REDACTED]

San Rafael, CA 94903

I, Tanya Powell, support and adopt the aforementioned letter:

Signature \_\_\_\_Tanya Powell\_\_\_\_\_

## Plan Bay Area 2040 Final Environmental Impact Report

**C137 From:** Cynthia Riley <[REDACTED]>  
**To:** "eircomments@mtc.ca.gov" <eircomments@mtc.ca.gov>  
**Date:** 5/17/2013 11:20 AM  
**Subject:** Comments

Re: Public Comment on Draft Plan Bay Area and Draft Plan Bay Area Draft Environmental Impact Report

To Whom It May Concern,

My name is Cindy Riley.

I am a resident of Marinwood, located in unincorporated Marin County. I support and adopt a letter to you by a fellow member of my community, Lisa Culbertson as follows:

I am writing to comment on the Draft Plan Bay Area (The plan) and Draft Plan Bay Area Draft Environmental Impact Report (DEIR).

These are complex and difficult documents for ordinary people to understand. The level of communication with the communities you are impacting by this plan is disgraceful. The plan includes a statement, "We reached out to the people who matter most – the 7 million people who live in the region." This is inaccurate as it pertains to my community, Marinwood, designated as a potential Planned Development Area (PDA). Many members of the Marinwood community do not know what Plan Bay Area is and for most that do, they have only heard about it in the past few weeks. I ask that you reconsider this fast track approach and take the time to educate the community on exactly what it is that you are proposing in this plan and why.

I support truly sustainable land use and development that preserves the qualities of existing neighborhoods. I support additional affordable public transportation that reaches a greater range of areas throughout the Bay Area and operates more frequently with longer hours. I also support a range of housing opportunities, integrated into existing communities that do not adversely affect those communities through expediting environmental and permit review and not contributing a fair share to the tax base. None of these things are supported by this plan and therefore you do not have my support. I vote for no plan and ask that you remove Marinwood as a potential PDA designation.

Although I am writing this letter representing myself, I have spent the past two weeks walking door to door gathering signatures against the proposed development plans affecting Marinwood and Lucas Valley. 90% of the homes visited by myself and fellow neighbors are NOT in support of this plan or the related Housing Element. Since this plan is voluntary and you do not have the support of the Marinwood/ Lucas Valley community I ask again that you remove Marinwood as a potential PDA designation.

I have grave concerns about the environmental, health and safety impacts that could result from the poor land use planning that I see presented in this plan as well as other related plans, such as the Marin County Housing Element. There are numerous holes and inconsistencies in the Plan Bay Area and DEIR which are the basis of my comments that follow:

**Unrealistic employment growth**

Projected employment growth in Marin County is half of what is being proposed for housing growth. The largest Bay Area job growth is assumed in major cities and areas such as Silicon Valley that have established industries such as technology. Marin County is not known for any specific industry. For its size, Marin County has very few large scale employers and a low number of high paying jobs compared to the number of residents and high cost of living. The potential growth in local employment projections are assumed to be coming from professional services and retail.

Marin had the largest job growth from 1980 to 1990. In 2011, employment levels were about the same as they were in 1990. There are documented studies that project a relatively flat growth in jobs in Marin County over the next 30 years. The lack of consistency and equality between the housing and job numbers projected in Marin County will lead to more commuters, thus increasing green house gas (GHG) emissions as there will not be enough jobs for the number of residents moving into the county. This will hurt the workforce that these plans aim to protect as there will be more competition for available jobs and low income earners will not have ample salaries to pay for the high price of transportation to travel to employment throughout the Bay Area.

The lack of continuous transportation will also affect quality of life for those depending on public transportation as it can take hours to get from point A to B if multiple modes of transportation are to be used. In addition, the Housing Element appears to designate almost every available parcel in Marin for housing, not leaving properties available for commercial development. Furthermore, the proposals for mixed use projects do not have an equal balance between jobs and housing.

The discussions around new jobs in Marin have been more focused on filling vacancies than creating new development. This does not leave opportunity for the creation of jobs in areas where housing is being considered. A perfect example of this is the Marinwood area, which has minimal jobs in the near vicinity and yet the projected housing number far exceeds any potential commercial development within the area. Due to the fact that job growth in Marin will likely remain flat and the available capacity for jobs to increase is unlikely, I ask that The Plan Bay Area be revised to include realistic employment projections by area and a specific plan for achieving those projections. I ask that the plan take into account not only the workforce commuting into Marin County for employment, but all commuters into, out of and through Marin County. The approach taken in this plan is shortsighted and not representative of all current commute patterns.

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The plan needs to include an assessment of the total cost to the County and taxpayers incurred by adding housing. This assessment should include additional services (schools, water, fire, police, ambulance...) and the total cost of development including subsidies to developers and loss of tax base.

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Not only is there no evidence provided that proves placing housing near transit reduces GHG, there is also no analysis validating assumptions that people who move to high density housing near transit will be more likely to take public transit. These ideas or goals focus too much on strategies, which are not valid, and should be substantiated with factual information.

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The Plan proposes placement of housing along transportation corridors, where the objective is to locate jobs and housing in close proximity to each other, with the goal of reducing automobile trips and therefore mobile source emissions. However, in doing so sensitive receptors will be exposed to unhealthy levels of toxic air or particulate concentrations. The DEIR does not provide adequate mitigations to protect sensitive receptors, especially those spending time outdoors, such as children playing outside. The DEIR states: “New research on the health effects of TACs and PM2.5 reinforces earlier findings regarding adverse health impacts on both respiratory and cardiovascular health but also a wider range of potential effects, such as diabetes, autism, cognitive functions in older adults, and oxidative damage to DNA. In addition, US EPA has not identified a level of TAC/ PM2.5 concentration where no negative health effects are observed.” There are many

reports not disclosed or discussed in the plan that identify causal links between proximity to freeways and highways, asthma, autism and cancer. This should be highlighted as a risk in the plan and study references included.

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- Insufficient water supply;
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## Plan Bay Area 2040 Final Environmental Impact Report

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### Plan Bay Area Approval

It is unclear to me how the Plan Bay Area ultimately gets approved and implemented. I request that this be clarified to the population impacted by the Plan. Is the plan subject to voter approval?

### Conclusion

The Draft Plan Bay Area's DEIR is inadequate in numerous instances identified in this comment letter. ABAG must prepare an EIR that adequately analyzes the plans significant impact and meets CEQA guidelines. The conclusions are not supported by substantial evidence. The key assumption regarding population and job growth is inaccurate. A revised EIR should be prepared and circulated for public review and with ample time given to the public to comment.

Thank you,

Cindy Riley

[REDACTED]

San Rafael, CA 94903

Marinwood Resident

I, Cindy Riley, support and adopt the aforementioned letter:

Signature \_\_\_\_\_ Cindy Riley \_\_\_\_\_

## Plan Bay Area 2040 Final Environmental Impact Report

C138

**From:** Zoë Rolland<[REDACTED]>  
**To:** <eircomments@mtc.ca.gov>  
**Date:** 5/16/2013 4:35 PM  
**Subject:** Draft Plan Bay Area (The plan) and Draft Plan Bay Area Draft Environmental Impact Report (DEIR).

Carolyn Clevenger, MTC EIR Project Manager,  
Metropolitan Transportation Commission  
MTC-ABAG Plan Bay Area Public Comment  
101 8th Street  
Oakland, California 94607  
eircomments@mtc.ca.gov.

Re: Public Comment on Draft Plan Bay Area and Draft Plan Bay Area Draft  
Environmental Impact Report

To Whom It May Concern,

My name is Zoe Rolland

My husband and I are residents of Marinwood, located in unincorporated  
Marin County. I support and adopt a letter to you by a fellow member of my  
community, Lisa Culbertson as follows:

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Not only is there no evidence provided that proves placing housing near

transit reduces GHG, there is also no analysis validating assumptions that people who move to high density housing near transit will be more likely to take public transit. These ideas or goals focus too much on strategies, which are not valid, and should be substantiated with factual information.

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The plan identifies that the “no project” alternative is projected to reduce passenger vehicles CO2 emissions by 23% by 2040 over the existing condition in 2010. The proposed alternative, which is costly and intrusive into basic economic and personal freedoms, is projected to reduce emissions by 25%. The plan does not consider if this extra 2% is worth the additional costs. I ask that a cost benefit analysis be prepared and incorporated into the findings, which includes other options to reach the additional 2% GHG emissions.

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The Plan proposes placement of housing along transportation corridors, where the objective is to locate jobs and housing in close proximity to each other, with the goal of reducing automobile trips and therefore mobile source emissions. However, in doing so sensitive receptors will be exposed to unhealthy levels of toxic air or particulate concentrations. The DEIR does not provide adequate mitigations to protect sensitive receptors, especially those spending time outdoors, such as children playing outside. The DEIR states: “New research on the health effects of TACs and PM2.5 reinforces earlier findings regarding adverse health impacts on both respiratory and cardiovascular health but also a wider range of potential effects, such as diabetes, autism, cognitive functions in older adults, and oxidative damage to DNA. In addition, US EPA has not identified a level of TAC/ PM2.5 concentration where no negative health effects are observed.” There are many reports not disclosed or discussed in the plan that identify causal links between proximity to freeways and highways, asthma, autism and cancer. This should be highlighted as a risk in the plan and study references included.

Implementation of Plan Bay Area would subject sensitive receptors to a significant increased risk of developing life-threatening illnesses from

toxic air contaminants and particulate matter emissions. Furthermore, the measures listed to mitigate these significant impacts are inadequate to reduce them to less than significant levels, particularly in regard to protecting sensitive receptors that spend time outdoors. Plan Bay Area's proposal to target residential development in close proximity to highly travelled and congested roadways is irresponsible land use planning and conflicts with CEQA. Case law clearly shows that CEQA is intended "to compel government at all levels to make decisions with environmental consequences in mind." I ask that you revise Draft Plan Bay Area and remove all proposed residential development from areas that are located within the zone of influence of toxic air contaminants and/or fine particulate matter emission sources and remove areas situated within the zone of influence of these emissions from Transit Priority Project corridors, Priority Development Areas and Potential Priority Development Areas.

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Furthermore the plan does not adequately take into consideration the impact of the time wasted from traffic congestion and the effects on quality of life. The Plan Bay Area does not account for typical family life, taking children to and from school, sports, errands, etc., it only focuses on trying to change the norm. Congested roadways will result in a reduction in the distance that most residents can effectively commute, due to time and family constraints. This in turn means that people are less able to find employment within an acceptable distance.

I ask that the Plan Bay Area be revised to take into consideration additional, localized traffic especially in areas where increases in housing are not balanced with job growth.

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Inadequate information re: water supply, sea level rise, and support for infrastructure

There are 5 significant, irreversible environmental changes, and 39 significant unavoidable impacts of the plan, identified in the DEIR, that should be addressed and mitigated before this plan is accepted. They should not be dismissed with findings of "overriding consideration." If the organizations that are proposing to implement this plan cannot address these serious affects than perhaps that is a sign that this is not the right plan for the Bay Area. The impacts I am referring to include:

- Insufficient water supply;
- Exposure to hazardous materials;
- Inadequate wastewater treatment capacity;

- Net Increase in Sensitive Receptors located in Transit Priority Project corridors where there are high concentrations of cancer causing Toxic Air Contaminants and fine particulate matter emissions;
- Inundation from sea level rise;
- Direct removal, filling or hydrological interruption of habitat;
- Interference with the movement of native resident or migratory fish or wildlife species.

Plan Bay Area Approval

It is unclear to me how the Plan Bay Area ultimately gets approved and implemented. I request that this be clarified to the population impacted by the Plan. Is the plan subject to voter approval?

Conclusion

The Draft Plan Bay Area's DEIR is inadequate in numerous instances identified in this comment letter. ABAG must prepare an EIR that adequately analyzes the plans significant impact and meets CEQA guidelines. The conclusions are not supported by substantial evidence. The key assumption regarding population and job growth is inaccurate. A revised EIR should be prepared and circulated for public review and with ample time given to the public to comment.

Thank you,

~ Zoë Rolland

[REDACTED] San Rafael, CA 94903

**C139** **From:** Barbra Rosenstein <[REDACTED]>  
**To:** <eircomments@mtc.ca.gov>  
**Date:** 5/16/2013 6:38 PM  
**Subject:** public comment on draft plan bay area and draft plan bay area deic

May 15, 2013

Carolyn Clevenger, MTC EIR Project Manager,  
Metropolitan Transportation Commission  
MTC-ABAG Plan Bay Area Public Comment  
101 8th Street  
Oakland, California 94607  
eircomments@mtc.ca.gov.

Re: Public Comment on Draft Plan Bay Area and Draft Plan Bay Area Draft  
Environmental Impact Report

To Whom It May Concern,

My name is Barbra Rosenstein.

I am a resident of Marinwood, located in unincorporated Marin County. I support and adopt a letter to you by a fellow member of my community, Lisa Culbertson as follows:

I am writing to comment on the Draft Plan Bay Area (The plan) and Draft Plan Bay Area Draft Environmental Impact Report (DEIR).

I submitted a request for an extension of time to review the Plan and DEIR, which was not granted. These are complex and difficult documents for ordinary people to understand. The level of communication with the communities you are impacting by this plan is disgraceful. The plan includes a statement, "We reached out to the people who matter most – the 7 million people who live in the region." This is inaccurate as it pertains to my community, Marinwood, designated as a potential Planned Development Area (PDA). Many members of the Marinwood community do not know what Plan Bay Area is and for most that do, they have only heard about it in the past few weeks. I attended one of two planned meetings in my community where there was no verbal presentation or explanation of the plan, but rather boards and remarks from the public. I ask that you reconsider this fast track approach and take the time to educate the community on exactly what it is that you are proposing in this plan and why.

I support truly sustainable land use and development that preserves the qualities of existing neighborhoods. I support additional affordable public transportation that reaches a greater range of areas throughout the Bay Area and operates more frequently with longer hours. I also support a range of housing opportunities, integrated into existing communities that do not adversely affect those communities through expediting environmental and permit review and not contributing a fair share to the tax base. None of these things are supported by this plan and therefore you do not have my support. I vote for no plan and ask that you remove Marinwood as a potential PDA designation.

Although I am writing this letter representing myself, I have spent the past two weeks walking door to door gathering signatures against the proposed development plans affecting Marinwood and Lucas Valley. 90% of the homes visited by myself and fellow neighbors are NOT in support of this plan or the related Housing Element. Since this plan is voluntary and you do not have the support of the Marinwood/ Lucas Valley community I ask again that you remove Marinwood as a potential PDA designation.

I have grave concerns about the environmental, health and safety impacts that could result from the poor land use planning that I see presented in this plan as well as other related plans, such as the Marin County Housing Element. There are numerous holes and inconsistencies in the Plan Bay Area and DEIR which are the basis of my comments that follow:

Unrealistic employment growth  
Projected employment growth in Marin County is half of what is being

proposed for housing growth. The largest Bay Area job growth is assumed in major cities and areas such as Silicon Valley that have established industries such as technology. Marin County is not known for any specific industry. For its size, Marin County has very few large scale employers and a low number of high paying jobs compared to the number of residents and high cost of living. The potential growth in local employment projections are assumed to be coming from professional services and retail.

Marin had the largest job growth from 1980 to 1990. In 2011, employment levels were about the same as they were in 1990. There are documented studies that project a relatively flat growth in jobs in Marin County over the next 30 years. The lack of consistency and equality between the housing and job numbers projected in Marin County will lead to more commuters, thus increasing green house gas (GHG) emissions as there will not be enough jobs for the number of residents moving into the county. This will hurt the workforce that these plans aim to protect as there will be more competition for available jobs and low income earners will not have ample salaries to pay for the high price of transportation to travel to employment throughout the Bay Area.

The lack of continuous transportation will also affect quality of life for those depending on public transportation as it can take hours to get from point A to B if multiple modes of transportation are to be used. In addition, the Housing Element appears to designate almost every available parcel in Marin for housing, not leaving properties available for commercial development. Furthermore, the proposals for mixed use projects do not have an equal balance between jobs and housing.

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Thank you,  
Barbra Rosenstein

[REDACTED]

San Rafael, CA 94903

I, Barbra Rosenstein, Marinwood Resident, support and adopt the aforementioned letter.

## Plan Bay Area 2040 Final Environmental Impact Report

**C140** **From:** Mitch Rossi <[REDACTED]>  
**To:** "eircomments@mtc.ca.gov" <eircomments@mtc.ca.gov>  
**Date:** 5/16/2013 12:24 PM  
**Subject:** Public Comment on Draft Plan Bay Area and Draft Plan Bay Area Draft

May 15, 2013

Carolyn Clevenger, MTC EIR Project Manager,  
Metropolitan Transportation Commission  
MTC-ABAG Plan Bay Area Public Comment  
101 8th Street  
Oakland, California 94607  
eircomments@mtc.ca.gov.

Re: Public Comment on Draft Plan Bay Area and Draft Plan Bay Area Draft  
Environmental Impact Report  
To Whom It May Concern,  
My name is Mitchell Rossi.

I am a resident of the Lucas Valley Estates, located in unincorporated Marin County. I support and adopt a letter to you by a fellow member of my community, Lisa Culbertson as follows:

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reports not disclosed or discussed in the plan that identify causal links between proximity to freeways and highways, asthma, autism and cancer. This should be highlighted as a risk in the plan and study references included.

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Furthermore the plan does not adequately take into consideration the impact of the time wasted from traffic congestion and the effects on quality of life. The Plan Bay Area does not account for typical family life, taking children to and from school, sports, errands, etc., it only focuses on trying to change the norm. Congested roadways will result in a reduction in the distance that most residents can effectively commute, due to time and family constraints. This in turn means that people are less able to find employment within an acceptable distance.

I ask that the Plan Bay Area be revised to take into consideration additional, localized traffic especially in areas where increases in housing are not balanced with job growth.

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The Plan Bay Area fails to identify the true amount of subsidization required to encourage builders to develop high density housing. A survey by the National Association of Realtors in 2011 reveals that the vast majority of Americans prefer to live in single-family homes with privacy and yards.

Evidence exists that subsidies are required in order to encourage people to move to high density housing. There is no analysis included in the Plan to validate the amount of subsidization required to encourage developers to initiate and complete such projects and residents to move into them.

## Plan Bay Area 2040 Final Environmental Impact Report

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- Insufficient water supply;
- Exposure to hazardous materials;
- Inadequate wastewater treatment capacity;
- Net Increase in Sensitive Receptors located in Transit Priority Project corridors where there are high concentrations of cancer causing Toxic Air Contaminants and fine particulate matter emissions;
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Plan Bay Area Approval

It is unclear to me how the Plan Bay Area ultimately gets approved and implemented. I request that this be clarified to the population impacted by the Plan. Is the plan subject to voter approval?

Conclusion

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Thank you,

Mitchell Rossi

San Rafael, CA 94903

Lucas Valley Estate Resident

I, Mitchell Rossi, support and adopt the aforementioned letter:

Signature \_\_\_\_\_

This message was sent by Save Marinwood using the Change.org system. You received this email because you signed a petition started by Save Marinwood on Change.org: "Marin County Board of Supervisors: Suspend approval of the 2012 Housing Element ." Change.org does not endorse contents of this message.

[View the petition](#) | [Reply to this message via Change.org](#)

[Unsubscribe from updates about this petition](#)

## Plan Bay Area 2040 Final Environmental Impact Report

**C141** **From:** Michelle Rowley <[REDACTED]>  
**To:** "eircomments@mtc.ca.gov" <eircomments@mtc.ca.gov>  
**Date:** 5/16/2013 9:05 PM  
**Subject:** Comment on draft plan

May 15, 2013

Carolyn Clevenger, MTC EIR Project Manager,  
Metropolitan Transportation Commission  
MTC-ABAG Plan Bay Area Public Comment  
101 8th Street  
Oakland, California 94607  
eircomments@mtc.ca.gov.

Re: Public Comment on Draft Plan Bay Area and Draft Plan Bay Area Draft  
Environmental Impact Report

To Whom It May Concern,

My name is Michelle Rowley, a social worker, and a resident of Marinwood, located in unincorporated Marin County. I have attended local meetings and have heard the plans and do NOT support these developments. The impact is great with school funding not addressed adequately, traffic and congestion a problem, and far too many units in this quiet community will have far to negative of impact. Further, the plans to put housing further up Lucas valley rd is ridiculous, with lack if transportation, shops and amenities pose significant a barriers for possible future tenants and residents.

This area is special, and we want to keep it that way. The residents here support a sustainable, well thought out project. Many supported senior housing as this would have far less impact on the schools.

I support and adopt a letter to you by a fellow member of my community, Lisa Culbertson as follows:

I am writing to comment on the Draft Plan Bay Area (The plan) and Draft Plan Bay Area Draft Environmental Impact Report (DEIR).

I submitted a request for an extension of time to review the Plan and DEIR, which was not granted. These are complex and difficult documents for ordinary people to understand. The level of communication with the communities you are impacting by this plan is disgraceful. The plan includes a statement, "We reached out to the people who matter most – the 7 million people who live in the region." This is inaccurate as it pertains to my community, Marinwood, designated as a potential Planned Development Area (PDA). Many members of the Marinwood community do not know what Plan Bay Area is and for most that do, they have only heard about it in the past few weeks. I attended one of two planned meetings in my community where there was no verbal presentation or explanation of the plan, but rather boards and remarks from the public. I ask that you reconsider this fast track approach and take the time to educate the community on exactly what it is that you are proposing in this plan and why.

I support truly sustainable land use and development that preserves the qualities of existing neighborhoods. I support additional affordable public transportation that reaches a greater range of areas throughout the Bay Area and operates more frequently with longer hours. I also support a range of housing opportunities, integrated into existing communities that do not adversely affect those communities through expediting environmental and permit review and not contributing a fair share to the tax base. None of these things are supported by this plan and therefore you do not have my support. I vote for no plan and ask that you remove Marinwood as a potential PDA designation.

Although I am writing this letter representing myself, I have spent the past two weeks walking door to door gathering signatures against the proposed development plans affecting Marinwood and Lucas Valley. 90% of the homes visited by myself and fellow neighbors are NOT in support of this plan or the related Housing Element. Since this plan is voluntary and you do not have the support of the Marinwood/ Lucas Valley community I ask again that you remove Marinwood as a potential PDA designation.

I have grave concerns about the environmental, health and safety impacts that could result from the poor land use planning that I see presented in this plan as well as other related plans, such as the Marin County Housing Element. There are numerous holes and inconsistencies in the Plan Bay Area and DEIR which are the basis of my comments that follow:

### Unrealistic employment growth

Projected employment growth in Marin County is half of what is being proposed for housing growth. The largest Bay Area job growth is assumed in major cities and areas such as Silicon Valley that have established industries such as technology. Marin County is not known for any specific industry. For its size, Marin County has very few large scale employers and a low number of high paying jobs compared to the number of residents and high cost of living. The potential growth in local employment projections are assumed to be coming from professional services and retail.

Marin had the largest job growth from 1980 to 1990. In 2011, employment levels were about the same as they were in 1990. There are documented studies that project a relatively flat growth in jobs in Marin County over the next 30 years. The lack of consistency and equality between the housing and job numbers projected in Marin County will lead to more commuters, thus increasing green house gas (GHG) emissions as there will not be enough jobs for the number of residents moving into the county. This will hurt the workforce that these plans aim to protect as there will be more competition for available jobs and low income earners will not have ample salaries to pay for the high price of transportation to travel to employment throughout the Bay Area.

The lack of continuous transportation will also affect quality of life for those depending on public transportation as it can take hours to get from point A to B if multiple modes of transportation are to be used. In addition, the Housing Element appears to designate almost every available parcel in Marin for housing, not leaving properties available for commercial development. Furthermore, the proposals for mixed use projects do not have an equal balance between jobs and housing.

The discussions around new jobs in Marin have been more focused on filling vacancies than creating new development. This does not leave opportunity for the creation of jobs in areas where housing is being considered. A perfect example of this is the Marinwood area, which has minimal jobs in the near vicinity and yet the projected housing number far exceeds any potential commercial development within the area.

Due to the fact that job growth in Marin will likely remain flat and the available capacity for jobs to increase is unlikely, I ask that The Plan Bay Area be revised to include realistic employment projections by area and a specific plan for achieving those projections. I ask that the plan take into account not only the workforce commuting into Marin County for employment, but all commuters into, out of and through Marin County. The approach taken in this plan is shortsighted and not representative of all current commute patterns.

#### Unrealistic Housing numbers

Like the job numbers, the housing numbers also appear to be unrealistic. The January 2013 release of the State Department of Finance (DOF) projections of Marin County's population growth are 10% lower than the growth forecast used for Plan Bay Area. Plan Bay Area forecasts a 13% population growth to 2040 (32,914 more people) but DOF projects a 3% population growth (6,818 more people). This is a significant discrepancy. The Plan Bay Area and the DEIR should be revised to reflect population growth based on DOF projections, not that of an independent consultant hired by ABAG.

The plan needs to include an assessment of the total cost to the County and taxpayers incurred by adding housing. This assessment should include additional services (schools, water, fire, police, ambulance...) and the total cost of development including subsidies to developers and loss of tax base.

The housing assumptions do not reflect accurately the desire of a large group of people to maintain living in rural areas and in single family homes. It makes the assumption that the future housing preference is high density, mixed use housing, located in urban areas. While both are desirable to different groups of people, the plan is not representative of all type of housing desires. I request that the plan be modified to accurately represent the desires for all types of housing.

#### Inadequate evidence that high density housing near transit reduces green house gases (GHG)

Not only is there no evidence provided that proves placing housing near transit reduces GHG, there is also no analysis validating assumptions that people who move to high density housing near transit will be more likely to take public transit. These ideas or goals focus too much on strategies, which are not valid, and should be substantiated with factual information.

This plan does not take into consideration accurate travel needs, preferences and behaviors and the fact that for many people the preferred mode of travel is by car. The plan does not indicate what other studies have been put forward other than a "one size fits all" determination made by the authors of this plan stating how people are expected to travel. This makes grand assumptions that are unrealistic and should not be used as the basis of such a widespread and impactful plan.

I ask that you provide the analysis to prove that the housing near transit lowers GHG emissions, at what cost and what other options are available to achieve the same results.

#### Inadequate evidence that the transportation plan reduces GHG

It seems that there are other ways to reduce GHG emissions that should be analyzed as having a potentially more significant impact on reduction than what is being proposed in Plan Bay Area. These options include considering the future automobile technology and incentivizing individuals for the highest fuel efficient cars. Focus on creating a much higher number of localized jobs in Marin County to allow for more existing residents to work close to home rather than just focusing on housing for those commuting into Marin.

Further studies and factual information should be presented to substantiate that switching people from cars to public transit will in fact decrease CO2 emissions, rather than increase emissions. More information is needed on the types of transportation being proposed and a comparison between the emissions from the public transit vs. cars. The Plan focuses on GHG emissions from personal vehicles and light trucks and does not focus on technology improvements made to other forms of transportation including busses, ferries, trains, etc. An assessment should be performed on the potential for reductions by replacing fleets of other modes of transportation and the cost benefit should be analyzed against the plan as currently proposed.

The plan identifies that the "no project" alternative is projected to reduce passenger vehicles CO2 emissions by 23% by 2040 over the existing condition in 2010. The proposed alternative, which is costly and intrusive into basic economic and personal freedoms, is projected to reduce emissions by 25%. The plan does not consider if this extra 2% is worth the additional costs. I ask that a cost benefit analysis be prepared and incorporated into the findings, which includes other options to reach the additional 2% GHG emissions.

Inadequate evidence that placing high density housing next to major transportation corridors will not have significant adverse health effects on those residents.

The Plan proposes placement of housing along transportation corridors, where the objective is to locate jobs and housing in close proximity to each other, with the goal of reducing automobile trips and therefore mobile source emissions. However, in doing so sensitive receptors will be exposed to unhealthy levels of toxic air or particulate concentrations. The DEIR does not provide adequate mitigations to protect sensitive receptors, especially those spending time outdoors, such as children playing outside. The DEIR states: "New research on the health effects of TACs and PM2.5 reinforces earlier findings regarding adverse health impacts on both respiratory and cardiovascular health but also a wider range of potential effects, such as diabetes, autism, cognitive functions in older adults, and oxidative damage to DNA. In addition, US EPA has not identified a level of TAC/ PM2.5 concentration where no negative health effects are observed." There are many reports not disclosed or discussed in the plan that identify causal links between proximity to freeways and highways, asthma, autism and cancer. This should be high

**C142** **From:** Michael J Seaman [REDACTED] m>  
**To:** <eircomments@mtc.ca.gov>  
**Date:** 5/16/2013 1:46 PM  
**Subject:** Marinwood Development

Re: Public Comment on Draft Plan Bay Area and Draft Plan Bay Area Draft Environmental Impact Report

To Whom It May Concern,

My name is Michael Seaman I am a resident of Marinwood, located in unincorporated Marin County. I lived in the county for most of my adult life. I have held exactly 2 jobs in 22 years that were located in the county. Most of my career has been spent commuting all over the bay area. I would be the first to recognize the important of regional planning. Any time spent on 880 between highway 92 and 237 should provide sufficient evidence of the importance of regional planning. The cold reality is that the 101 corridor in Marin county has been congested and clogged for years. Many people supporting this project point to the new prius lanes that now extends from Mill Valley to Novato as an improvement. Given that current commute to Oakland, I am not sure how this relieves congestion. Given the amount of traffic coming into the county from Sonoma and the east bay I have to wonder what planners are thinking. There are very few decent paying jobs in Marin. There are only so many accountants and lawyers the 1 percenters in Mill Vally need.

The plan and the public broadcasts talk about providing housing for middle class families but where are they going to work? Marin county has done a horrible job of attracting new jobs to the county. The major private employeers in the area, Firemans Fund, Autodesk, and Lucas Films have all reduced the number of employees that work in the county over the last 5 years. The county has not been able to "back fill" those jobs much less bring add jobs to the area.

The public out reach has been dismal. Questions asked the residents are seldom answered. The numbers that are presented seem to vary from hearing to hearing. During the two sessions I attended on Marin Plaza plan, I heard the impact to the schools would be the addition of 160 children. In the next session the number dropped to 60 kids. The reality is that the school these kids would attend is already at capacity. There is no provision in the plan for additional capital money to expand the school, nor reoccurring tax revenue to help pay for the additional staff. Please remember that funding to our school district has been cut every years since my kids started kindergarten. Am I supposed to pick up the slack?

There have numours comments about the need to for high density housing. The american dream is to own your own house, not live a high density building. I realize that the survey listed below is from a partisan group but virtual everyone I have worked with or went to school went, owning your own house was part of the plan. Has the plan changed?

//

support and adopt a letter to you by a fellow member of my community, Lisa Culbertson as below:

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I submitted a request for an extension of time to review the Plan and DEIR, which was not granted. These are complex and difficult documents for ordinary people to understand. The level of communication with the communities you are impacting by this plan is disgraceful. The plan includes a statement, "We reached out to the people who matter most – the 7 million people who live in the region." This is inaccurate as it pertains to my

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Conclusion

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Thank you,

Michael Seaman

San Rafael, CA 94903  
Marinwood Resident

I, Michael Seaman, support and adopt the aforementioned letter:

--

Michael Seaman PMP EIT ITIL  
voice



## Plan Bay Area 2040 Final Environmental Impact Report

C143

**From:** Gabriela Shea <[REDACTED]>  
**To:** <eircomments@mtc.ca.gov>  
**Date:** 5/17/2013 3:48 PM  
**Subject:** Public Comment on Draft Plan Bay Area and Draft Environmental Impact Report

May 16, 2013

Carolyn Clevenger, MTC EIR Project Manager,  
Metropolitan Transportation Commission  
MTC-ABAG Plan Bay Area Public Comment  
101 8th Street  
Oakland, California 94607  
eircomments@mtc.ca.gov.

Re: Public Comment on Draft Plan Bay Area and Draft  
Environmental Impact Report

To Whom It May Concern,

My name is Gabriela Shea.

I am a resident of Marinwood, located in unincorporated Marin County. I support and adopt a letter to you by a fellow member of my community, Lisa Culbertson as follows:

I am writing to comment on the Draft Plan Bay Area (The plan) and Draft Plan Bay Area Draft Environmental Impact Report (DEIR).

I submitted a request for an extension of time to review the Plan and DEIR, which was not granted. These are complex and difficult documents for ordinary people to understand. The level of communication with the communities you are impacting by this plan is disgraceful. The plan includes a statement, "We reached out to the people who matter most – the 7 million people who live in the region." This is inaccurate as it pertains to my community, Marinwood, designated as a potential Planned Development Area (PDA). Many members of the Marinwood community do not know what Plan Bay Area is and for most that do, they have only heard about it in the past few weeks. I attended one of two planned meetings in my community where there was no verbal presentation or explanation of the plan, but rather boards and remarks from the public. I ask that you reconsider this fast track approach and take the time to educate the community on exactly what it is that you are proposing in this plan and why.

I support truly sustainable land use and development that preserves the qualities of existing neighborhoods. I support additional affordable public transportation that reaches a greater range of areas throughout the Bay Area and operates more frequently with longer hours. I also support a range of housing opportunities, integrated into existing communities that do not adversely affect those communities through expediting environmental and permit review and not contributing a fair share to the tax base. None of these things are supported by this plan and therefore you do not have my support. I vote for no plan and ask that you remove Marinwood as a potential PDA designation.

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### Unrealistic employment growth

Projected employment growth in Marin County is half of what is being proposed for housing growth. The largest Bay Area job growth is assumed in major cities and areas such as Silicon Valley that have established industries such as technology. Marin County is not known for any specific industry. For its size, Marin County has very few large scale employers and a low number of high paying jobs compared to the number of residents and high cost of living. The potential growth in local employment projections are assumed to be coming from professional services and retail.

Marin had the largest job growth from 1980 to 1990. In 2011, employment levels were about the same as they were in 1990. There are documented studies that project a relatively flat growth in jobs in Marin County over the next 30 years. The lack of consistency and equality between the housing and job numbers projected in Marin County will lead to more commuters, thus increasing green house gas (GHG) emissions as there will not be enough jobs for the number of residents moving into the county. This will hurt the workforce that these plans aim to protect as there will be more competition for available jobs and low income earners will not have ample salaries to pay for the high price of transportation to travel to employment throughout the Bay Area.

The lack of continuous transportation will also affect quality of life for those depending on public transportation as it can take hours to get from point A to B if multiple modes of transportation are to be used. In addition, the Housing Element appears to designate almost every available parcel in Marin for housing, not leaving properties available for commercial development. Furthermore, the proposals for mixed use projects do not have an equal balance between jobs and housing.

The discussions around new jobs in Marin have been more focused on filling vacancies than creating new development. This does not leave

## Plan Bay Area 2040 Final Environmental Impact Report

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Due to the fact that job growth in Marin will likely remain flat and the available capacity for jobs to increase is unlikely, I ask that The Plan Bay Area be revised to include realistic employment projections by area and a specific plan for achieving those projections. I ask that the plan take into account not only the workforce commuting into Marin County for employment, but all commuters into, out of and through Marin County. The approach taken in this plan is shortsighted and not representative of all current commute patterns.

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The plan needs to include an assessment of the total cost to the County and taxpayers incurred by adding housing. This assessment should include additional services (schools, water, fire, police, ambulance...) and the total cost of development including subsidies to developers and loss of tax base.

The housing assumptions do not reflect accurately the desire of a large group of people to maintain living in rural areas and in single family homes. It makes the assumption that the future housing preference is high density, mixed use housing, located in urban areas. While both are desirable to different groups of people, the plan is not representative of all type of housing desires. I request that the plan be modified to accurately represent the desires for all types of housing.

### Inadequate evidence that high density housing near transit reduces green house gases (GHG)

Not only is there no evidence provided that proves placing housing near transit reduces GHG, there is also no analysis validating assumptions that people who move to high density housing near transit will be more likely to take public transit. These ideas or goals focus too much on strategies, which are not valid, and should be substantiated with factual information.

This plan does not take into consideration accurate travel needs, preferences and behaviors and the fact that for many people the preferred mode of travel is by car. The plan does not indicate what other studies have been put forward other than a "one size fits all" determination made by the authors of this plan stating how people are expected to travel. This makes grand assumptions that are unrealistic and should not be used as the basis of such a widespread and impactful plan.

I ask that you provide the analysis to prove that the housing near transit lowers GHG emissions, at what cost and what other options are available to achieve the same results.

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It seems that there are other ways to reduce GHG emissions that should be analyzed as having a potentially more significant impact on reduction than what is being proposed in Plan Bay Area. These options include considering the future automobile technology and incentivizing individuals for the highest fuel efficient cars. Focus on creating a much higher number of localized jobs in Marin County to allow for more existing residents to work close to home rather than just focusing on housing for those commuting into Marin.

Further studies and factual information should be presented to substantiate that switching people from cars to public transit will in fact decrease CO2 emissions, rather than increase emissions. More information is needed on the types of transportation being proposed and a comparison between the emissions from the public transit vs. cars. The Plan focuses on GHG emissions from personal vehicles and light trucks and does not focus on technology improvements made to other forms of transportation including busses, ferries, trains, etc. An assessment should be performed on the potential for reductions by replacing fleets of other modes of transportation and the cost benefit should be analyzed against the plan as currently proposed.

The plan identifies that the "no project" alternative is projected to reduce passenger vehicles CO2 emissions by 23% by 2040 over the existing condition in 2010. The proposed alternative, which is costly and intrusive into basic economic and personal freedoms, is projected to reduce emissions by 25%. The plan does not consider if this extra 2% is worth the additional costs. I ask that a cost benefit analysis be prepared and incorporated into the findings, which includes other options to reach the additional 2% GHG emissions.

Inadequate evidence that placing high density housing next to major transportation corridors will not have significant adverse health effects on those residents.

The Plan proposes placement of housing along transportation corridors, where the objective is to locate jobs and housing in close proximity to each other, with the goal of reducing automobile trips and therefore mobile source emissions. However, in doing so sensitive receptors will be exposed to unhealthy levels of toxic air or particulate concentrations. The DEIR does not provide adequate mitigations to protect sensitive receptors, especially those spending time outdoors, such as children playing outside. The DEIR states: "New research on the health effects of TACs and PM2.5 reinforces earlier findings regarding adverse health impacts on both respiratory and cardiovascular health but also a wider range of potential effects, such as diabetes, autism, cognitive functions in older adults, and oxidative damage to DNA. In addition, US EPA has not identified a level of TAC/ PM2.5 concentration where no negative health effects are observed." There are many reports not disclosed or discussed in the plan that identify causal links between proximity to freeways and highways, asthma, autism and cancer. This should be highlighted as a risk in the plan and study references included.

Implementation of Plan Bay Area would subject sensitive receptors to a significant increased risk of developing life-threatening illnesses from toxic air contaminants and particulate matter emissions. Furthermore, the measures listed to mitigate these significant impacts are inadequate to reduce them to less than significant levels, particularly in regard to protecting sensitive receptors that spend time outdoors. Plan Bay Area's proposal to target residential development in close proximity to highly travelled and congested roadways is irresponsible land use planning and

## Plan Bay Area 2040 Final Environmental Impact Report

conflicts with CEQA. Case law clearly shows that CEQA is intended “to compel government at all levels to make decisions with environmental consequences in mind.” I ask that you revise Draft Plan Bay Area and remove all proposed residential development from areas that are located within the zone of influence of toxic air contaminants and/or fine particulate matter emission sources and remove areas situated within the zone of influence of these emissions from Transit Priority Project corridors, Priority Development Areas and Potential Priority Development Areas.

Plan does not sufficiently consider that traffic congestion adds to CO2 emissions. The Plan Bay Area does not consider cumulative effects of increased localized traffic. The lack of expansion of the road network will cause an increase in traffic congestion as areas grow more dense. Instead the methodology of this Plan places an over-emphasis on public transit. In reality, congestion will increase, and the resulting standing or slow traffic will cause additional CO2 emissions per passenger mile for the most used form of transit cars and light trucks.

Furthermore the plan does not adequately take into consideration the impact of the time wasted from traffic congestion and the effects on quality of life. The Plan Bay Area does not account for typical family life, taking children to and from school, sports, errands, etc., it only focuses on trying to change the norm. Congested roadways will result in a reduction in the distance that most residents can effectively commute, due to time and family constraints. This in turn means that people are less able to find employment within an acceptable distance.

I ask that the Plan Bay Area be revised to take into consideration additional, localized traffic especially in areas where increases in housing are not balanced with job growth.

Plan fails to disclose subsidization required to encourage residents to move to high density development near transit  
The Plan Bay Area fails to identify the true amount of subsidization required to encourage builders to develop high density housing. A survey by the National Association of Realtors in 2011 reveals that the vast majority of Americans prefer to live in single-family homes with privacy and yards.

Evidence exists that subsidies are required in order to encourage people to move to high density housing. There is no analysis included in the Plan to validate the amount of subsidization required to encourage developers to initiate and complete such projects and residents to move into them.

This lack of specificity means that an undefined amount of public money, via state, county or city, will be used to reach the goals of this plan. The plan does not alert readers to rising taxes needed to raise revenue to cover these subsidies. Alternatively the plan does not provide sufficient analysis of impacts to services such as police, fire and schools. In addition, there is no evidence that the expenditures covered by the plan will achieve the stated goals.

Inadequate information re: water supply, sea level rise, and support for infrastructure

There are 5 significant, irreversible environmental changes, and 39 significant unavoidable impacts of the plan, identified in the DEIR, that should be addressed and mitigated before this plan is accepted. They should not be dismissed with findings of “overriding consideration.” If the organizations that are proposing to implement this plan cannot address these serious affects than perhaps that is a sign that this is not the right plan for the Bay Area. The impacts I am referring to include:

- Insufficient water supply;
- Exposure to hazardous materials;
- Inadequate wastewater treatment capacity;
- Net Increase in Sensitive Receptors located in Transit Priority Project corridors where there are high concentrations of cancer causing Toxic Air Contaminants and fine particulate matter emissions;
- Inundation from sea level rise;
- Direct removal, filling or hydrological interruption of habitat;
- Interference with the movement of native resident or migratory fish or wildlife species.

Plan Bay Area Approval

It is unclear to me how the Plan Bay Area ultimately gets approved and implemented. I request that this be clarified to the population impacted by the Plan. Is the plan subject to voter approval?

Conclusion

The Draft Plan Bay Area’s DEIR is inadequate in numerous instances identified in this comment letter. ABAG must prepare an EIR that adequately analyzes the plans significant impact and meets CEQA guidelines. The conclusions are not supported by substantial evidence. The key assumption regarding population and job growth is inaccurate. A revised EIR should be prepared and circulated for public review and with ample time given to the public to comment.

Thank you,  
Gabriela Shea

San Rafael, CA 94903  
Marinwood Resident

I, Gabriela Shea, support and adopt the aforementioned letter:

Signature \_\_Gabriela Shea\_\_\_\_\_

C144

**From:** "Wolfgang Taft" <[REDACTED]>  
**To:** <eircomments@mtc.ca.gov>  
**Date:** 5/16/2013 3:44 PM  
**Subject:** FW: Public Comment on Draft Plan Bay Area and Draft Plan Bay Area Draft

Re: Public Comment on Draft Plan Bay Area and Draft Plan Bay Area Draft  
Environmental Impact Report

To Whom It May Concern,

My name is Wolfgang Taft.

I am a resident of Marinwood, located in unincorporated Marin County. I support and adopt a letter to you by a fellow member of my community, Lisa Culbertson as follows:

I am writing to comment on the Draft Plan Bay Area (The plan) and Draft Plan Bay Area Draft Environmental Impact Report (DEIR).

I submitted a request for an extension of time to review the Plan and DEIR, which was not granted. These are complex and difficult documents for ordinary people to understand. The level of communication with the communities you are impacting by this plan is disgraceful. The plan includes a statement, "We reached out to the people who matter most - the 7 million people who live in the region." This is inaccurate as it pertains to my community, Marinwood, designated as a potential Planned Development Area (PDA). Many members of the Marinwood community do not know what Plan Bay Area is and for most that do, they have only heard about it in the past few weeks. I attended one of two planned meetings in my community where there was no verbal presentation or explanation of the plan, but rather boards and remarks from the public. I ask that you reconsider this fast track approach and take the time to educate the community on exactly what it is that you are proposing in this plan and why.

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I have grave concerns about the environmental, health and safety impacts that could result from the poor land use planning that I see presented in this plan as well as other related plans, such as the Marin County Housing Element. There are numerous holes and inconsistencies in the Plan Bay Area and DEIR which are the basis of my comments that follow:

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Thank you,  
Wolfgang Taft

  
San Rafael, CA 94903  
Marinwood Resident

I, Wolfgang Taft, support and adopt the aforementioned letter:

Signature \_Wolfgang Taft

<<http://email.change.org/wf/open?upn=nOTNuAqVr4iNvRzCkuWt3lE-2B-2BXSwn-2FUHW4Q1WcoaO7e-2BsYpXg4A3c1TzvqntamWqJh3Sfgzq35DMlsGknQ2Wspz7bM6cJSXW30VX7xFtgHfmS8F-2BWMH3B-2BwuoC5yBx7vvsrla2Ar0K74ugZKXEIuiwSfqCF7yyg2mTzcdwNsC7oQga7M1ttaFMORRPiiIUNMR00QiZeWqlx13Pp-2BCAHKI03jdfRtPkSyG3kwGufDpw-3D>>

## Plan Bay Area 2040 Final Environmental Impact Report

**From:** <phyllisteplitz [REDACTED]>  
**To:** ".<eircomments@mtc.ca.gov>  
**Date:** 5/16/2013 4:06 PM  
**Subject:** Re: please personalize this email and send it now to eircomments@mtc.ca.gov

C145

----- Original Message -----

May 15, 2013

Carolyn Clevenger, MTC EIR Project Manager,  
Metropolitan Transportation Commission  
MTC-ABAG Plan Bay Area Public Comment  
101 8th Street  
Oakland, California 94607  
eircomments@mtc.ca.gov .

Re: Public Comment on Draft Plan Bay Area and Draft Plan Bay Area Draft  
Environmental Impact Report

To Whom It May Concern,

My name is Phyllis Teplitz.

I am a resident of Marinwood, located in unincorporated Marin County. I support and adopt a letter to you by a fellow member of my community, Lisa Culbertson as follows:

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## Plan Bay Area 2040 Final Environmental Impact Report

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The plan needs to include an assessment of the total cost to the County and taxpayers incurred by adding housing. This assessment should include additional services (schools, water, fire, police, ambulance...) and the total cost of development including subsidies to developers and loss of tax base.

The housing assumptions do not reflect accurately the desire of a large group of people to maintain living in rural areas and in single family homes. It makes the assumption that the future housing preference is high density, mixed use housing, located in urban areas. While both are desirable to different groups of people, the plan is not representative of all type of housing desires. I request that the plan be modified to accurately represent the desires for all types of housing.

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Not only is there no evidence provided that proves placing housing near transit reduces GHG, there is also no analysis validating assumptions that people who move to high density housing near transit will be more likely to take public transit. These ideas or goals focus too much on strategies, which are not valid, and should be substantiated with factual information.

This plan does not take into consideration accurate travel needs, preferences and behaviors and the fact that for many people the preferred mode of travel is by car. The plan does not indicate what other studies have been put forward other than a "one size fits all" determination made by the authors of this plan stating how people are expected to travel. This makes grand assumptions that are unrealistic and should not be used as the basis of such a widespread and impactful plan.

I ask that you provide the analysis to prove that the housing near transit lowers GHG emissions, at what cost and what other options are available to achieve the same results.

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It seems that there are other ways to reduce GHG emissions that should be analyzed as having a potentially more significant impact on reduction than what is being proposed in Plan Bay Area. These options include considering the future automobile technology and incentivizing individuals for the highest fuel efficient cars. Focus on creating a much higher number of localized jobs in Marin County to allow for more existing residents to work close to home rather than just focusing on housing for those commuting into Marin.

Further studies and factual information should be presented to substantiate that switching people from cars to public transit will in fact decrease CO2 emissions, rather than increase emissions. More information is needed on the types of transportation being proposed and a comparison between the emissions from the public transit vs. cars. The Plan focuses on GHG emissions from personal vehicles and light trucks and does not focus on technology improvements made to other forms of transportation including busses, ferries, trains, etc. An assessment should be performed on the potential for reductions by replacing fleets of other modes of transportation and the cost benefit should be analyzed against the plan as currently proposed.

The plan identifies that the "no project" alternative is projected to reduce passenger vehicles CO2 emissions by 23% by 2040 over the existing condition in 2010. The proposed alternative, which is costly and intrusive into basic economic and personal freedoms, is projected to reduce emissions by 25%. The plan does not consider if this extra 2% is worth the additional costs. I ask that a cost benefit analysis be prepared and incorporated into the findings, which includes other options to reach the additional 2% GHG emissions.

Inadequate evidence that placing high density housing next to major transportation corridors will not have significant adverse health effects on those residents.

The Plan proposes placement of housing along transportation corridors, where the objective is to locate jobs and housing in close proximity to each other, with the goal of reducing automobile trips and therefore mobile source emissions. However, in doing so sensitive receptors will be exposed to unhealthy levels of toxic air or particulate concentrations. The DEIR does not provide adequate mitigations to protect sensitive receptors, especially those spending time outdoors, such as children playing outside. The DEIR states: "New research on the health effects of

## Plan Bay Area 2040 Final Environmental Impact Report

TACs and PM2.5 reinforces earlier findings regarding adverse health impacts on both respiratory and cardiovascular health but also a wider range of potential effects, such as diabetes, autism, cognitive functions in older adults, and oxidative damage to DNA. In addition, US EPA has not identified a level of TAC/ PM2.5 concentration where no negative health effects are observed.” There are many reports not disclosed or discussed in the plan that identify causal links between proximity to freeways and highways, asthma, autism and cancer. This should be highlighted as a risk in the plan and study references included.

Implementation of Plan Bay Area would subject sensitive receptors to a significant increased risk of developing life-threatening illnesses from toxic air contaminants and particulate matter emissions. Furthermore, the measures listed to mitigate these significant impacts are inadequate to reduce them to less than significant levels, particularly in regard to protecting sensitive receptors that spend time outdoors. Plan Bay Area’s proposal to target residential development in close proximity to highly travelled and congested roadways is irresponsible land use planning and conflicts with CEQA. Case law clearly shows that CEQA is intended “to compel government at all levels to make decisions with environmental consequences in mind.” I ask that you revise Draft Plan Bay Area and remove all proposed residential development from areas that are located within the zone of influence of toxic air contaminants and/or fine particulate matter emission sources and remove areas situated within the zone of influence of these emissions from Transit Priority Project corridors, Priority Development Areas and Potential Priority Development Areas.

Plan does not sufficiently consider that traffic congestion adds to CO2 emissions

The Plan Bay Area does not consider cumulative effects of increased localized traffic. The lack of expansion of the road network will cause an increase in traffic congestion as areas grow more dense. Instead the methodology of this Plan places an over-emphasis on public transit. In reality, congestion will increase, and the resulting standing or slow traffic will cause additional CO2 emissions per passenger mile for the most used form of transit cars and light trucks.

Furthermore the plan does not adequately take into consideration the impact of the time wasted from traffic congestion and the effects on quality of life. The Plan Bay Area does not account for typical family life, taking children to and from school, sports, errands, etc., it only focuses on trying to change the norm. Congested roadways will result in a reduction in the distance that most residents can effectively commute, due to time and family constraints. This in turn means that people are less able to find employment within an acceptable distance.

I ask that the Plan Bay Area be revised to take into consideration additional, localized traffic especially in areas where increases in housing are not balanced with job growth.

Plan fails to disclose subsidization required to encourage residents to move to high density development near transit

The Plan Bay Area fails to identify the true amount of subsidization required to encourage builders to develop high density housing. A survey by the National Association of Realtors in 2011 reveals that the vast majority of Americans prefer to live in single-family homes with privacy and yards.

Evidence exists that subsidies are required in order to encourage people to move to high density housing. There is no analysis included in the Plan to validate the amount of subsidization required to encourage developers to initiate and complete such projects and residents to move into them.

This lack of specificity means that an undefined amount of public money, via state, county or city, will be used to reach the goals of this plan. The plan does not alert readers to rising taxes needed to raise revenue to cover these subsidies. Alternatively the plan does not provide sufficient analysis of impacts to services such as police, fire and schools. In addition, there is no evidence that the expenditures covered by the plan will achieve the stated goals.

Inadequate information re: water supply, sea level rise, and support for infrastructure

There are 5 significant, irreversible environmental changes, and 39 significant unavoidable impacts of the plan, identified in the DEIR, that should be addressed and mitigated before this plan is accepted. They should not be dismissed with findings of “overriding consideration.” If the organizations that are proposing to implement this plan cannot address these serious affects than perhaps that is a sign that this is not the right plan for the Bay Area. The impacts I am referring to include:

- Insufficient water supply;
- Exposure to hazardous materials;
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Plan Bay Area Approval

It is unclear to me how the Plan Bay Area ultimately gets approved and implemented. I request that this be clarified to the population impacted by the Plan. Is the plan subject to voter approval?

Conclusion

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Thank you,  
Phyllis M. Teplitz



San Rafael, CA 94903

I,Phyllis Teplitz , a Marinwood Resident

support and adopt the aforementioned letter:

Signature \_Phyllis M. Teplitz\_\_\_\_\_

This message was sent by Save Marinwood using the Change.org system. You received this email because you signed a petition started by Save Marinwood on Change.org: "Marin County Board of Supervisors: Suspend approval of the 2012 Housing Element ." Change.org does not endorse contents of this message.

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## Plan Bay Area 2040 Final Environmental Impact Report

**C146** **From:** Pam Witherspoon <[REDACTED]>  
**To:** <eircomments@mtc.ca.gov>  
**Date:** 5/16/2013 12:58 PM  
**Subject:** Re: Public Comment on Draft Plan Bay Area and Draft Plan Bay Area Draft EIR

To Whom It May Concern,

My name is Pam Witherspoon.

I am a resident of Upper Lucas Valley, located in unincorporated Marin County. I support and adopt a letter to you by a fellow member of my community, Lisa Culbertson as follows:

I am writing to comment on the Draft Plan Bay Area (The plan) and Draft Plan Bay Area Draft Environmental Impact Report (DEIR).

My husband commutes, with many others, to Cupertino because housing there is too expensive. I drive our daughter to Fremont, daily, so that she can attend a school that helps dyslexic children without behavior problems. So note that the addition of housing will do nothing to reduce the commute for people like us.

Further, we have a friend that teaches at Hamilton Meadow Park Elementary School. She describes the addition of low-income housing to the area as an unmitigated disaster, bringing in residents that, not only don't work locally, but are primarily interested in preying off services and residents in Marin County. The students in the "affordable housing" nearby get "molested regularly" by some of the students in the low-income housing. Low-income housing needs to be distributed thinly enough that the decent residents can refuse to tolerate, by sufficiently outnumbering, those that move in with the wrong intentions.

I submitted a request for an extension of time to review the Plan and DEIR, which was not granted. These are complex and difficult documents for ordinary people to understand. The level of communication with the communities you are impacting by this plan is disgraceful. The plan includes a statement, "We reached out to the people who matter most – the 7 million people who live in the region." This is inaccurate as it pertains to my community, Marinwood, designated as a potential Planned Development Area (PDA). Many members of the Marinwood community do not know what Plan Bay Area is and for most that do, they have only heard about it in the past few weeks. I attended one of two planned meetings in my community where there was no verbal presentation or explanation of the plan, but rather boards and remarks from the public. I ask that you reconsider this fast track approach and take the time to educate the community on exactly what it is that you are proposing in this plan and why.

I support truly sustainable land use and development that preserves the qualities of existing neighborhoods. I support additional affordable public transportation that reaches a greater range of areas throughout the Bay Area and operates more frequently with longer hours. I also support a range of housing opportunities, integrated into existing communities that do not adversely affect those communities through expediting environmental and permit review and not contributing a fair share to the tax base. None of these things are supported by this plan and therefore you do not have my support. I vote for no plan and ask that you remove Marinwood as a potential PDA designation.

Although I am writing this letter representing myself, I have spent the past two weeks walking door to door gathering signatures against the proposed development plans affecting Marinwood and Lucas Valley. 90% of the homes visited by myself and fellow neighbors are NOT in support of this plan or the related Housing Element. Since this plan is voluntary and you do not have the support of the Marinwood/ Lucas Valley community I ask again that you remove Marinwood as a potential PDA designation.

I have grave concerns about the environmental, health and safety impacts that could result from the poor land use planning that I see presented in this plan as well as other related plans, such as the Marin County Housing Element. There are numerous holes and inconsistencies in the Plan Bay Area and DEIR which are the basis of my comments that follow:

### Unrealistic employment growth

Projected employment growth in Marin County is half of what is being proposed for housing growth. The largest Bay Area job growth is assumed in major cities and areas such as Silicon Valley that have established industries such as technology. Marin County is not known for any specific industry. For its size, Marin County has very few large scale employers and a low number of high paying jobs compared to the number of residents and high cost of living. The potential growth in local employment projections are assumed to be coming from professional services and retail.

Marin had the largest job growth from 1980 to 1990. In 2011, employment levels were about the same as they were in 1990. There are documented studies that project a relatively flat growth in jobs in Marin County over the next 30 years. The lack of consistency and equality between the housing and job numbers projected in Marin County will lead to more commuters, thus increasing green house gas (GHG) emissions as there will not be enough jobs for the number of residents moving into the county. This will hurt the workforce that these plans aim to protect as there will be more competition for available jobs and low income earners will not have ample salaries to pay for the high price of transportation to travel to employment throughout the Bay Area.

The lack of continuous transportation will also affect quality of life for those depending on public transportation as it can take hours to get from point A to B if multiple modes of transportation are to be used. In addition, the Housing Element appears to designate almost every available parcel in Marin for housing, not leaving properties available for commercial development. Furthermore, the proposals for mixed use projects do not have an equal balance between jobs and housing.

The discussions around new jobs in Marin have been more focused on filling vacancies than creating new development. This does not leave opportunity for the creation of jobs in areas where housing is being considered. A perfect example of this is the Marinwood area, which has minimal jobs in the near vicinity and yet the projected housing number far exceeds any potential commercial development within the area.

## Plan Bay Area 2040 Final Environmental Impact Report

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## Plan Bay Area 2040 Final Environmental Impact Report

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Thank you,  
Stephen Nestel

San Rafael, CA 94903  
Marinwood Resident

I, Stephen Nestel, support and adopt the aforementioned letter:

Signature \_\_\_\_\_

## Plan Bay Area 2040 Final Environmental Impact Report

**C147** **From:** Pam Witherspoon <[REDACTED]>  
**To:** "eircomments@mtc.ca.gov" <eircomments@mtc.ca.gov>  
**Date:** 5/16/2013 1:00 PM  
**Subject:** Public Comment on Draft Plan Bay Area and Draft Plan Bay Area Draft EIR

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## Plan Bay Area 2040 Final Environmental Impact Report

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Inadequate evidence that placing high density housing next to major transportation corridors will not have significant adverse health effects on those residents.

The Plan proposes placement of housing along transportation corridors, where the objective is to locate jobs and housing in close proximity to each other, with the goal of reducing automobile trips and therefore mobile source emissions. However, in doing so sensitive receptors will be exposed to unhealthy levels of toxic air or particulate concentrations. The DEIR does not provide adequate mitigations to protect sensitive receptors, especially those spending time outdoors, such as children playing outside. The DEIR states: "New research on the health effects of TACs and PM2.5 reinforces earlier findings regarding adverse health impacts on both respiratory and cardiovascular health but also a wider range of potential effects, such as diabetes, autism, cognitive functions in older adults, and oxidative damage to DNA. In addition, US EPA has not identified a level of TAC/ PM2.5 concentration where no negative health effects are observed." There are many reports not disclosed or discussed in the plan that identify causal links between proximity to freeways and highways, asthma, autism and cancer. This should be highlighted as a risk in the plan and study references included.

Implementation of Plan Bay Area would subject sensitive receptors to a significant increased risk of developing life-threatening illnesses from toxic air contaminants and particulate matter emissions. Furthermore, the measures listed to mitigate these significant impacts are inadequate to reduce them to less than significant levels, particularly in regard to protecting sensitive receptors that spend time outdoors. Plan Bay Area's proposal to target residential development in close proximity to highly travelled and congested roadways is irresponsible land use planning and conflicts with CEQA. Case law clearly shows that CEQA is intended "to compel government at all levels to make decisions with environmental consequences in mind." I ask that you revise Draft Plan Bay Area and remove all proposed residential development from areas that are located

## Plan Bay Area 2040 Final Environmental Impact Report

within the zone of influence of toxic air contaminants and/or fine particulate matter emission sources and remove areas situated within the zone of influence of these emissions from Transit Priority Project corridors, Priority Development Areas and Potential Priority Development Areas.

Plan does not sufficiently consider that traffic congestion adds to CO2 emissions

The Plan Bay Area does not consider cumulative effects of increased localized traffic. The lack of expansion of the road network will cause an increase in traffic congestion as areas grow more dense. Instead the methodology of this Plan places an over-emphasis on public transit. In reality, congestion will increase, and the resulting standing or slow traffic will cause additional CO2 emissions per passenger mile for the most used form of transit cars and light trucks.

Furthermore the plan does not adequately take into consideration the impact of the time wasted from traffic congestion and the effects on quality of life. The Plan Bay Area does not account for typical family life, taking children to and from school, sports, errands, etc., it only focuses on trying to change the norm. Congested roadways will result in a reduction in the distance that most residents can effectively commute, due to time and family constraints. This in turn means that people are less able to find employment within an acceptable distance.

I ask that the Plan Bay Area be revised to take into consideration additional, localized traffic especially in areas where increases in housing are not balanced with job growth.

Plan fails to disclose subsidization required to encourage residents to move to high density development near transit

The Plan Bay Area fails to identify the true amount of subsidization required to encourage builders to develop high density housing. A survey by the National Association of Realtors in 2011 reveals that the vast majority of Americans prefer to live in single-family homes with privacy and yards.

Evidence exists that subsidies are required in order to encourage people to move to high density housing. There is no analysis included in the Plan to validate the amount of subsidization required to encourage developers to initiate and complete such projects and residents to move into them.

This lack of specificity means that an undefined amount of public money, via state, county or city, will be used to reach the goals of this plan. The plan does not alert readers to rising taxes needed to raise revenue to cover these subsidies. Alternatively the plan does not provide sufficient analysis of impacts to services such as police, fire and schools. In addition, there is no evidence that the expenditures covered by the plan will achieve the stated goals.

Inadequate information re: water supply, sea level rise, and support for infrastructure

There are 5 significant, irreversible environmental changes, and 39 significant unavoidable impacts of the plan, identified in the DEIR, that should be addressed and mitigated before this plan is accepted. They should not be dismissed with findings of "overriding consideration." If the organizations that are proposing to implement this plan cannot address these serious affects than perhaps that is a sign that this is not the right plan for the Bay Area. The impacts I am referring to include:

- Insufficient water supply;
- Exposure to hazardous materials;
- Inadequate wastewater treatment capacity;
- Net Increase in Sensitive Receptors located in Transit Priority Project corridors where there are high concentrations of cancer causing Toxic Air Contaminants and fine particulate matter emissions;
- Inundation from sea level rise;
- Direct removal, filling or hydrological interruption of habitat;
- Interference with the movement of native resident or migratory fish or wildlife species.

Plan Bay Area Approval

It is unclear to me how the Plan Bay Area ultimately gets approved and implemented. I request that this be clarified to the population impacted by the Plan. Is the plan subject to voter approval?

Conclusion

The Draft Plan Bay Area's DEIR is inadequate in numerous instances identified in this comment letter. ABAG must prepare an EIR that adequately analyzes the plans significant impact and meets CEQA guidelines. The conclusions are not supported by substantial evidence. The key assumption regarding population and job growth is inaccurate. A revised EIR should be prepared and circulated for public review and with ample time given to the public to comment.

Thank you,  
Pam Witherspoon

[REDACTED]  
San Rafael, CA 94903  
Upper Lucas Valley Resident

I, Pam Witherspoon, support and adopt the aforementioned letter:

## Plan Bay Area 2040 Final Environmental Impact Report

C148

**From:** Heidi Zabit <[REDACTED]>  
**To:** <eircomments@mtc.ca.gov>  
**CC:** Heidi Zabit <hzabit@gmail.com>  
**Date:** 5/16/2013 5:22 PM  
**Subject:** Re: Public Comment on Draft Plan Bay Area and Draft Plan Bay Area Draft Environmental Impact Report

I am e-mailing to show my support for the attached letter from Lisa Culbertson. This letter applies to both the Lucas Valley, and Marinwood neighborhoods.

I am writing to comment on the Draft Plan Bay Area (The plan) and Draft Plan Bay Area Draft Environmental Impact Report (DEIR).

I submitted a request for an extension of time to review the Plan and DEIR, which was not granted. These are complex and difficult documents for ordinary people to understand. The level of communication with the communities you are impacting by this plan is disgraceful. The plan includes a statement, "We reached out to the people who matter most – the 7 million people who live in the region." This is inaccurate as it pertains to my community, Marinwood, designated as a potential Planned Development Area (PDA). Many members of the Marinwood community do not know what Plan Bay Area is and for most that do, they have only heard about it in the past few weeks. I attended one of two planned meetings in my community where there was no verbal presentation or explanation of the plan, but rather boards and remarks from the public. I ask that you reconsider this fast track approach and take the time to educate the community on exactly what it is that you are proposing in this plan and why.

I support truly sustainable land use and development that preserves the qualities of existing neighborhoods. I support additional affordable public transportation that reaches a greater range of areas throughout the Bay Area and operates more frequently with longer hours. I also support a range of housing opportunities, integrated into existing communities that do not adversely affect those communities through expediting environmental and permit review and not contributing a fair share to the tax base. None of these things are supported by this plan and therefore you do not have my support. I vote for no plan and ask that you remove Marinwood as a potential PDA designation.

Although I am writing this letter representing myself, I have spent the past two weeks walking door to door gathering signatures against the proposed development plans affecting Marinwood and Lucas Valley. 90% of the homes visited by myself and fellow neighbors are NOT in support of this plan or the related Housing Element. Since this plan is voluntary and you do not have the support of the Marinwood/ Lucas Valley community I ask again that you remove Marinwood as a potential PDA designation.

I have grave concerns about the environmental, health and safety impacts that could result from the poor land use planning that I see presented in this plan as well as other related plans, such as the Marin County Housing Element. There are numerous holes and inconsistencies in the Plan Bay Area and DEIR which are the basis of my comments that follow:

### Unrealistic employment growth

Projected employment growth in Marin County is half of what is being proposed for housing growth. The largest Bay Area job growth is assumed in major cities and areas such as Silicon Valley that have established industries such as technology. Marin County is not known for any specific industry. For its size, Marin County has very few large scale employers and a low number of high paying jobs compared to the number of residents and high cost of living. The potential growth in local employment projections are assumed to be coming from professional services and retail.

Marin had the largest job growth from 1980 to 1990. In 2011, employment levels were about the same as they were in 1990. There are documented studies that project a relatively flat growth in jobs in Marin County over the next 30 years. The lack of consistency and equality between the housing and job numbers projected in Marin County will lead to more commuters, thus increasing green house gas (GHG) emissions as there will not be enough jobs for the number of residents moving into the county. This will hurt the workforce that these plans aim to protect as there will be more competition for available jobs and low income earners will not have ample salaries to pay for the high price of transportation to travel to employment throughout the Bay Area.

The lack of continuous transportation will also affect quality of life for those depending on public transportation as it can take hours to get from point A to B if multiple modes of transportation are to be used. In addition, the Housing Element appears to designate almost every available parcel in Marin for housing, not leaving properties available for commercial development. Furthermore, the proposals for mixed use projects do not have an equal balance between jobs and housing.

The discussions around new jobs in Marin have been more focused on filling vacancies than creating new development. This does not leave opportunity for the creation of jobs in areas where housing is being considered. A perfect example of this is the Marinwood area, which has minimal jobs in the near vicinity and yet the projected housing number far exceeds any potential commercial development within the area.

Due to the fact that job growth in Marin will likely remain flat and the available capacity for jobs to increase is unlikely, I ask that The Plan Bay Area be revised to include realistic employment projections by area and a specific plan for achieving those projections. I ask that the plan take into account not only the workforce commuting into Marin County for employment, but all commuters into, out of and through Marin County. The approach taken in this plan is shortsighted and not representative of all current commute patterns.

### Unrealistic Housing numbers

Like the job numbers, the housing numbers also appear to be unrealistic. The January 2013 release of the State Department of Finance (DOF) projections of Marin County's population growth are 10% lower than the growth forecast used for Plan Bay Area. Plan Bay Area forecasts a 13% population growth to 2040 (32,914 more people) but DOF projects a 3% population growth (6,818 more people). This is a significant discrepancy. The Plan Bay Area and the DEIR should be revised to reflect population growth based on DOF projections, not that of an independent consultant hired by ABAG.

## Plan Bay Area 2040 Final Environmental Impact Report

The plan needs to include an assessment of the total cost to the County and taxpayers incurred by adding housing. This assessment should include additional services (schools, water, fire, police, ambulance...) and the total cost of development including subsidies to developers and loss of tax base.

The housing assumptions do not reflect accurately the desire of a large group of people to maintain living in rural areas and in single family homes. It makes the assumption that the future housing preference is high density, mixed use housing, located in urban areas. While both are desirable to different groups of people, the plan is not representative of all type of housing desires. I request that the plan be modified to accurately represent the desires for all types of housing.

Inadequate evidence that high density housing near transit reduces green house gases (GHG)

Not only is there no evidence provided that proves placing housing near transit reduces GHG, there is also no analysis validating assumptions that people who move to high density housing near transit will be more likely to take public transit. These ideas or goals focus too much on strategies, which are not valid, and should be substantiated with factual information.

This plan does not take into consideration accurate travel needs, preferences and behaviors and the fact that for many people the preferred mode of travel is by car. The plan does not indicate what other studies have been put forward other than a "one size fits all" determination made by the authors of this plan stating how people are expected to travel. This makes grand assumptions that are unrealistic and should not be used as the basis of such a widespread and impactful plan.

I ask that you provide the analysis to prove that the housing near transit lowers GHG emissions, at what cost and what other options are available to achieve the same results.

Inadequate evidence that the transportation plan reduces GHG

It seems that there are other ways to reduce GHG emissions that should be analyzed as having a potentially more significant impact on reduction than what is being proposed in Plan Bay Area. These options include considering the future automobile technology and incentivizing individuals for the highest fuel efficient cars. Focus on creating a much higher number of localized jobs in Marin County to allow for more existing residents to work close to home rather than just focusing on housing for those commuting into Marin.

Further studies and factual information should be presented to substantiate that switching people from cars to public transit will in fact decrease CO2 emissions, rather than increase emissions. More information is needed on the types of transportation being proposed and a comparison between the emissions from the public transit vs. cars. The Plan focuses on GHG emissions from personal vehicles and light trucks and does not focus on technology improvements made to other forms of transportation including busses, ferries, trains, etc. An assessment should be performed on the potential for reductions by replacing fleets of other modes of transportation and the cost benefit should be analyzed against the plan as currently proposed.

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## Plan Bay Area 2040 Final Environmental Impact Report

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thank you,

Heidi Zabit

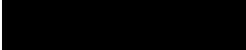
Thurs. May 16, 2013

To:

Metropolitan Transportation Commission  
Plan Bay Area / Draft EIR Public Comment  
101 Eighth Street  
Oakland, CA 94607

From:

Luke Teyssier



Mill Valley, CA  
(Unincorporated Marin: Tam Valley)

Subject: Comments on Plan Bay Area and Draft EIR

My name is Luke Teyssier. I am a concerned resident to Tam Valley in unincorporated Marin County.

I am concerned that the Association of Bay Area Governments (ABAG) and the Metropolitan Transportation Commission (MTC) have embarked on a long-range land use plan based on unproven assumptions regarding greenhouse gas emission reductions, job and population growth, and environmental impact. This comment letter summarizes my concerns for your consideration.

C149-1

First, I would like to state that the DEIR review and Plan Bay Area review periods were unacceptably short. This places an undue burden on the businesses, citizens and residents that it affects to read the voluminous report and respond by the prescribed deadline. Further, it serves to reduce the opportunity for citizens to become fully informed and fully consider the implications of the plan and the plan and DEIR. I myself have personally been present at a number of “community outreach” meetings, business meetings, and “information sessions” related to the plan, and found that invariably significant and important facts and conclusions were misstated in each case. Combined with the lack of sufficient transparency and outreach, this has led to a general impression upon the part of many citizens and residents of Marin County that the process has been conducted in a less than forthright manner.

My comments primarily address Marin County, and specifically the PDA/Preferred site list that includes portions of Manzanita, Tam Valley (Tam Valley Community Services District) and Almonte (The Almonte Sewer District)

C149-2

Plan Bay Area and Draft EIR Fails to Adequately Disclose, Analyze, and Mitigate Impacts to Local Business

By focusing on large (under-utilized) housing sites through the process of identifying PDAs, Potential PDAs, and preferred sites, and by attempting to focus the majority of new housing in larger developments, the plan will have significant local economic and environmental impacts, divert work and money away from Marin County businesses, increase green house gas (GHG) emissions, increase passenger miles driven, and reduce the income of Marin County.

Marin County is dominated by small local contractors with only a few construction companies of any size, most of whom are equipped to handle projects no larger than a single residence, or perhaps a duplex. There are few (if any) contractors with extensive experience and a business focus on high-density housing, and the ability to navigate the political and financial requirements of building large scale affordable high-density housing projects. For example, the most notable construction company in Southern Marin, Ghilotti Construction Co., focuses primarily on roads, driveways, site preparation, and foundational work, NOT the development of high density housing. In order to obtain the services of construction companies suited to building affordable high-density housing, developers will be forced to look beyond Marin county. As a result:

- Passenger miles driven will be negatively affected as workers and managers drive in from other counties daily for the duration of the project. This will increase green house gasses (GHGs), which is in direct contradiction to the intent of SB-375, which gives PBA its charter.
- Local contractors will see a decrease in business and an increase in competition as new development and housing work is directed away from smaller projects such as single family residences, second units, and additions towards monolithic large scale projects beyond their scope. This will cause economic harm to the already cash strapped Marin economy and government.

- While single family homes and small commercial properties favor independent contractors and small construction companies for maintenance and repair, larger projects have historically favored, and will continue to favor, larger, and therefore, out of county, maintenance and construction companies. This will continue to divert money away from the local economy towards external suppliers.
- While local construction and maintenance companies do business with and support local lumber yards and supply companies, larger construction companies from outside of Marin will favor outside suppliers. As a result, sales will be further diverted from local businesses, and Marin's sales tax revenue and economy will suffer.

Local community serving businesses generate sales tax revenue, create jobs, and reduce the distance that local residents must travel to fulfill their daily requirements. However, in the Tam Valley (Tam Junction) PDA mixed use area, for example, developers will be forced to set-aside at least  $\frac{1}{4}$  or more of the square footage of any new or substantially new construction for non-commercial (high-density housing residential) uses. By effectively forcing developers to reduce the size of their commercial projects by  $\frac{1}{4}$  or more, the plan adversely affects economic and jobs growth, while increasing GHG emissions, again contrary to the intent of SB-375.

Further:

- C149-3** I. The Draft EIR fails to accurately assess water requirements for Plan Bay Area. The Draft EIR does not assess the risk to federally endangered and protected species habitat, including creek, bay, wetlands, and overall habitat damage caused by water diversions, water draw-downs, altered stream flow, and other possible water use strategies to accommodate Plan Bay Area's proposed high density housing numbers and commercial development.
- The fact that the Planned Development Areas and potential Planned Development Areas border sensitive eco-habitats near commercial and residential neighborhoods with antiquated storm drain, road, and sewer infrastructure, high traffic congestion, rising sea levels, coupled with Marin's water constraints, makes the lack of a water assessment plan in this DEIR unacceptable. The DEIR fails to assess the cumulative impact of water use diversion or other water mitigation

strategies on wildlife habitat, and the ability of existing water resources to service the residential and commercial density proposed.

The failure to identify and analyze the quantities of water required for Plan Bay Area is a serious flaw in this Draft EIR. This Draft EIR is not a reasoned and good faith effort to inform the public, Marin leaders, and key decision-makers regarding the impact of Plan Bay Area on Marin County. The Draft EIR is in violation of key principals of California water law.

What quantity of water will be diverted by all water users in the watershed to accommodate Plan Bay Area?

What cumulative impact will water diversions from all sources have on wildlife? What water quantities will be needed to service current and future residents and commercial establishments?

What water levels and flows (e.g. river, creek, wetlands, bay flows) are necessary to sustain species habitat? And what constitutes a “safe” flow?

Why hasn’t Plan Bay Area’s EIR consider impacts to water constraints on habitat on a per-city basis and for unincorporated neighborhoods?

Without this information, how can ABAG, MTC, or the public be informed and predict the scope or magnitude of adverse impacts that would occur as a result of Plan Bay Area? 3

**C149-4** II. Plan Bay Area Draft EIR uses flawed data in GHG projections that yield inaccurate findings and fail to inform the public, elected officials, and key decision-makers as to Plan Bay Area's true environmental impact.

**C149-5** I have been told that the "No Project" Alternative (#1) for Plan Bay Area is not an option because it does not reduce GHGs (Greenhouse Gasses). The fact is that the "No Project" Alternative can indeed be chosen, as it can be enhanced with various programs and strategies that will reduce GHGs.

**C149-6** In fact, the Draft EIR uses inaccurate data to support the other alternatives that purport to reduce GHGs.  
 The Draft EIR does not consider impacts of the new "Pavley" standards in California, already in effect, raising required mpg per mile and reducing GHGs (this is acknowledged in the notes of the DEIR).  
 The Draft EIR uses 2005 data in its projected future GHG emissions and GHG reductions. But this data does not include the impact of newly passed CAFÉ standards (e.g. 54.5 mpg for cars and light trucks). This will reduce car and light truck emissions more than any of Plan Bay Area's Alternative Projects even if we do nothing (e.g., "No Project" Alternative #1). In other words, the Draft EIR assumptions for each Alternative are flawed. This analysis in the Draft EIR must be redone and updated to reflect accurate statistics for correct projections and assumptions.  
 In its current state, the Draft EIR fails to inform the public, elected leaders and key decisions makers as to Plan Bay Area's true environmental impact. This part of the Draft EIR should be redone and revised and resubmitted for public review prior to any vote.  
 Why doesn't the Draft EIR use new legislation, policies, and standards targeting GHG emission reduction in its GHG emission projections and analysis?  
 How can MTC justify its GHG findings and the subsequent proposals in the Plan when it has not even considered other less expensive, less

disruptive and more effective methods of achieving GHG reduction goals?

III. Plan Bay Area DEIR references flawed job and population growth projections

**C149-7** According to Plan Bay Area, Sausalito is projected to have a 23% job growth rate between 2010 and 2040. This projection is flawed and does not correlate with projections from other agencies. The State Dept. of Finance (DOF) projects lower job and population growth. Please re-assess Sausalito's projected job and population growth rate, as well as the projected job and population growth rates of Marin County featured in Plan Bay Area, which are inflated and unrealistic. For example, the Pitkin-Myers CDR 12 report item 1 ("Less Population Growth") notes..."Much lower population growth is foreseen" in these projections indicated by the official state population projections issued in 2007 by the State Dept. of Finance. Why wasn't Pitkin-Myers data and other reliable data (e.g., DOF) used in the growth projections?

**C149-8** ABAG's RHNA factors in job and population growth projections. It is my understanding that ABAG's methodology for the 2014-2022 RHNA differs from the methodology used to generate the 2007-2014 RHNA. Was a new RHNA methodology created by ABAG because the prior RHNA methodology was flawed? If so, what research did ABAG conduct to substantiate the accuracy, validity, and reliability of the new methodology? How did this new methodology factor in historically reliable data (e.g., Dept. of Finance, Pitkin-Myers), and if not, why not?

**C149-9** IV. CEQA Streamlining

CEQA streamlining for SB375, Plan Bay Area, or Housing Element allocations should not be permitted. Is the approval or denial of CEQA streamlining controlled at the local level? Local control regarding CEQA is paramount and should not be usurped. Sausalito recently passed its Housing Element in compliance with its ABAG RHNA. An EIR was not performed for Sausalito's Housing 5

Element, despite clear constraints in the locations identified for potential housing allocations. These constraints include poor storm drains, traffic congestion, endangered and threatened species (Sausalito is surrounded by Richardson's Bay and the Golden Gate National Recreation Area), sea level rise, potential toxic waste, and EPA mandates and fines placed on Sausalito for its crumbling sewer infrastructure.

Without individual EIRs from cities, how reliable and accurate are the assumptions and data used in the cumulative Draft EIR for Marin regarding Plan Bay Area?

C149-10

V. Plan Bay Area Draft EIR Fails to Substantiate Assumptions, Claims, and Predictions regarding the reduction of GHGs.

Recent research indicates that the type of development proposed by Plan Bay Area will increase, not decrease, GHG emissions (Australian Conservation Foundation, 10/2007).

In fact, Plan Bay Area's alternative solutions for Marin County could produce 2.5 times the GHG emissions of single family home development and 3 times the GHG emissions of attached, single family townhouse development.

Research on the impact of TOD (Transit Oriented Development) on GHG emission reduction is open to interpretation (and misinterpretation), and the methodologies and scenario assumptions used in this research should be revisited and validated.

What meta-analysis did the Draft EIR conduct to substantiate its GHG emission claims and predictions, including current, past, and future GHGs, Economic Impact, Passenger Miles Traveled, and Sales and other tax revenue?

What individual research was referenced? What criteria did the Draft EIR use in selecting the research?

If assumptions were made regarding applicability of selected research to Marin and Plan Bay Area, what criteria was used in these assumptions, and how was this criteria substantiated? 6



What primary research on real-world TOD projects, as opposed to only simulated scenarios and/or models based on assumptions, was used to assess the accuracy, reliability, and validity of the Plan Bay Area DEIR conclusions regarding GHG emissions, economic growth, tax revenue, and passenger miles traveled?

**Conclusion**

I was saddened to learn that, despite widespread requests from the public, community leaders, and elected officials, ABAG and MTC rejected an extension of the public comment deadline for the Plan Bay Area Draft EIR. Fifty-five days is too short a time for sufficient transparency and public review and comment.

I have reviewed the comments by the Transportation Authority of Marin. I do not agree with all the comments of the TAM letter.

C149-11 I urge ABAG and MTC to support the “No Project” Alternative #1 and to explore other strategies for GHG reduction.

I also ask ABAG and MTC to consider the issues and answer the questions raised in this comment letter.

Thank you for the opportunity to comment on Plan Bay Area and its Draft EIR.

Respectfully

Luke Teyssier

cc: Ezra Rapport, Association of Bay Area Governments  
Transportation Authority of Marin  
Marin County Board of Supervisors  
Concerned Citizens



**Wendell Cox Consultancy**

demographia.com

• Belleville, Illinois 62222 USA

**DETAILED COMMENTS BY WENDELL COX**

**On the  
Plan Bay Area Draft Environmental Impact Statement**

**14 May 2013  
with  
7 June 2013 Terminology Revisions**

***NOTE ON 7 JUNE REVISIONS***

This version contains terminology revisions based upon a clarification email from the Metropolitan Transportation Commission (reproduced following page 17). The author appreciates the opportunity to make these revisions. This content of these comments remain otherwise unchanged from the original 14 May submittal.

***SUMMARY***

**C150-1** | The Plan Bay Area DEIR Draft Environmental Impact Report (DEIR) is based upon flawed data and fails to analyze important negative impacts of its proposed policies. The Proposed Plan (Alternative 2) is not  
**C150-2** | required to meet the greenhouse gas emissions objectives. Further, the DEIR analysis prejudices results in favor of the Proposed Plan relative to the No Project Alternative (Alternative 1). The Proposed Plan should be withdrawn, since the No Project Alternative (essentially “doing nothing”) achieves the required greenhouse gas (GHG) emissions reduction objectives.

**C150-3** | • The DEIR does not include the effect of the latest federal light vehicle fuel economy standards as projected by the United States Department of Energy (DOE). As a result, the DEIR substantially over- estimates Bay Area greenhouse gas (GHG) emissions for 2040.

**C150-4** | • If the DOE projections were included, as would be appropriate, the No Project Alternative would comfortably meet the GHG emissions objectives. This would eliminate the need for the Proposed Plan, which includes unprecedented interventions in land use and would seek to steer people's housing preferences toward those favored by ABAG and the MTC, at little gain in GHG emissions reduction and at potentially great cost.

**C150-5** | • The DEIR does not apply economic metrics to its GHG emissions reduction strategies. This is inappropriate and may be characterized as arbitrary and capricious.

- C150-6** • The Proposed Plan densification policies (forcing most development into priority development areas [PDAs] within the current urban footprint) that would seek to improve the jobs-housing balance have generally failed to achieve their objectives where tried.
- C150-7** • Nearly all (95 percent) of the GHG emissions reductions in the Proposed Plan from 2010 that are attributed to land-use strategies are from energy efficiency and scoping measures, which would be achieved with or without the Proposed Plan.
- C150-8** • The DEIR densification policies are likely to materially increase traffic congestion, which would reduce the small expected GHG emissions reductions projected to result from the similarly small reduction in driving per capita (overall driving would increase 18 percent).
- C150-9** • Nearly all (93 percent) of the GHG emissions reductions in under the Proposed Plan from 2010 to 2040 that are attributed to transportation strategies are from fuel economy improvements, which would occur with or without the Proposed Plan
- C150-10** • The Proposed Plan strategies would strengthen the urban containment policies in the Bay Area that are principally responsible for having escalated housing prices so high relative to incomes that the Bay Area has become the least affordable major metropolitan market in the nation. The net effect of the proposed policies is likely to be a further deterioration in housing affordability, to the detriment of all households and especially low income households. The DEIR does not address this issue. The policies that would force most commercial development into PDAs could drive commercial land prices higher, undermining the optimistic domestic migration assumptions of Plan Bay Area and the business competitiveness of the Bay Area.
- C150-11** • The DEIR does not consider strategies that would materially improve mobility for low income households.

These deficiencies require withdrawal of the Proposed Plan. Moreover, the fact that the No Project Alternative meets the GHG emissions reduction objective renders the Proposed Plan unnecessary.

## ***INTRODUCTION AND DEFINITION OF TERMS***

In this document, the following terms refer to alternatives in the DEIR:

Proposed Plan: Alternative 2

No Project Alternative: Alternative 1 (this could be considered the “null” alternative)

This document outlines deficiencies in the Plan Bay Area DEIR Draft Environmental Impact Report (DEIR). The document further shows that the GHG emissions reduction objectives would be comfortably met without the policy interventions of the Proposed Plan. There is no need for the Proposed Plan, and it should be withdrawn.

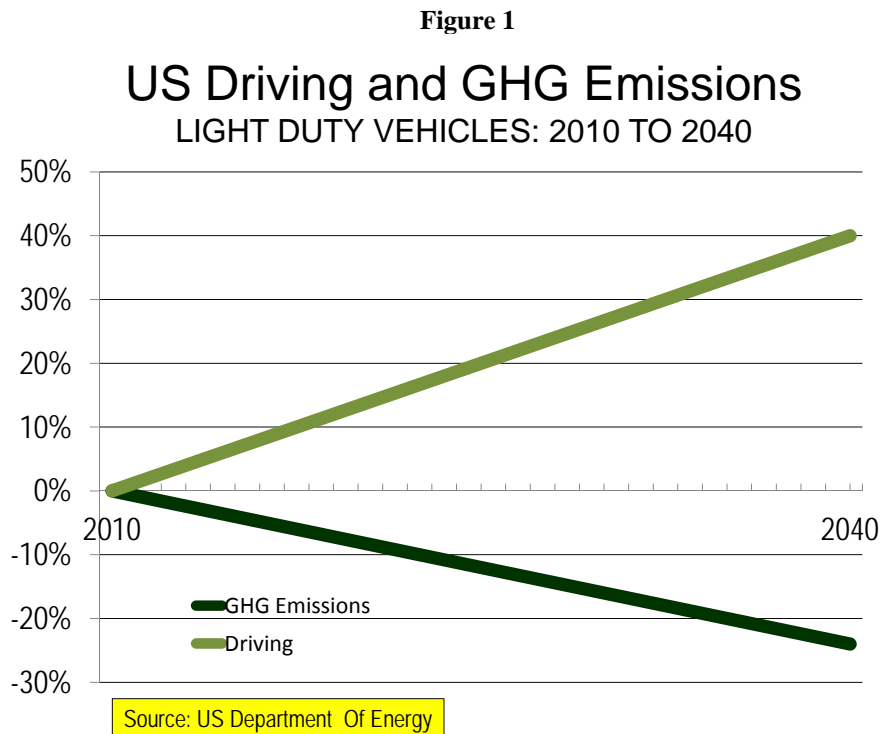
### ***C150-12 Issue #1: PLAN BAY AREA SUBSTANTIALLY UNDER-ESTMATES 2040 GREENHOUSE GAS (GHG) EMISSIONS REDUCTIONS FROM 2010.***

The GHG emissions reductions contained in the Plan Bay Area DEIR appear to be substantially underestimated, principally because Plan Bay Area does not include the recently approved federal fuel economy standards in its projections.

The Plan Bay Area DEIR must project achievement of a *per capita* GHG emissions reduction meeting a 15 percent target established by the California Air Resources Board (CARB) over the period of 2005 to 2035. The Proposed Plan achieves this objective comfortably. Moreover, the No Project Alternative (effectively the “null” or “do nothing” alternative) *also meets the objective*. As a result, *none of the transportation or land use strategies in the Plan Bay Area DEIR are necessary*.

### Light Vehicle GHG Emissions Based on Out-of-Date Projections

The Energy Information Administration of the US Department of Energy (DOE) has produced GHG emissions projections that reflect the impact of the new fuel economy standards in its *Annual Energy Outlook*.<sup>1</sup> Passenger vehicle GHG emissions per mile are projected to drop 46 percent between 2010 and 2040.<sup>2</sup> At the national level, this improvement is projected to reduce GHG emissions from passenger vehicles 24 percent even as driving increases 40 percent (Figure 1). The passenger vehicle fleet in the Bay Area is sufficiently similar to the national fleet to justify the use of the DOE projections in the DEIR. The omission of these DOE projections renders the GHG emissions reductions analysis in the DEIR inaccurate and of no value.



### MTC Climate Policy Initiative GHG Emissions Skewed to Favor the Proposed Plan

The Plan Bay Area DEIR makes assumptions regarding GHG emissions reductions from the MTC Climate Policy Initiative that bias results in favor of the preferred Proposed Plan and against the No Project Alternative. The documentation referenced in the Plan Bay Area DEIR for the seven "Climate

<sup>1</sup> US Department of Energy, Energy Information Administration, *Annual Energy Outlook: 2013*, <http://www.eia.gov/forecasts/aeo/>.

<sup>2</sup> Calculated from *Annual Energy Outlook 2013*.

Policy Initiatives" contains virtually no justification for the GHG emissions reduction advantages of the preferred Proposed Plan over the No Project Alternative.<sup>3</sup>

For example, it is not obvious that the Climate Policy Initiative strategies would yield materially different results under the two alternatives. It is assumed that no emissions reductions would be achieved by the "smart driving" (such as less aggressive driving) strategy or by a proposed "feebate" to impose a fee on new car purchases that exceed a GHG emissions standard, with funds rebated to purchasers of less GHG intensive cars. This is implausible.

A proposed "Commute Benefit Ordinance," would mandate employers with more than 50 employees to choose between contributing to employee commuting expenses, providing free shuttles to work or other alternatives that have "an equal or greater benefit in terms of reducing GHG emissions." This strategy seems unlikely to yield a material difference in GHG emissions between the Proposed Plan and the No Project Alternative.

C150-13

### **Multi-Unit Housing Common Energy Consumption GHG Emissions Excluded**

The Proposed Plan seeks to substantially change the composition of housing types, with far more housing being multi-unit and much less being single family dwellings. The Plan Bay Area DEIR assumes that multi-unit housing produces less GHG emissions than single-family dwellings. However, this difference could be substantially overstated. The source used by the Plan Bay Area DEIR<sup>4</sup> does not include emissions from shared or common energy that can frequently occur in multi-unit buildings.

Common energy is consumed, for example, by elevators, common area lighting, parking lot lighting, common air-conditioning, common heating and energy used in pumping water to upper floors. An analysis in Sydney (Australia) found that the inclusion of common energy in higher density resulted in *greater* GHG emissions per capita.<sup>5</sup>

C150-14

### **High Population Projection Assumption Skews Gross GHG Emissions High**

The Plan Bay Area DEIR uses an aggressive population projection placing the 2010 to 2040 population increase at 1.99 million. By contrast, the California Department of Finance (DOF), projects a 1.29 million increase in population between 2010 and 2040. The Plan Bay Area DEIR thus projects an approximately 54 percent greater population increase than the state. This higher projection is largely justified by an expansion in domestic migration, which seems exceedingly optimistic given the high housing costs and cost of living in the Bay Area. The Plan Bay Area DEIR's high population assumption would tend to *overestimate* GHG emissions in 2040 (because of the strong association between population and GHG emissions).<sup>6</sup>

<sup>3</sup> Draft Summary of Predicted Traveler Responses, ABAG and MTC (March 2013),

[http://onebayarea.org/pdf/Draft\\_Plan\\_Bay\\_Area/Draft\\_PBA\\_Summary\\_of\\_Predicted\\_Traveler\\_Responses.pdf](http://onebayarea.org/pdf/Draft_Plan_Bay_Area/Draft_PBA_Summary_of_Predicted_Traveler_Responses.pdf)

<sup>4</sup> California Energy Commission, *California Energy Saturation Study* (2009).

<http://www.energy.ca.gov/appliances/rass/>

<sup>5</sup> Paul Myers. Energy Australia. & Rachel O'Leary & Rob Helstroom, Multi-unit Residential Buildings Energy & Peak Demand Study, [http://203.15.106.215/information/common/pdf/alts\\_adds\\_req/energy\\_mu\\_study.pdf](http://203.15.106.215/information/common/pdf/alts_adds_req/energy_mu_study.pdf).

<sup>6</sup> Further, even before deferring to ABAG on population projection methodology, DOF's method of projecting population increase may be skewed high. This is illustrated by recent experience. In 2007, the Department of Finance projected a Bay Area that was 2.6 percent higher than the count just three years later in the 2010 census. There were similar over projections in other parts of the state and statewide as well. The author called these population projections into question at the time. See: Wendell Cox, "60 Million: Don't Bet on It: Cost of housing will put a lid on how much state's population can grow," *The Orange County Register*, August 24, 2007.

<http://www.ocregister.com/opinion/growth-23157-county-san.html>

The California Department of Finance is the principal authority for projecting population in the state. The DEIR should assume DOF official population forecasts, unless DOF revises its official county projections *throughout the state* to reflect the methodology used by Plan Bay Area.

C150-15

### Revised GHG Emissions Reduction Projections

We have provided a draft revision of the Plan Bay Area DEIR projections to account for these issues. Application of these adjustments to the No Project Alternative yields a 40 percent reduction in GHG emissions (overall national emissions, as opposed to per capita emissions), from passenger vehicles in 2040 compared to 2010, and a 37 percent reduction overall, including housing (Table 1).

Additional reductions are also likely, but not estimated in Table 1 for lack of data. These include (1) appropriate allocation of GHG emissions reductions to the No Project Alternative from the MTC Climate Initiative Program; (2) allocation of GHG emissions from common energy consumption in multi-unit housing, and (3) a multi-unit house size appropriate for the larger projected market of homeowners, which would reduce the GHG emissions reduction advantage of the Proposed Plan over the No Project Alternative.

| Table 1<br>Plan Bay Area EIR GHG Emissions Reductions Adjusted for Questionable Assumptions |                   |                    |                   |                             |                                                                   |                               |
|---------------------------------------------------------------------------------------------|-------------------|--------------------|-------------------|-----------------------------|-------------------------------------------------------------------|-------------------------------|
|                                                                                             | 2010              | 2040 No<br>Project | 2040 Plan         | 2040 No Project with<br>EIA | 2040 No Project with<br>EIA & Department of<br>Finance Population | Source of Base Data<br>(DEIR) |
| Daily Passenger Vehicle Miles (Millions)                                                    | 136.4             | 164.2              | 160.9             | 164.2                       | 151.9                                                             | 2.4-9                         |
| Population                                                                                  | 7,151,000         | 9,137,000          | 9,137,000         | 9,137,000                   | 8,434,000                                                         | 3.1.29 & DOF/ABAG             |
| <b>ANNUAL GHG EMISSIONS (Metric Tons)</b>                                                   |                   |                    |                   |                             |                                                                   |                               |
| Passenger Vehicle                                                                           | 19,383,000        | 14,927,000         | 14,631,000        | 12,583,000                  | 11,641,000                                                        | 3.1.29                        |
| Change from 2010: Metric Tons                                                               |                   | (4,456,000)        | (4,752,000)       | (6,800,000)                 | (7,742,000)                                                       |                               |
| Change from 2010: Percentage                                                                |                   | -23%               | -25%              | -35%                        | -40%                                                              |                               |
| Compared to 2040 No Plan Alternative                                                        |                   |                    | -2%               | -16%                        | -22%                                                              |                               |
| Annual per Capita GHG Emissions                                                             | 2.71              | 1.63               | 1.60              | 1.38                        | 1.38                                                              |                               |
| Change from 2010: Metric Tons                                                               |                   | (1.08)             | (1.11)            | (1.33)                      | (1.33)                                                            |                               |
| Change from 2010: Percentage                                                                |                   | -40%               | -41%              | -49%                        | -49%                                                              |                               |
| Compared to 2040 No Plan Alternative                                                        |                   |                    | -2%               | -16%                        | -16%                                                              |                               |
| <b>TOTAL GHG EMISSIONS (Metric Tons)</b>                                                    | <b>48,846,000</b> | <b>42,895,000</b>  | <b>41,344,000</b> | <b>39,296,000</b>           | <b>36,355,000</b>                                                 | <b>3.1.29</b>                 |
| Change from 2010: Metric Tons                                                               |                   | (5,951,000)        | (7,502,000)       | (9,550,000)                 | (12,491,000)                                                      |                               |
| Change from 2010: Percentage                                                                |                   | -12%               | -15%              | -20%                        | -26%                                                              |                               |
| Annual per Capita GHG Emissions                                                             | 6.83              | 4.69               | 4.52              | 4.30                        | 4.31                                                              |                               |
| Change from 2010: Metric Tons                                                               |                   | (2.14)             | (2.31)            | (2.53)                      | (2.52)                                                            |                               |
| Change from 2010: Percentage                                                                |                   | -31%               | -34%              | -37%                        | -37%                                                              |                               |
| Compared to 2040 No Plan Alternative                                                        |                   |                    | -4%               | -8%                         | -8%                                                               |                               |
| <b>ADDITIONAL GHG EMISSION REDUCTION FACTORS NOT INCLUDED IN 2040 NO PLAN ALTERNATIVE</b>   |                   |                    |                   |                             |                                                                   |                               |
| Equalization of MTC Climate Initiative Savings                                              |                   |                    |                   |                             |                                                                   |                               |
| Allocation of shared energy consumption emissions to multi-unit housing                     |                   |                    |                   |                             |                                                                   |                               |
| Multi-unit house size                                                                       |                   |                    |                   |                             |                                                                   |                               |

C150-16

### Issue #2: PLAN BAY AREA FAILS TO APPLY AN ECONOMIC METRIC TO ITS GHG EMISSION REDUCTION STRATEGIES

*Moreover the Plan Bay Area DEIR does not apply an economic metric to its strategies for GHG emissions reductions.* This is a gross oversight. It is not sufficient to simply adopt policies that reduce GHG emissions without applying a cost metric. Policies must be chosen based on their relative cost

effectiveness; otherwise there is the potential for retarding economic growth, job creation, and household affluence, while increasing poverty.

According to the United Nations Intergovernmental Panel on Climate Change (IPCC), sufficient GHG emissions reductions can be achieved at a maximum cost of \$20 to \$50 per (metric) ton.

Policy decisions need to be made based upon their relative cost-effectiveness. The IPCC, for example, estimates that the potential for GHG reduction in the transportation sector is less than one half of its contribution to overall GHG emissions.<sup>7</sup> The European Conference of Ministers of Transport acknowledged a lesser potential for transportation: "Transport and other sectors are ... expected to contribute correspondingly less to overall emissions reduction strategies."<sup>8</sup>

There are indications that the strategies in the Proposed Plan may be more costly than that standard, especially the housing and transportation strategies. For example, some of the proposed "Climate Policy Initiatives" would substantially exceed the IPCC maximum cost guideline per ton of emission reduction. A 2012 document<sup>9</sup> indicated that four of six listed strategies exceeded the \$50 per ton maximum. The most costly strategy was more than \$800 per ton, or between 16 and 40 times the IPCC maximum.

Elements in the previous MTC 2035 *Transportation Plan*, estimated an annual cost of from \$200 to \$800 per ton of GHG for its bus improvement strategies and from \$800 to \$5800 per ton for its rail and ferry improvements.

In addition, the Plan Bay Area DEIR failed to apply a cost metric to the densification policies, to account for the likely increase in housing and commercial costs resulting from its intensified land rationing policies (urban containment policies). The impact of urban containment policies is discussed in greater detail under Issue #5.<sup>10</sup>

***Failing to apply a cost metric to GHG emission strategies is inappropriate and renders the adopted strategies, in effect, arbitrary and capricious with respect to the Bay Area economy and the living standards of all households, with particular likely negative impacts on low income households.***

C150-17

### **Issue #3: PLAN BAY AREA LAND USE OUTCOMES ARE UNLIKELY TO ACHIEVE OBJECTIVES, BASED UPON EXPERIENCE ELSEWHERE**

In attempting to reduce GHG emissions, the Proposed Plan seeks substantial densification of residences and commerce, concentrating 77 percent of new housing and 63 percent of new jobs in priority

<sup>7</sup> Transportation is a large contributor to GHG emissions, estimated at 23 percent of the world GHG emissions, 75 percent of which is from road vehicles (IPCC 2007b, 325). IPCC further estimated the potential for GHG reductions from transportation at between 8 and 10 percent, assuming a cost of less than \$100 per ton (IPCC 2007a, 11) and based upon a total CO2 equivalent GHG emission of from 16.1 gigatons to 31.1 gigatons in 2050 (IPCC 2007c, 632).

<sup>8</sup> European Council of Ministers of Transport, *Transport and Environment: Review of CO2 Abatement Policies for the Transport Sector Conclusions and Recommendations*, p.3, 2006.

<sup>9</sup> the Plan Bay Area DEIR, "the Plan Bay Area DEIR Preferred Land Use Scenario/Transportation Investment Strategy,"

[http://apps.mtc.ca.gov/meeting\\_packet\\_documents/agenda\\_1875/Item\\_4a\\_Pref.\\_Land\\_Use\\_Scenario\\_Transp.\\_Invest.\\_Strategy.pdf](http://apps.mtc.ca.gov/meeting_packet_documents/agenda_1875/Item_4a_Pref._Land_Use_Scenario_Transp._Invest._Strategy.pdf)

<sup>10</sup> In another report we have estimated the cost per ton of GHG emission removed at \$20,000 for a national implementation of urban containment policy. See: Wendell Cox, "Reducing Greenhouse Gases from Personal Mobility: Opportunities and Possibilities," Reason Foundation, 2011, [http://reason.org/files/reducing\\_greenhouse\\_gases\\_mobility\\_development.pdf](http://reason.org/files/reducing_greenhouse_gases_mobility_development.pdf).



development areas (PDAs), nearly all located within the present urban footprint. The Plan Bay Area DEIR suggests that this will improve the “jobs-housing” balance, a metropolitan planning concept that has largely not achieved its objectives elsewhere.

In justifying this strategy, the Plan Bay Area DEIR notes that households living closer to transit travel less frequently and shorter distances than those living farther away from transit. The reduction is cited as being on the order of 30 percent.

*MTC’s 2006 report, “Transit-Oriented Development: New Places, New Choices in the San Francisco Bay Area,” supports the proposition that transit-oriented development can reduce the rate of car ownership. According to this report, almost 30 percent of households living within a half-mile of a rail or ferry station do not own cars. Households closer to transit also log fewer daily miles on the cars they do own (20 miles per day for households less than a half-mile from transit, versus 39 to 55 miles per day for households living more than one mile from transit). Furthermore, households close to transit report a higher share of daily work and non-work trips on foot or by bike than households farther from transit.*

The MTC Study notes the potential role of “self-selection” in this finding, but concludes that transit oriented development (PDAs) “hold promise.”<sup>11</sup>

*The study does recognize that “self-selection,” or the tendency for individuals with a high propensity for using transit to live in TODs, may also be a factor in these travel behaviors. Still, the study concludes that: “Whether being near rail/ferry transit simply allows people who prefer to drive less than personal choice, or whether it creates a greater interest in such travel options, this research demonstrates that policies to support transit-oriented development hold promise as one important tool, among others, in addressing congestion, transit usage, non-motorized travel, and air pollution in the Bay Area.*

In fact, however, the Plan Bay Area DEIR’s modeling (which we criticize elsewhere) demonstrates little, if any such promise, yielding only a miniscule reduction in per capita (per household) travel of only 2 percent in 2040.<sup>12</sup> This illustrates the fact that small area estimates cannot be reliably used for metropolitan area projections.

Further, the DEIR forecasts an overall passenger vehicle travel volume increase of 18 percent, despite these expected improvements in the jobs-housing balance. These modest results are not surprising.

Attempts to establish localized jobs-housing balances within metropolitan areas have not achieved their objectives, having little, if any impact on reducing commute distances.

In the United Kingdom, “self sufficient” new towns (such as Milton Keynes and Stevenage) were built in the exurbs with sufficient employment for the new residents. The jobs and the residents materialized, but the shorter travel distances did not. The 2001 census shows that residents average work trip travel distances nearly double that of the new town diameters, and often work in other jurisdictions, sometimes substantial distances away. Other workers commute long distances from other parts of the metropolitan areas to job locations in the new towns.

<sup>11</sup> Metropolitan Transportation Commission, *New Places New Choices: Transit Oriented Development in the San Francisco Bay Area*, 2006 [http://www.mtc.ca.gov/planning/smart\\_growth/tod/TOD\\_Book.pdf](http://www.mtc.ca.gov/planning/smart_growth/tod/TOD_Book.pdf).

<sup>12</sup> Based on the difference in the passenger vehicles GHG emissions between the Proposed Plan and the 2040 No Plan alternative in Table 3.1-29.



Urbanologist Peter Hall of the London School of Economics made similar findings with respect to Stockholm's satellite communities. Despite jobs-housing balance planning intentions similar to those in the United Kingdom, the overwhelming majority of people work outside the intended "self sufficient" communities in which they live.<sup>13</sup>

The Proposed Plan's land use strategies contribute little to GHG emissions reduction. Approximately 95 percent of the reduction in GHG emissions under the Proposed Plan are from energy efficiency improvements and other measures (referred to as "Scoping Plan Reductions in the DEIR) *that are the same under the Proposed Plan and the No Project Alternative*. The other five percent is from the land use policies of the Proposed Plan and represent the difference from the No Project Alternative. Even this small contribution is unlikely to be achieved, as is suggested above.

*Nearly all (95 percent) of the GHG emissions reductions in the Proposed Plan from 2010 that are attributed to land-use strategies are from energy efficiency and scoping measures, which would be achieved with or without the Proposed Plan.*<sup>14</sup>

C150-18

#### **Issue #4: PLAN BAY AREA LAND-USE AND TRANSPORTATION STRATEGIES ARE LIKELY TO INTENSIFY TRAFFIC CONGESTION**

Despite the draconian land use interventions that seek to minimize travel distances between homes and work, the preferred Proposed Plan would result in only two percent less driving volume than in the No Project Alternative. Travel by passenger vehicles would increase 18 percent, and passenger vehicles would remain the dominant mode of travel.

At the same time, this increase in traffic would be accommodated on a roadway system little expanded from the present. Traffic would further be more concentrated in PDAs, in which population densities and employment densities would be higher, generating many more trips. Both of these factors could be expected to increase traffic congestion. *Yet this likely increase in traffic congestion is largely ignored in the Plan Bay Area DEIR.*

There is a strong relationship between higher population and employment density (such as would be produced by concentration of residences and employment in the PDAs) and greater traffic volumes. A meta-analysis of nine studies examining per capita or per household automobile use by Ewing and Cervero associates a doubling of density with a miniscule decline in driving (approximately a 0.4 percent reduction in *per capita* driving for each 10 percent increase in population density).<sup>15</sup> This means that with a 10 percent increase in population density (people in a specific geographic area), total driving would rise nearly 10 percent, *nearly the same as the population increase*.

Our review of more than 180 metropolitan areas in Europe, North America, and Asia indicated a strong relationship between higher density and greater traffic congestion. The same research, covering 109 metropolitan areas, also indicated that higher urban population density was strongly associated with longer work trip travel times.<sup>16</sup>

<sup>13</sup> Peter Hall, *Cities in Civilization* (New York, NY: Pantheon Books, year), pp. 842–887.

<sup>14</sup> Assumes application of the US Department of Energy light vehicle GHG emissions projections to 2040.

<sup>15</sup> Reid Ewing and Robert Cervero, "Travel and the Built Environment: A Meta-Analysis," *Journal of the American Planning Association*, May 2010, <http://www.reconnectingamerica.org/resource-center/browse-research/2010/travel-and-the-built-environment-a-meta-analysis>

<sup>16</sup> Wendell Cox, "Urban Travel and Urban Population Density," *Journeys*, November 2012, Land Transport Authority, Singapore Government, [http://ltaacademy.gov.sg/doc/JOURNEYS\\_Nov%202012.pdf](http://ltaacademy.gov.sg/doc/JOURNEYS_Nov%202012.pdf).

All things being equal, traffic volumes increase with population densities. It can be expected, therefore, that traffic congestion will increase unless sufficient roadway capacity is added to accommodate higher traffic volumes. There is no such capacity increase in the Proposed Plan.

**C150-19 Greater Traffic Congestion Retards Expected GHG Emissions Reductions from Less Driving**

The greater traffic congestion could virtually cancel most or all of the GHG emissions reductions that might otherwise be expected from reducing driving (in the Proposed Plan compared to the No Project Alternative). Each gallon of gasoline produces the same volume of GHG emissions. Greater fuel consumption in congested traffic can result in GHG emissions over 70 percent higher per mile than in free-flow traffic.<sup>17</sup>

***In not accounting for the increased traffic volumes and increased traffic congestion, Plan Bay Area over-estimates the reduction in GHG emissions under the Proposed Plan compared to the No Project Alternative.***

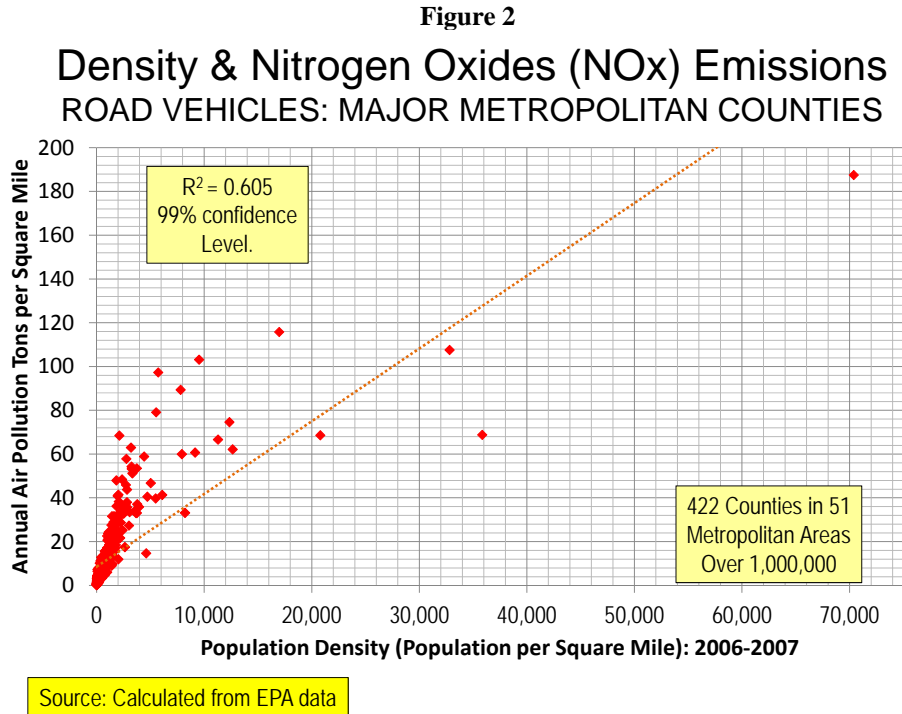
**C150-20 Greater Traffic Congestion Likely to Negatively Impact Health Along Corridors**

The greater traffic congestion is likely to have negative health impacts. According to the American Heart Association and the US Environmental Protection Agency, air pollution increases along congested corridors. There is a strong relationship between more intense air pollution and higher population density (Figure 2).<sup>18</sup>

***By not considering the increased traffic congestion that can be expected from densification, the Plan Bay Area DEIR fails to consider the expected negative health impacts.***

<sup>17</sup> Transport Canada, *The Cost of Urban Congestion in Canada*, 2007, <http://citeseerx.ist.psu.edu/viewdoc/download;jsessionid=9CD2D9FA6D7AE54580D380138C052FED?doi=10.1.1.134.6880&rep=rep1&type=pdf>

<sup>18</sup> Wendell Cox, "Smart Growth (Livability), Air Pollution and Public Health," *The New Geography*, September 29, 2011, <http://www.newgeography.com/content/002462-smart-growth-livability-air-pollution-and-public-health>



C150-21

### Excessively Optimistic Transit Ridership Increase Assumption

Moreover, the projected transit ridership increases in the Proposed Plan appear to be overly optimistic. Between 2010 and 2040, the Proposed Plan assumes a 93 percent increase in transit ridership.<sup>19</sup> Yet, over the same period, the Plan Bay Area DEIR projects that transit service will increase only 27 percent (seat miles). It is unusual for transit ridership to increase faster than the increase in transit service, simply because the transit services that are already operated are in markets with the highest demand. New services are routinely less well patronized.

This increase in transit ridership is in contrast to recent longer term trends. Between 1985 and 2010, transit service levels were increased 46 percent in the Bay Area.<sup>20</sup> However, ridership<sup>21</sup> declined slightly between 1983 and 2010. The Proposed Plan ridership and service projections indicate a 3.45 ratio of new ridership to new service, which is considerably higher than the minus 0.01 ratio between 1985 and 2010.

As a result of the high transit ridership projections, the Proposed Plan assumes a reduction of demand for automobile travel. This biases the Plan Bay Area DEIR's Proposed Plan over the No Project Alternative.

***Nearly all (93 percent) of the GHG emissions reductions in under the Proposed Plan from 2010 to 2040 that are attributed to transportation strategies are from fuel economy improvements, which would occur with or without the Proposed Plan.***<sup>22</sup>

<sup>19</sup> All transit travel, both work trips and other trips.

<sup>20</sup> Analysis of National Transit Database, 1985 and 2010.

<sup>21</sup> Measured in "boardings." A boarding occurs each time a passenger gets on a vehicle. Thus, a door to door trip using two buses counts as two boardings, even though it is only one trip (called a "linked trip").

<sup>22</sup> Assumes application of the US Department of Energy light vehicle GHG emissions projections to 2040.

C150-22

**Issue 5: PLAN BAY AREA COULD EXACERBATE THE BAY AREA'S ALREADY WORST HOUSING AFFORDABILITY AMONG THE NATION'S MAJOR METROPOLITAN AREAS**

The Bay Area is by far the least affordable major metropolitan housing market. In late 2012, the San Jose metropolitan area had a median multiple of 7.9 (the median multiple, which is the median house price divided by the median household income), the highest among the 51 major metropolitan areas. The San Francisco metropolitan area had a median multiple of 7.8, the second highest among the 51 major metropolitan areas. Bay Area house prices *in relation to incomes* were more than double that of other major metropolitan areas.<sup>23</sup>

More recent data indicate a further deterioration of housing affordability. For the year ended March 31, 2013, median house prices rose more than 30% in the San Francisco and San Jose metropolitan areas. Each of these increases is above the 11% national average, which was characterized by the National Association of Realtors as the “best year-over-year performance in over seven years” (the largest price increase).<sup>24</sup>

The Bay Area also has the highest cost of living of any major metropolitan market. The *C2ER Cost of Living Index* indicates that the cost of living is 48 percent higher in the Bay Area than the national average.<sup>25</sup> This means that a dollar earned by Bay Area residents has a purchasing power of only \$0.68 compared to the national average (of \$1.00). Compared to less costly areas, such as fast growing Nashville or Columbus (Ohio), the value of a Bay Area dollar drops to nearly \$0.60.

Housing is the largest expenditure of household budgets. Cost of living differences around the nation tend to be driven by differences in housing costs.<sup>26</sup> It is estimated that 80 percent of the Bay Area's higher cost of living is attributable to its higher cost of housing.<sup>27</sup>

The Bay Area was not always excessively expensive. Before the implementation of stronger land use regulation in the 1970s, housing affordability in the Bay Area was much closer to that of other major metropolitan areas.<sup>28</sup> Since that time, housing affordability, as measured by the median multiple (median house price divided by median household income) has increased 2.5 times the national average in the San Francisco metropolitan area and more than three times the national average in the San Jose metropolitan area.

<sup>23</sup> Wendell Cox and Hugh Pavletich, *9th Annual Demographia International Housing Affordability Survey*, p.6, 2013, <http://www.demographia.com/dhi.pdf>.

<sup>24</sup> National Association of Realtors, *Metro Area Home Price Growth Trend Continues in First Quarter*, May 9, 2013, <http://www.realtor.org/news-releases/2013/05/metro-area-home-price-growth-trend-continues-in-first-quarter>.

<sup>25</sup> Calculated from *C2ER Cost of Living Index: Annual 2012*. Indexes for Oakland and San Francisco metropolitan divisions and San Jose metropolitan area weighted by population (San Benito County included because it is included in the San Jose data. Because of San Benito County's smaller population, this is unlikely to materially impact the calculation). The *C2ER Cost of Living Index* is the most frequently consulted cost of living index, and was formerly called the *ACCRA Cost of Living Index*. <http://www.coli.org/>.

<sup>26</sup> Our analysis of the 2008 *ACCRA Cost of Living Index* (predecessor to the *C2ER Cost of Living Index*) indicates that 68 percent of the difference in the cost of living is attributable to housing costs (analysis of local observations where the cost of living is 5 percent plus or minus the national average).

<sup>27</sup> Groceries are also more expensive in the Bay Area, at more than 20 percent above the national average. Calculated from *C2ER Cost of Living Index: Annual 2012*. <http://www.coli.org/>.

<sup>28</sup> William Fischel, *Regulatory Takings, Law, Economics and Politics*, Harvard University Press, 1995, p. 218-225.

### Urban Containment Policies Retard Housing Affordability

There is considerable evidence that urban containment policies, which are extensive in the Bay Area, drive up the price of land for residential development, especially by rationing land. ***This is consistent with the economic principle that rationing of a good or service tends to lead to higher prices.***

*When the supply of any commodity is restricted, the commodity's price rises. To the extent that land-use, building codes, housing finance, or any other type of regulation is binding, it will worsen housing affordability.<sup>29</sup>*

Rising house prices relative to household incomes can be an indication of an insufficient, affordable land supply.<sup>30</sup> Economist Anthony Downs of the Brookings Institution stresses the importance of a "competitive land supply" to housing affordability. The principal cost element in the loss of housing affordability from urban containment policy is higher land costs. Downs describes the process by which urban growth boundaries can drive up the price of land, which increases house prices.<sup>31</sup>

*If a locality limits to certain sites the land that can be developed within a given period, it confers a preferred market position on those sites. . . . If the limitation is stringent enough, it may also confer a monopolistic power on the owners of those sites, permitting them to raising land prices substantially.*

Even comparatively modest house price differentials can have a significant effect on a community and its inhabitants. Downs notes that a modest 10 percent increase in house prices makes it impossible for four percent of households to purchase a home, and concludes that such an effect is "socially significant."<sup>32</sup>

### Urban Containment Draws (Encourages) Investor Interest (Speculation)

Buyers will tend to be attracted to markets in which investment gains appear to be most lucrative. It is thus not surprising that urban containment is associated with a higher share of investment (speculative) buyers than buyers seeking primary residences.<sup>33</sup>

Recent house price increases made the Bay Area more attractive to real estate investment (speculation). By encouraging a disproportionate increase in demand, while severely limiting supply, house prices are driven up by increases in investor activity. This influence was particularly important in the extraordinary

<sup>29</sup> R. K Green and S. Malpezzi (2003), *A Primer on U.S. Housing Markets and Housing Policy*, Urban Institute Press, p. 146.

<sup>30</sup> In the Portland area, virtually across the road raw land values per acre at the urban growth boundary average 11 times higher within the boundary than outside the boundary (see: Wendell Cox, "Property Values 11 Times Higher Across Portland's Urban Growth Boundary," *The New Geography*, October 12, 2010, <http://www.newgeography.com/content/001808-property-values-11-times-higher-across-portlands-urban-growth-boundary> and Gerald Mildner, *Public Policy and Portland's Real Estate Market*, 2009, [http://www.pdx.edu/sites/www.pdx.edu.realestate/files/media\\_assets/quarterly\\_report/2010\\_1st/1Q10-4A-Mildner-UGB-1-31-10.pdf](http://www.pdx.edu/sites/www.pdx.edu.realestate/files/media_assets/quarterly_report/2010_1st/1Q10-4A-Mildner-UGB-1-31-10.pdf) )

<sup>31</sup> Anthony Downs (1994), *New Visions for Metropolitan America*, Brookings Institution Press and Lincoln Land Institute, p. 38. [newvison.aspx](http://newvison.aspx), p. 38

<sup>32</sup> Downs, p. 36.

<sup>33</sup> E. L. Glaeser & J. Gyourko (2008), *Rethinking Federal Housing Policy: How to Make Housing Plentiful and Affordable*, American Enterprise Institute, 2008.

house price increases during the housing bubble in California and elsewhere, according to Federal Reserve Bank of New York research.<sup>34</sup>

### Urban Containment Can Hobble Economic Growth

There is also research pointing to urban containment policy as inhibiting economic growth. US Federal Reserve Board economist Raven Saks found that employment growth is 20 percent less than expected in US metropolitan areas with stronger land use policies.<sup>35</sup> Another econometric analysis found an association between more restrictive land use regulation and slower economic growth in the Randstad region (Amsterdam-Rotterdam-The Hague).<sup>36</sup>

After the collapse of the housing market, the U.S. Congress commissioned a report on the causes of the financial crisis. The US Financial Crisis Inquiry Commission identified four hypotheses as possible causes for the US housing bubble. One of the hypotheses involved strong land use restrictions. The commission stated:

*Land use restrictions. In some areas, local zoning rules and other land use restrictions, as well as natural barriers to building, made it hard to build new houses to meet increased demand resulting from population growth. When supply is constrained and demand increases, prices go up.*<sup>37</sup>

There is considerable additional research on the strong relationship between urban containment policy and the loss of housing affordability. For example, Paul Cheshire of the London School of Economics has concluded that *urban containment policy is incompatible with housing affordability*.<sup>38</sup> Other research also concludes that urban containment policy can hamper broader economic performance.<sup>39</sup>

### Impact on the Proposed Plan on Rental Costs and Workforce Housing

The housing affordability problem extends to rental housing as well. California's median monthly housing costs were 40 percent above the national average in 2011. In 2012, San Jose had the highest overall median housing costs among the nation's major metropolitan areas, at 78 percent above average.<sup>40</sup> San Francisco had the third highest housing cost, at 68 percent above the national average.

<sup>34</sup> Haughwout, A., Lee, D., Tracy, J., and van der Klaauw, W., "Real Estate Investors, the Leverage Cycle, and the Housing Market Crisis," Federal Reserve Bank of New York, 2001.

[www.ny.frb.org/research/staff\\_reports/sr514.pdf](http://www.ny.frb.org/research/staff_reports/sr514.pdf).

<sup>35</sup> R. E. Saks (2005), *Job Creation and Housing Construction: Constraints on Metropolitan Area Employment Growth*, Federal Reserve Board.

<sup>36</sup> Vermeulen W. and J. Van Ommeren. Does land use planning shape regional economies? A simultaneous analysis of housing supply, internal migration and local employment growth in the Netherlands (2009), <http://www.sciencedirect.com/science/article/pii/S1051137709000448>.

<sup>37</sup> US Financial Crisis Inquiry Commission (2011) *Final Report of the National Commission on the Causes of the Financial and Economic Crisis in the United States*, <http://www.gpo.gov/fdsys/pkg/GPO-FCIC/pdf/GPO-FCIC.pdf>

<sup>38</sup> Paul Cheshire, "Urban Containment, Housing Affordability, Price Stability -Irreconcilable Goals," 2009, [http://www.sjcapitalgroup.com/publications/Urban percent20containment percent20housing percent20affordability percent20and percent20price percent20stability.pdf](http://www.sjcapitalgroup.com/publications/Urban%20containment%20housing%20affordability%20and%20price%20stability.pdf).

<sup>39</sup> A compendium of research on the relationship between urban containment policy and higher house prices is available at <http://demographia.com/db-dhi-econ.pdf>

<sup>40</sup> Further, the high cost of housing is not limited to the San Francisco and San Jose metropolitan areas. Other Bay Area Metropolitan areas are also costly. Napa ranks 11th most costly of the 374 Metropolitan areas for which there are data. Vallejo ranks 14th and Santa Rosa ranks 17th.

The extent of the rental affordability problem for "working families" in the Bay Area is detailed in a Urban Land Institute report (*Priced Out*).<sup>41</sup>

*Unless serious changes are made, future construction will not alleviate the problem. A scarcity of appropriately zoned and located land together with relatively high development costs makes it nearly impossible for builders and developers to deliver high-quality new rental communities at price points affordable to workforce families.*

### **Urban Containment Retards Household Affluence and Disadvantages Low Income Households**

Yet, there is no shortage of land for development. For example, much urban development has taken place on agricultural land. However far more agricultural land has been taken out of production, both nationally and in California than all of the new land occupied by new urbanization (not all of which was on formerly agricultural land). An area larger than Texas and Oklahoma combined has been taken out of production since 1950 in the United States, far more land that has been required by new urbanization. In California, approximately four times as much land has been taken out of agricultural production since 1950 as has been used for new urbanization. Agricultural land reductions have not been the result of urbanization.<sup>42</sup>

The entire extent of urbanization in the Bay Area is approximately 1,238 square miles. The total agricultural land in the Bay Area is approximately 3,369 square miles, three times the total land covered by urbanization.<sup>43</sup>

At the same time, urban containment policies have largely been adopted without a full discussion or disclosure of the negative externalities, such as higher housing costs, as well as their impact on households, whether above or below the poverty line.

### **Impact of the Proposed Plan on Overall Housing Affordability and Commercial Land Prices**

The Proposed Plan's housing policies seem likely to *worsen* the Bay Area's already worst in the nation housing affordability and make its commercial real estate more costly. Nearly all new housing (97 percent) would be in the existing urban footprint, with little potential for new housing on the fringe. This would preclude the use of less costly land.

The Bay Area's housing affordability is so severe that households have been locating in the San Joaquin Valley to obtain more affordable housing.<sup>44</sup> The Proposed Plan's land use policies could encourage intensification of this trend.

Further, by seeking to concentrate new employment locations in the PDAs, the Proposed Plan could further raise commercial land prices, which would make the cost of doing business in the Bay Area greater and lead to higher service and product prices. As noted under Issue 2, these issues should also have been subject to an economic analysis of the cost per ton of GHG emissions reduced, an omission that is virtually complete with respect to virtually all Proposed Plan strategies in the Plan Bay Area DEIR.

<sup>41</sup> *Priced Out: Persistence of the Workforce Housing Gap in the San Francisco Bay Area*, Urban Land Institute, Terwilliger Center for Work Force Housing, 2009. [http://www.rclco.com/archivepdf/Priced percent20Out percent20San percent20Fran percent20Report.pdf](http://www.rclco.com/archivepdf/Priced%20Out%20San%20Fran%20Report.pdf)

<sup>42</sup> Calculated from US Census Bureau and US Department of Agriculture data.

<sup>43</sup> DEIR.

<sup>44</sup> *Priced Out: Persistence of the Workforce Housing Gap in the San Francisco Bay Area*, Urban Land Institute, Terwilliger Center for Work Force Housing, 2009. [http://www.rclco.com/archivepdf/Priced percent20Out percent20San percent20Fran percent20Report.pdf](http://www.rclco.com/archivepdf/Priced%20Out%20San%20Fran%20Report.pdf)



***These potential detrimental effects on household affluence, especially on low income households, are not considered in the Plan Bay Area DEIR.***

C150-23

***Issue #6: THE DEIR DOES NOT CONSIDER ALTERNATIVES TO IMPROVE MOBILITY FOR LOW-INCOME HOUSEHOLDS***

Access to the broad array of jobs throughout the Bay Area is important to all. Plan Bay Area expresses considerable concern low income households, Plan. Yet the transportation strategies of the Proposed Plan would do virtually nothing to materially increase their access to employment.

It is generally understood that transit is used more by low income citizens than by others. Even so, the overwhelming majority of commuting by low income households is by passenger vehicle, not transit. This is because transit cannot provide sufficient mobility throughout the Bay Area. The average worker in the Bay Area can reach only 10 percent of jobs on transit in 45 minutes,<sup>45</sup> far longer than automobile commute times. By contrast, 72 percent of Bay Area automobile commuters have a work trip travel time of 30 minutes or less.<sup>46</sup> The inability to reach most employment by transit in a reasonable period of time forces many low income workers to purchase cars.

Yet, mobility throughout the labor market is important to taking advantage of better employment opportunities, especially for low income workers. This requires an automobile. As a Progressive Policy Institute report put it:<sup>47</sup>

*In most cases, the shortest distance between a poor person and a job is along a line driven in a car. Prosperity in America has always been strongly related to mobility and poor people work hard for access to opportunities. For both the rural and inner-city poor, access means being able to reach the prosperous suburbs of our booming metropolitan economies, and mobility means having the private automobile necessary for the trip. The most important response to the policy challenge of job access for those leaving welfare is the continued and expanded use of cars by low-income workers.*

There are alternatives for materially improving mobility for low income households, which were not evaluated in the Plan Bay Area DEIR. For example, sharing programs have received considerable favorable publicity. Some of the strongest such programs operate in the Bay Area. Car sharing permits users personal mobility without the necessity of car ownership. These programs have a strong presence in the Bay Area. Further, user subsidies to support automobile ownership may have some potential for improving low income mobility and could yield substantial economic and social benefits. There are successful private-not-profit models around the nation. Incentives to increase working at home, the most sustainable mode of work access, may also offer some potential.

***The Plan Bay Area DEIR does not consider alternatives that could materially improve mobility for low income residents.***

<sup>45</sup> A. Tomer, A. E. Kneebone, A. Berube, & R. Puentes, "Missed Opportunity: Transit and Jobs in Metropolitan America," Brookings Institution (2011).

<sup>46</sup> The Bay Area combined statistical area (San Jose-San Francisco). Data from the American Community Survey 2011 (1 year).

<sup>47</sup> M. Waller and M. A. Hughes, "Working Far From Home: Transportation and Welfare Reform in the Ten Big States," Progressive Policy Institute, 1999. [http://www.dlc.org/documents/far\\_from\\_home.pdf](http://www.dlc.org/documents/far_from_home.pdf)



## ***CONCLUSION***

C150-24

The Proposed Plan should be withdrawn, since the GHG emissions reduction objectives would be met by the No Project Alternative. This course of action would also have the advantage of avoiding the negative impacts noted above.



wendell cox &lt;demographia@gmail.com&gt;

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## Comments One Plan Bay Area DEIR

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**eircomments** <eircomments@mtc.ca.gov>

Tue, Jun 4, 2013 at 7:32 PM

To: wendell cox &lt;[REDACTED]&gt;

Hello Wendell,

In reviewing your comment, it appears there might have been confusion regarding the "proposed Plan" as compared to the "No Project." Alternative 1 studied in the EIR is the "No Project", while Alternative 2 is the "proposed Plan".

We wanted to flag this for you, and give you an opportunity to revise your comments if there was indeed a misunderstanding, as appropriate. As we are working on responses to comments right now, I'll need any revised comment by the end of the day on Friday, June 7th. Please let me know if you plan on making any revisions, or if you have any questions.

Thanks for your interest in Plan Bay Area.

Carolyn

Carolyn Clevenger, EIR Project Manager  
Metropolitan Transportation Commission  
101 8th Street  
Oakland, CA 94607  
(510) 817-5736

>>> wendell cox [REDACTED] 5/13/2013 11:24 AM >>>

I am attaching my comments on the One Bay Area Draft Environmental Impact Report.

There are three attachments:

1. Cover letter
2. Detailed comments
3. Biographical information.

These personal comments are based upon analysis I am conducting for the Pacific Research Institute in San Francisco.

Best regards,  
Wendell Cox  
Principal,  
Wendell Cox Consultancy (Demographia)  
St. Louis metropolitan area

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Wendell Cox [REDACTED]

3.6-484

6/7/13

Gmail - Comments One Plan Bay Area DEIR

Plan Bay Area 2040 Final Environmental Impact Report

Demographia | Wendell Cox Consultancy - St. Louis Missouri-Illinois MSA

Visiting Professor, Conservatoire National des Arts et Metiers, Paris

Contributing Editor [newgeography.com](http://www.newgeography.com) <<http://www.newgeography.com/>>

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BOOKS & PUBLICATIONS

[Quoted text hidden]

MTC-ABAG

May 15, 2013

Plan Bay Area Public Comment

101 Eighth St.

Oakland, California 94607

5

Re: Public Comment on Draft Plan Bay Area and Draft Bay Area Plan Draft  
Environmental Impact Report

To Whom This May Concern:

10

This letter shall serve as my comments on the Draft Plan Bay Area ("Plan"),  
Draft: March 22, 2013 and Draft Environment Impact Report ("DEIR"), Draft:  
March 29, 2013 (State Clearinghouse No. 2012062029) .

15 My name is Chris Engl. I have lived in the San Francisco Bay Area for the last  
10 years, currently an Orinda resident for the last 5 years, 4 years prior to that in  
Oakland, and 1 year prior to that in San Francisco. I grew up in a working class  
neighborhood in New York City, the densest city in the United States. I have  
been working in institutional finance (which requires a quantitative, research-  
20 oriented, and investigative set of skills) for the last 14 years though I'm a family  
man before anything else, with a wife and 3 young children in Orinda's excellent  
public school system.

The Plan and DEIR have a number of troubling provisions, sadly many of which  
25 will not be challenged in the purview of this letter. The focus of this letter will be  
to show that while the Plan purports to protect the existing transportation assets  
of the region, that it does not adequately protect the most important of those

assets, namely roads. This letter shows, using the Plan's own data and words, that the Plan negligently allows roads, the lifeblood of mobility (I touch on this in  
30 detail below) and commerce, to fall into a state of disrepair. Not because there isn't enough money to keep our roads in a state of adequate repair—but because the Plan diverts vast quantities of funding to uses that have much less benefit to the Bay Area, and then it cries, "we don't have enough money for the roads, so we must raise sales taxes and charge you again for the roads you have already  
35 paid for," or "we must charge you a fee for driving on your roads."

This diversion of funds from necessary expenditures that the public needs, to massive wasteful projects with limited or no public benefit, then demanding that the public pay more to drive on the roads, is the signature and the story of this  
40 Plan's transportation elements.

As the joint plan between Metropolitan Transportation Commission ("MTC") and Association of Bay Area Governments ("ABAG") for the 9 counties and 101 cities of the San Francisco Bay Area with regard to transportation and land-use  
45 planning for the next ~30 years, not only does the Plan purposefully divert funding away from necessary road maintenance but it also does so inequitably towards transit and towards large capital improvement projects with minimal or no demonstrated public benefits and are assuredly not necessities in the face of underfunding existing assets like roads and bridges. The Plan should first  
50 ensure full funding for the entire transportation system as it stands before using funding for ancillary projects.

Particularly relevant to the DEIR, the Plan's intentional shifting of funding away from the key maintenance of roads towards expensive transit projects, especially

C151-1

55 rail, will not actually appreciably reduce Greenhouse Gases (GHGs) relative to the “No Project” alternative—a major goal of this Plan and its DEIR.<sup>1</sup>

Additionally, major funding for this plan comes from road users via gasoline taxes at the state and federal levels. If gas tax revenue (which this in effect a ‘user  
60 fee’) is funding the Plan, those taxes should be used to maintain and improve the very activity these fees were collected from in the first place. Road users, by definition in this Plan, get a much smaller share of the benefits than transit users. Does Plan Bay Area authors ABAG, and MTC consider gas taxes a ‘penalty’ or ‘sin’ tax to be levied? Do MTC & ABAG consider driving a car to be ‘immoral’  
65 and an act that must be dissuaded? The Plan’s shifting of gas tax revenues away from their original source, dramatically underfunding necessary road improvements, and spending vast sums on transit projects with little or no environmental, social, economic, or public benefit compels one to at least ask this question.

70

Before delving into the issues of the Plan and DEIR, I make the following requests:

1) Due to the length of both of the documents (160 pages for the Plan and 1300+  
75 pages for DEIR) and their supporting documents, I respectfully request that MTC and ABAG extend the deadline to make comments by at least 120 days to allow every citizen to opportunity to read, research and properly comment on these dense and (especially with regard to DEIR and its supporting documents) highly

C151-2

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<sup>1</sup> Orinda Watch, Comments submitted to Orinda City Council on draft Plan Bay Area and its draft Environmental Impact Report, Friday, May 10, 2013

technical documents. These are hard enough for someone with an advanced or  
80 specialized degree to read, let alone the citizens that this plan seeks to help the  
most--the underserved, the undereducated, the disadvantaged.

2) During the suggested 120 day extension, I request that you set-up a wide  
scale, mass notification of the Plan and DEIR details and proactively cultivate  
85 dialogue with the public through mainstream online blogs, news media comment  
pages, televised news and talk show programs making every effort to ensure that  
every citizen has heard of and understands the ramifications of the Plan and  
DEIR in a transparent and unbiased way. I am unaware of the technicalities  
behind the laws governing proper public notice for a land-use and transportation  
90 plan of this magnitude but I can tell you that almost no one from the community  
of Orinda has heard about this—and in every other community I am aware of, the  
public is similarly in the dark on this Plan.

3) I request that the matter of whether to adopt the Plan be opened to a region-  
95 wide vote by every citizen within the Bay Area. Both MTC and ABAG are able to  
be swayed by monied interests. The original legislation creating MTC states that  
the agency can accept funding from practically any source<sup>2</sup>; which means that  
threats of losing said funding could sway what should otherwise be careful and  
objective decision-making for the benefit of the citizenry.

100 4) Whether this is opened up to an actual referendum by the region or not, I  
request that no vote on the Plan or its alternatives be allowed until 6 months after  
the final version of the Plan Bay Area and the final version of its Environmental  
Impact Report has been officially released. This will allow the citizens to have

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10 <sup>2</sup> GOVERNMENT CODE SECTION 66506

105 open dialogue with the voters from the MTC and ABAG boards and to allow the same citizens and officials enough time to read and decide which way to vote on this plan. No Plan in recent memory will have such a life-altering impact on the public as this one and so citizens should get the final vote on this.

110 Speaking of coverage of this issue and full disclosure, those of us who have researched this plan and are keenly aware of its ramifications have seen almost no dialogue online in major news sources or heard of this being discussed on mainstream news media on television. The greatest coverage of the aspects of the plan leading up to the release of the Plan and DEIR appears to be coming

115 from small-scale local blogs, small community advocacy groups and small scale visioning sessions where stakeholders (not the public) who stand to benefit personally and financially were most active in these meetings. A NYTimes' article entitled "Why Chinese Moms are Superior" by Amy Chua in January of 2011 received over 8,800 comments from readers who debated the merits of the

120 author's arguments about being a proper mother in an open, albeit 'heated', forum.<sup>3</sup> A search engine query on sfgate.com, the landing page for the San Francisco Chronicle, of "Plan Bay Area" yields an opinion posting entitled "A Vision for the Bay Area's Future" from Lois Kazakoff, San Francisco Chronicle's Deputy Editorial Page Editor, posted on April 26th. As of the writing of my

125 comments here, there were exactly 2 comments from users, one of whom was named "OneBayArea" and who had created a profile for sfgate the same day of this article posting, has only ever posted a comment once, indicating this was individual was likely directly related to the Plan Bay Area team at either MTC or ABAG. Even the articles referenced by Ms. Kazakoff, with proponent and

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3 <http://tinyurl.com/tigermom1>



15

130 opponent arguments for the plan had almost no comments. (I have attached all 3  
articles with their ensuing comments in the Appendix for the record.)

In the end, MTC & ABAG staff and committee members have spent millions and  
millions of the public's money and years of time, in order to craft a plan that  
135 spends \$289 billion, does not even reduce greenhouse gases by more than 1%  
by 2040<sup>4 5</sup>, does not reduce congestion, increases maintenance costs, does not  
consider all viable alternatives and devotes the majority of funding to the mode of  
travel that more than doubles the travel time for commuters<sup>6</sup>.

C151-3

140 I am requesting that the Plan be scrapped, determined as a failure, and MTC &  
ABAG go back to the drawing board.

C151-4

Sincerely,

145

CHRIS ENGL

Chris Engl

[REDACTED]

Orinda, CA 94563

150 Attachments

4 Plan Bay Area, Draft Environmental Impact Report, April 2013, Page 3.1-61, Table 3.1-29

5 Orinda Watch, Comments submitted to Orinda City Council on draft Plan Bay Area and its draft Environmental Impact Report, Friday, May 10, 2013

6 Plan Bay Area, Draft Environmental Impact Report, April 2013, Page 2.1-31, Table 2.1-14

*If the United States is to reduce greenhouse gas emissions, it must do it in a cost-effective manner. McKinsey & Company estimates that the nation can cut its emissions in half by 2030 by spending no more than \$50 per ton of reduced greenhouse emissions<sup>7</sup>. Traffic signal coordination and lighter automobiles will both reduce emissions and save consumers money. But rail transit and compact development, if they reduce emissions at all, would do so only at a cost of thousands or tens of thousands of dollars per ton. Spending \$5,000 to reduce one ton of emissions means foregoing reducing 99 more tons at a cost of \$50 a ton.”<sup>8</sup>*

The above statement single-handedly dismantles the Plan’s premise of supplanting the automobile as the main means for travel, and redistributing transportation funding from the automobile to fantastically expensive rail transit and forced increases in housing density as a premise of reducing greenhouse gases. Nowhere in the McKinsey Report does it suggest that densification of residential properties or increasing transit as a percentage of commuter travel is even remotely cost-effective (defined as <\$50/ton)<sup>9</sup>. The plan placed before us in Plan Bay Area is arguably the most expensive solution with the fewest possible public benefits that the authors of the Plan could have created in attempting to reduce greenhouse gases pursuant to California State Law AB32 (Global Warming Act) (“AB32”) and California State Law SB375 (Sustainable Communities Strategy) (“SB375”). The above statement devastatingly discredits

<sup>7</sup> Reducing U.S. Greenhouse Gas Emissions: How Much at What Cost? (Washington: McKinsey, 2008), pp. ix, xiii

<sup>8</sup> “The Citizens’ Guide to Transportation Reauthorization”, American Dream Coalition, August 2009, <http://americandreamcoalition.org/pdfs/CitGuideB&W.pdf>

<sup>9</sup> Reducing U.S. Greenhouse Gas Emissions: How Much at What Cost? (Washington: McKinsey, 2008), p. xiii

behavioral modification and mass social engineering as a viable means of reducing greenhouse gases and shows that technological advances are the appropriate and effective means of limiting climate impact.

## **DRAFT PLAN BAY AREA ADMITTEDLY UNDERFUNDS ROADS IN FAVOR OF TRANSIT**

C151-6

*“Though its fund sources are many and varied, Plan Bay Area’s overriding priority in investing those funds can be stated quite simply: “Fix It First.” First and foremost, this plan should help to maintain the Bay Area’s transportation system in a state of good repair. Plan Bay Area’s focus on “fix it first” ensures that we maintain existing transportation assets...”<sup>10</sup>*

The Plan asserts that MTCs priority is to maintain existing transportation first. In fact, this is clearly stated in the current Transportation 2035 Plan:

**“• Improve what we already have.** In polls and public meetings, people often embraced a “fix it first” approach to transportation priorities. Rather than funding new freeways and expanding transit services, investments should focus on making the Bay Area’s existing freeways, local roads and transit operations run more efficiently.”<sup>11</sup> [emphasis added].

In fact, the above statement shows that people did not ask for ‘focus growth’; rather they asked for well functioning existing freeways, local roads, and transit operations. The Plan’s redirection of necessary funds for road maintenance towards transit spending with little or no public benefit not only wastes public funds, but the Plan’s priorities are the exact opposite of what the public has told MTC that is the overriding interest of the public—maintaining existing infrastructure, especially the roads.

<sup>10</sup> Draft Plan Bay Area, March 22, 2013, page 12

<sup>11</sup> Transportation 2035 Plan for the San Francisco Bay Area, Final, April 2009, page 19

The Plan describes the highway system as ‘essential’, and lists the region’s highways as having a value of at least \$39million (6500 lane-miles divided by 50,000 state lane-miles times ‘more than’ \$300 billion = \$39 million) and carry more than one-third of VMTs.

*“California’s 50,000 lane-mile state highway system is an essential contributor to California’s economic vitality, linking people and goods with intermodal transportation facilities, growing metropolitan centers, and major international airports and ports. The value of this important transportation resource is reckoned at more than \$300 billion. Of the total mileage, 6,500 lane-miles are within the nine-county Bay Area, giving residents a network of interstate, freeway, highway, and arterial routes maintained and managed by Caltrans. These lane-miles carry more than one-third of our region’s vehicle miles traveled.”<sup>12</sup>*

The Plan admits that although it is a 30 year plan, that the typical life cycle of pavement is 20 years—10 years less than the Plan itself. The Plan also knowingly admits that, beyond a certain point, it costs 5 to 10 times more to rehabilitate a road surface than to keep it properly maintained during its normal life cycle of use.

C151-7

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<sup>12</sup> Draft Plan Bay Area, 3-22-13, pp 72-73

230 *“The typical life cycle of a pavement is about 20 years. Over the first three-quarters of its life, the pavement will deteriorate slowly, resulting in a 40 percent drop in condition. Past that point, pavement will begin to deteriorate rapidly. It costs five to ten times more to rehabilitate or reconstruct a roadway that has been allowed to deteriorate, than it costs to maintain that roadway in good condition.”<sup>13</sup>*

235 Despite significant funding from gas taxes, more than sufficient to maintain the Bay Area’s vitally important road network, and despite empirical evidence that the automobile is superior from a cost per mile perspective, even after included social costs (like pollution)<sup>14</sup>, the Plan’s portion of funding towards roads is much  
 240 less than other regions as a percentage of total funding and much less as a ratio of funding for transit. In fact, the Plan allocates 62% of its total funds, a significant portion of which comes from driver user fees (also known as gas taxes), towards transit and 38% of the funds towards roads, despite the fact that only 10% of commuter trips are taken via transit, and in the end Plan does not  
 245 reduce Greenhouse Gases by more than and appallingly small 1% (once you include all of the vehicle. These facts demonstrate a stunning disregard for MTC’s central and most important responsibility—to make sure the existing transit network is well maintained, and demonstrate a shocking disregard for the transportation needs of the Bay Area’s seven million residents.

250 Regardless of the ideological views of autos as a commuter alternative, one thing remains constant: the need to move goods from place to place. By allowing the roads to deteriorate, as the Plan does, it increases the cost of delivering goods

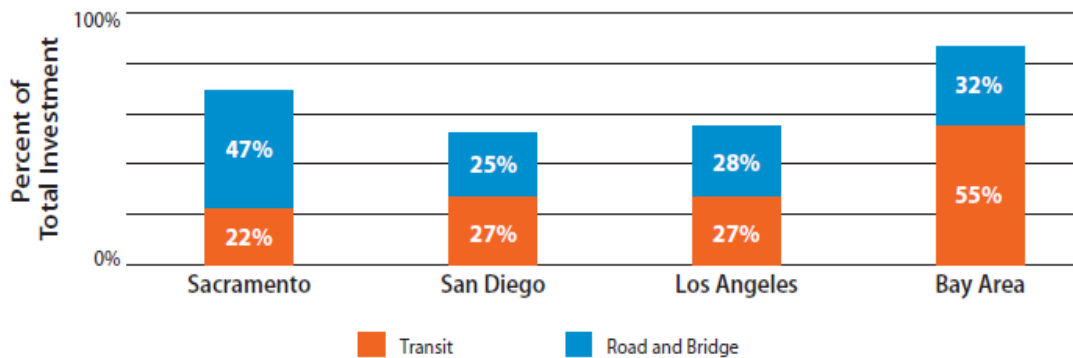
13 Draft Plan Bay Area, 3-22-13, page 72

14 “Should We Get The Prices Right?” Mark Delucchi, Spring 2000 <http://escholarship.org/uc/item/5zg735f1#page-2>

form place to place. One of the benefits of automobiles is the ability of the user  
255 to easily carry freight. Imagine a trip to Home Depot, first riding your bicycle to  
the BART train, then getting off with your bike and riding over to the store pick up  
lumber for your new home project and then do the entire thing in reverse. In  
reality, the lumber must either be picked up by the owner or delivered by an  
intermediary...in either case, a well functioning roadway is tremendously  
260 important and cannot be overstated. Allowing the roads in need of serious repair  
to erode from around 25% to around 44% during the life of the Plan is not being  
honest and focused on the priorities and realities of the importance of roads,  
even if the automobile really was the worst of the transportation alternatives (and  
it is actually one of the best alternatives as you will see soon enough.) Deliveries  
265 must take place and maintaining the roads should be priority number one.

With regards to maintenance in the transit category, the Plan appropriates  
approximately double the amount of funding of San Diego and Los Angeles and  
approximately 2.5 times the amount of funding of Sacramento. As for the mix  
270 between transit and road and bridge maintenance within each region, San Diego  
and Los Angeles provide roughly equal percentages (25% transit vs 27% road  
and bridge in San Diego; 28% transit vs 27% road and bridge in Los Angeles),  
Sacramento provides more than double the amount towards road and bridge  
(47% vs 22%). In a demonstrate of disregard for the transportation needs of the  
275 Bay Area's seven million residents that is as disorienting to contemplate as it is  
inexplicable to understand, the Plan provides 72% more funding ( $55\%/32\% =$   
 $\sim 72\%$ ) towards transit than it does towards road and bridge maintenance, again,  
despite the major funding coming from gas taxes (essentially, user taxes from  
automobile drivers.) See graph below.

**Figure 5 System Maintenance and Management Share of Total Investment: California's Largest Regions' Long-Range Plans**



280

So, while the intent here by the Plan appears to be to prove that more funding is provided to maintaining existing assets, the actual meaning of these disclosures by the Plan are an express admission that it dramatically and recklessly under-  
 285 performs other metropolitan transit areas in the mix of transit versus road funding, and in meeting its primary responsibility to maintain the Bay Area's roads and bridges which account for the vast majority of passenger and freight miles traveled, despite a seemingly unending stream of massive subsidies that go to mass transit, especially to rail system—subsidies that never raise transit  
 290 ridership, and in fact have lead to steady declines in transit ridership over the past 32 years.<sup>15</sup>

Questions: Please explain:

40 15"COMMENTS ON THE METROPOLITAN TRANSPORTATION COMMISSION'S TRANSPORTATION-AIR QUALITY CONFORMITY ANALYSIS FOR PLAN BAY AREA & 2013 TRANSPORTATION IMPROVEMENT PROGRAM", Thomas A. Rubin, May 3, 2013



295 (1) why the Plan dramatically under-funds local road and bridge maintenance  
despite its express admissions that maintaining existing transit infrastructure is  
its most important responsibility, and despite its express admission that roads  
and bridges are by far the most important part of the Bay Area transportation  
network,

300

(2) How the Plan's dramatic over funding of transit and underfunding of roads  
and bridges (a) compared with other major California metropolitan areas, (b)  
relative to the passenger miles represented by automobiles versus mass transit,  
respectively, and (c) relative to the cost per passenger mile, accords with any  
305 common sense whatsoever, let alone is in accord with sound public policy, let  
alone is accord with MTC's most important responsibilities as expressly admitted  
by MTC as outlined above.

(3) How, given the Plan's express admission of dramatic underfunding of road  
310 and bridge maintenance needs for the next 30 years, the Plan still offers a  
seemingly innumerable list of massive capital improvement projects for the Bay  
Area's mass transit infrastructure, the funding of which is vastly greater than the  
funding shortfall of of road and bridge maintenance. How can the Plan possibly  
not "fix it first" by suspending all of these massive new capital improvement  
315 projects until it (a) first fully funds local road and bridge maintenance, (b)  
provides honest and reliable estimates of the likely true cost of these projects  
(see Tom Rubin's analysis of MTC cost overruns for more information)<sup>16</sup>, and (c)  
MTC provides peer-reviewed, objective assessments that its additional transit

45 <sup>16</sup>"COMMENTS ON THE METROPOLITAN TRANSPORTATION COMMISSION'S TRANSPORTATION-AIR QUALITY  
CONFORMITY ANALYSIS FOR PLAN BAY AREA & 2013 TRANSPORTATION IMPROVEMENT PROGRAM", Thomas A.  
Rubin, May 3, 2013

320 subsidies will actually lead to increased ridership and will do so at a cost per  
passenger mile that represents a significant cost savings over the use of  
automobiles.

4) Also, please respond to Mr. Thomas A. Rubin's devastating indictment of  
325 MTC's track record of funding vast fixed guideway transit systems (primarily rail)  
that seek to get upper middle income residents out of their late model autos that  
get high gas mileage and emit less GHG and pollutants than mass transit does—  
doing so at an astronomical cost to the public per passenger mile, while  
completely ignoring those simple and essential devices that are the only transit  
330 subsidies that have been proven to increase ridership and help the personal  
mobility needs of lower income residents who are dependent on public transit:  
lowering fares and increasing service quality, especially of buses.

C151-10

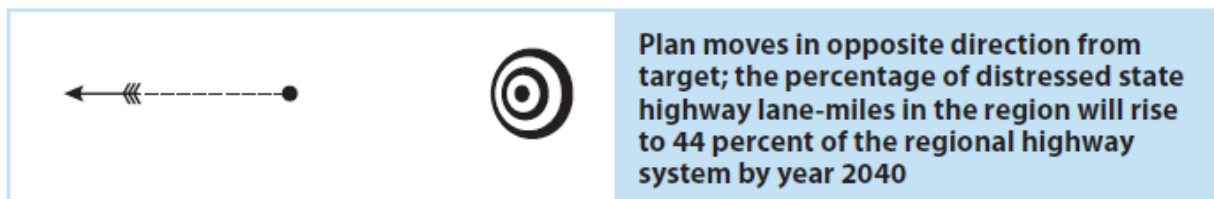
Furthermore, the Plan knowingly underfunds roads. The Plan's dereliction of its most important responsibilities is not negligent, it is intentional.

C151-11

*"If current budget constraints continue over the coming decades, the share of distressed lane-miles is expected to increase from 27 percent of the overall Bay Area highway network to 44 percent of the network."*<sup>17</sup>

*"State law requires Caltrans to prepare a 10-year plan for the State Highway Operation and Protection Program (SHOPP). The SHOPP identifies the various needs for all state-owned highways and bridges. Bay Area highway maintenance needs over the 28-year life of this plan are forecasted to total about \$22 billion. Projected revenues over the same period are expected to cover only \$14 billion. Plan Bay Area has not yet identified any new funding sources for the \$8 billion in unfunded needs despite its heavy emphasis on maintaining our current transportation system. The magnitude of the Bay Area's highway rehabilitation needs and lack of available funding suggests that maintenance will have to be delayed or deferred on some highways."*<sup>18</sup>

**Target #10b: Decrease distressed lane-miles of state highways to less than 10 percent of total lane-miles.**



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<sup>17</sup> Draft Plan Bay Area, 3-22-13, page 105

<sup>18</sup> Draft Plan Bay Area, 3-22-13, page 73

<sup>19</sup> Draft Plan Bay Area, 3-22-13, page 105

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...and yet, still chooses to fund over \$20bb of massive transit capital improvement projects instead of adequately funding roads. And the Plan even suggests massive new capital projects to enable MTC to charge residents for using the roads that the residents already paid for, such as through its “Express Lane” program.

360

Excerpt:

**“Table 3: Ten Largest Plan Bay Area Investments**

| <u>Rank</u> | <u>Project</u>                                      | <u>Investment</u>        |
|-------------|-----------------------------------------------------|--------------------------|
| 365 1       | BART to Warm Springs, San Jose, and Santa Clara     | \$8.341B                 |
| 2           | MTC Regional Express Lane Network                   | \$6.657B                 |
| 3           | Transbay Transit Center/Caltrain Downtown Extension | \$4.185B                 |
| ...         |                                                     |                          |
| 6           | Caltrain Electrification                            | \$1.718B                 |
| 370 ...     |                                                     |                          |
| 8           | VTA Express Lane Network                            | <u>\$1.458B</u>          |
| Total       |                                                     | \$22.359B” <sup>20</sup> |

375

“Our region’s greater reliance on rail services results in higher costs to maintain these capital-intensive modes. Plan Bay Area includes nearly \$3 billion for replacing BART’s and Caltrain’s aging fleets over the next decade.”<sup>21</sup>

<sup>20</sup> Draft Plan Bay Area, 3-22-13, page 13

<sup>21</sup> Draft Plan Bay Area, 3-22-13, page 67

380 In the statement above, the Plan knowingly admits that the rail system is capital-intensive and results in higher costs. Despite the costs (both private and social) being cheaper per passenger mile for automobiles over other forms of transportation, the Plan continues to move forward with the logic of using 'discretionary' (this is not to say these funds are excess, because we have

385 shown that the roads will be underfunded through the Plan) funds to build large capital-intensive projects which will have even greater maintenance costs down the road instead of funding roads. This is despite the fact that doing so will increase greenhouse gas emissions, rather than reduce them. "Unfortunately, despite what many people would like to believe, *transit in the U.S. does not use*

390 *less energy, or produce fewer emissions, than current generation automobiles*, and the upcoming improvements in automotive technology will mean, by the end of the *Plan* period in 2040, the fleet of automobiles on the road will have a very significant advantage in these regards over transit."<sup>22</sup>

395 The Plan claims that MTC is unable to fully fund the roads and highways partially because it is the state's responsibility to maintain the highways, and this is true for the major state highways. But the Plan also admits that local streets and roads are the responsibility of local jurisdictions, but it does not go on to say that MTC's purpose for existence is to distribute state and federal funds, especially

400 gas tax revenues, to maintain the Bay Area's existing transportation system, and its most important responsibility is to distribute those funds to local jurisdictions so that they use those funds to maintain their roads, streets and bridges. This is MTC's primary responsibility. And MTC has immense power. MTC has not been

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22 COMMENTS ON THE METROPOLITAN TRANSPORTATION COMMISSION'S TRANSPORTATION-AIR QUALITY CONFORMITY ANALYSIS FOR PLAN BAY AREA & 2013 TRANSPORTATION IMPROVEMENT PROGRAM", Thomas A. Rubin, May 3, 2013

forthcoming in that MTC has the largest amount of power in the decision-making  
405 around transportation in the Bay Area. Here are several excerpts from the  
California state law that establishes and maintains MTC:

**1) Government Code section 66500 establishes MTC as an entity:**

**Government Code section 66510 shows that MTC's regional transportation**  
410 **plan must focus on roads and highways and was chosen as item "(a)" in**  
**the list below for a reason.**

"Government Code section 66500. This title shall be known as the Metropolitan  
Transportation Commission Act."<sup>23</sup>

415 "Government Code section 66510. The regional transportation plan shall  
include, but not be limited to, the following segments of the regional  
transportation system:

**(a) The national system of interstate and defense highways, the**  
420 **California freeway and expressway system, and other highways within**  
**the state highway system.** [emphasis added]

(b) The transbay bridges.

(c) Mass transit systems.

The commission shall pay particular attention to the interfacing of the various  
425 modes of transportation."<sup>24</sup>

**2) Government Code section 66516 shows that MTC has revenue sharing**  
**agreements with connecting systems and has the power to redirect**  
**revenues as it sees fit.**

23 GOVERNMENT CODE SECTION 66500-66536.2

24 GOVERNMENT CODE SECTION 66500-66536.2

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430  
“**Government Code section 66516.** The commission, in coordination with the regional transit coordinating council established by the commission pursuant to Section 29142.4 of the Public Utilities Code, shall adopt rules and regulations to promote the coordination of fares and schedules for all public transit systems  
435 within its jurisdiction. The commission shall require every system to enter into a joint fare revenue sharing agreement with connecting systems consistent with the commission's rules and regulations.”<sup>25</sup> [emphasis added]

440 **3) Government Code section 66509 MTC establishes its “marriage” with ABAG right from the start.**

“**Government Code section 66509.** (c) The regional plans prepared and adopted by organizations concerned with policies and programs designed to meet the near- and long-term planning needs of the region. Such consideration  
445 by the commission shall include, but not be limited to, plans prepared and adopted by the **Association of Bay Area Governments** [emphasis added], the San Francisco Bay Conservation and Development Commission, and the State Office of Planning.”<sup>26</sup>

450 **4) Government Code section 66506 shows that MTC may be politicized in that it is not limited, like other government entities and political candidates, in the sources of funding it may receive.**

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25 GOVERNMENT CODE SECTION 66500-66536.2

26 GOVERNMENT CODE SECTION 66500-66536.2

“**Government Code section 66506.** The commission may:

455 (a) Accept grants, contributions, and appropriations from any public agency, private foundation, or individual. [emphasis added]

(b) Appoint committees from its membership and appoint advisory committees from other interested public and private groups.

(c) Contract for or employ any professional services required by the  
460 commission or for the performance of work and services which in its opinion cannot satisfactorily be performed by its officers and employees or by other federal, state, or local governmental agencies.

(d) Do any and all other things necessary to carry out the purposes of this title.”<sup>27</sup>[Emphasis added...this is about the broadest definition of power anyone  
465 could ask for.]

**5) Here the portion of the law explains the constraints and freedoms of MTC to deal with financing the regional transportation plan and that MTC may petition the state to secure this financing.**

470

“**Government Code section 66512.** In addition, the regional transportation plan shall include a financial plan for the regional transportation system. The financial plan shall include a proposal for each segment of the system, including the amount and sources of revenues necessary to construct and operate that  
475 segment.

**In developing the financial plan, the commission shall consider various sources of revenues, without regard to any constraints imposed by law on**

75 27 GOVERNMENT CODE SECTION 66500-66536.2



expenditures from such sources, necessary to assure adequate financing of the system and, if necessary, recommend appropriate legislation to the Legislature to secure such financing.”<sup>28</sup> [emphasis added]

6) This statement suggests that MTC’s power to control the transportation usurps other entities and that other entities may, by MTC recommendation, be downsized/made redundant/combined etc giving massive amounts of control to MTC:

“Government Code section 66516.5. The commission may do the following:

(a) In consultation with the regional transit coordinating council, identify those functions performed by individual public transit systems that could be consolidated to improve the efficiency of regional transit service, and recommend that those functions be consolidated and performed through interoperator agreements or as services contracted to a single entity.

(b) Improve service coordination and effectiveness in those transit corridors identified as transit corridors of regional significance by the commission in consultation with the regional transit coordinating council by recommending improvements in those corridors, including, but not limited to, reduction of duplicative service and institution of coordinated service across public transit system boundaries.”<sup>29</sup>

7) Here is proof in the law that the MTC (and not the cities/counties) has control over all transportation planning decisions:

28 GOVERNMENT CODE SECTION 66500-66536.2

29 GOVERNMENT CODE SECTION 66500-66536.2

505

“**Government Code section** 66520. Any application to the federal or state government for any grant of money, whether an outright or a matching grant, by any county, city and county, city, or transportation district within the region shall, if it contains a transportation element, first be submitted to the commission for  
510 review as to its compatibility with the regional transportation plan [emphasis added]. The commission shall approve and forward only those applications that are compatible with the plan. Review by the commission, however, is not required where revenues derived from the Motor Vehicle Fuel License Tax Law are subvented to local governmental entities in accordance with statutory  
515 provisions.”<sup>30</sup>

Here are more statements on MTC's power and reach:

“Our [Metropolitan Transportation Commission] job is to make sure the regional  
520 transportation network functions smoothly and efficiently, and to plan responsibly to meet the future mobility needs of our growing population.”

Source: *The ABCs of MTC, October 2007, page 2*

[http://www.mtc.ca.gov/library/abcs\\_of\\_mtc/MTC-ABCs.pdf](http://www.mtc.ca.gov/library/abcs_of_mtc/MTC-ABCs.pdf)

525 “As the Bay Area Toll Authority, MTC is responsible for administering all revenues from the Bay Area’s seven state-owned toll bridges.”

Source: *The ABCs of MTC, October 2007, page 9*

[http://www.mtc.ca.gov/library/abcs\\_of\\_mtc/MTC-ABCs.pdf](http://www.mtc.ca.gov/library/abcs_of_mtc/MTC-ABCs.pdf)

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30GOVERNMENT CODE SECTION 66500-66536.2

530 “As the Bay Area grew, MTC’s responsibilities increased, until today MTC is three agencies in one with a wide range of duties and a shared mission: to keep the Bay Area moving.”

Source: *The ABCs of MTC, October 2007, page 8*

[http://www.mtc.ca.gov/library/abcs\\_of\\_mtc/MTC-ABCs.pdf](http://www.mtc.ca.gov/library/abcs_of_mtc/MTC-ABCs.pdf)

535

Therefore, knowing and understanding MTCs political, economic power over the Bay Area’s transportation system, I request the following:

a) I request an answer on why the Plan doesn’t use ‘discretionary’ funds to fully  
540 fund the roads (both highways and local roads) before funding anything else, since roads are used by the greatest numbers of passenger-miles.

C151-12

b) Absent some law that prevents the Plan from fully funding the highways and local roads and knowing now that automobiles have the lowest social cost of any  
545 of the major sources of transportation, I request an answer on why the Plan doesn’t simply rely on already-on-the-books California regulations such as California Air Resource’s Board’s Clean Car Standards, Advanced Clean Car Standards, Low Emission Vehicle standards (LEV, LEV II, LEV III) and Low Car Carbon Standards, which will lead to substantial reductions in CO2 emissions,  
550 and particulate matter and other criteria pollutants—reductions that will dwarf by many orders of magnitude the tiny, and unlikely to materialize reductions that will come from the massively expensive transit subsidies in this Plan? Why does the Plan focus on reducing GHG through reducing VMT (which requires heavy handed, expensive policies that won’t work), rather than acknowledging  
555 that reducing GHG through reducing GHG per VMT will allow people to use the

C151-13

cars that they prefer to use for personal mobility, and will accomplish environmental benefits many, many times over those that the Plan promises from its land use and transit elements—benefits that will actually never materialize.

- 560 c) I request an answer on why the Plan does not treat the large chunks of funding from gasoline taxes and bridge tolls as ‘user fees’ rather than ‘sin taxes’ (as it would seem giving the way the Plan is not fully funding roads and is penalizing auto usage and subsidizing transit usage) and return those fees to the source of their taxation so that the roads and bridges can be fully funded.

C151-14

565

**MARGINAL SOCIAL COST (“MSC”) PRICING TIPS THE SCALES TOWARDS AUTOMOBILES AS THE CHEAPEST FORM OF TRANSPORTATION, INCLUDING FACTORS SUCH AS BUT NOT LIMITED TO POLLUTION, CONGESTION, SUBSIDIES, ETC, ON A PER PASSENGER-MILE BASIS.**

C151-15

570

If part of the goal of the Plan is to capture all of the costs of each form of transportation, at the very least, an honest and empirical analysis needs to be done to show the public where traditional theories of the ‘best’ or the ‘most efficient’ or the ‘most socially conscious’ form of transportation lies. After all, isn’t that the purpose of this Plan?

575

Scientific researcher Mark Delucchi in his piece from Spring 2000 entitled “Should We Try To Get The Prices Right?” defines that the ‘right’ transportation prices are *efficient* prices--“the prices that arise in a properly functioning competitive market and result in an economically efficient use of transportation resources...Generally, the efficient price of a resource is its marginal social cost (MSC). The *social* cost is the cost to society as a whole, which may or may not be the same as the “private” cost that an individual pays. The *marginal* cost is the cost of an incremental unit of a resource, as distinguished from the average cost of a great many units.”<sup>31</sup>

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585

This is not to say that is this author’s opinion nor Mr. Delucchi’s opinion necessarily (you’ll have to ask Mr. Delucchi to be sure) that we should tax individuals for the social costs. But he does give us a hint of what he means. As Mr. Delucchi points out “...when the actual cost of setting up and running the tax

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31 “Should We Get The Prices Right?” Mark Delucchi, Spring 2000 <http://escholarship.org/uc/item/5zg735f1#page-2>

system is considered, we might be no better off than with no tax at all.”<sup>32</sup> and “(Of course, it is possible to manipulate prices so that many people will switch to public transit, but the price differentials required to achieve this would far exceed what could be justified on the grounds of economic efficiency.)”<sup>33</sup>

595

“...the subsidies to public transit generally are much greater than the external costs of automobile use, per passenger mile; as a result, MSC pricing generally would favor auto use over transit use. Similarly, MSC pricing probably would favor conventional gasoline vehicles over new vehicle technologies.”<sup>34</sup>

600

What are the main reasons that MSC pricing would favor gasoline vehicles? The biggest detractor from using automobiles typically comes from congestion [4 cents per passenger mile] and then air pollution [2 cents per passenger mile]. The biggest detractors from using transit come from the massive government subsidies [465 to 1177 cents per vehicle mile] (see below for reference table).  
 Were the Plan to focus on decreasing congestion for automobiles, and thereby decreasing the direct MSCs for automobile driving using very low cost GHG mitigation techniques like traffic signal timing, this would further reduce the detraction and negative stigma from using automobiles as the dominant mode of transportation.

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32 “Should We Get The Prices Right?” Mark Delucchi, Spring 2000 <http://escholarship.org/uc/item/5zg735f1#page-2>

33 “Should We Get The Prices Right?” Mark Delucchi, Spring 2000 <http://escholarship.org/uc/item/5zg735f1#page-2>

34 “Should We Get The Prices Right?” Mark Delucchi, Spring 2000 <http://escholarship.org/uc/item/5zg735f1#page-2>

External costs and subsidies for different passenger-transport modes (cents per vehicle mile, except last row is cents per passenger mile)  
*[Numbers in brackets are my best estimates]*

| COST ITEM                                                             | GASOLINE AUTO     | ELECTRIC AUTO      | TRANSIT BUS                | LIGHT RAIL    | HEAVY RAIL    |
|-----------------------------------------------------------------------|-------------------|--------------------|----------------------------|---------------|---------------|
| Air pollution                                                         | 0.8 to 13 [2.0]   | 1.5                | 5.4 to 123 [20.0]          | 5*            | 5*            |
| Oil use, water pollution                                              | 0.3 to 1.5 [0.8]  | 0.4                | 1.5 to 8.7 [4.0]           | 1*            | 1*            |
| Noise                                                                 | 0.01 to 2.0 [0.2] | 0.15               | 0.5 to 10.0 [2.0]          | 1*            | 1*            |
| Congestion                                                            | 4.0               | 4.0                | 8.0                        | not estimated | not estimated |
| Accidents                                                             | 2.5               | 2.6                | 3.5                        | 2*            | 2*            |
| Marginal highway and service costs                                    | 0.1               | 0.1                | 1.5                        | 0             | 0             |
| Unpriced parking                                                      | 0 to 8 [0]        | 0 to 8 [0]         | 0                          | 0             | 0             |
| Inefficient highway user taxes and fees, meant to cover highway costs | -2.7              | 0                  | 0 (exempt from fuel taxes) | 0             | 0             |
| Government subsidy:                                                   |                   |                    |                            |               |               |
| Operating costs minus fares                                           | 0                 | 0                  | 339                        | 685           | 372           |
| Operating + rolling-stock costs minus fares                           | 0                 | 0                  | [398]                      | 1,137         | 797           |
| Total operating + capital costs minus fares**                         | 0                 | 0                  | 465                        | 2,800         | 1,177         |
| Extra private costs relative to gas auto                              | 0                 | 0 to 16 [8]        | see subsidy                | see subsidy   | see subsidy   |
| Total cents per vehicle-mile                                          | 5 to 28.4 [6.9]   | 8.8 to 24.8 [16.8] | 359 to 620 [437]           | 694 to 2,809  | 381 to 1,186  |
| Passengers per vehicle                                                | assume 1.0        | assume 1.0         | 10.9 (avg.)                | 25.7 (avg.)   | 22.3 (avg.)   |
| Total cents per passenger-mile                                        | 5 to 28.4 [6.9]   | 8.8 to 24.8 [16.8] | 33 to 57 [40]              | 27 to 109     | 17 to 53      |

\* Data are not available for these numbers, which are estimated based on my studied judgment.

\*\* Note that, because the official statistics do not report passenger fare payments by individual transit mode, it is not possible to calculate the actual government subsidy for each mode. I have assumed that ratio of fare payments to operating expenses is the same for all modes.

35

According to Mr. Delucchi, the analysis shows the total cents per mile of external costs and subsidies run from 6.9 for gasoline auto, to 16.8 for electric auto, to 40 cents for transit bus, 27 to 109 for Light Rail, and 17 to 53 for heavy rail, showing that gasoline autos are more than 50% cheaper than electric auto in this analysis (using Mr. Delucchi's best estimate), 7 times cheaper than transit bus (using Mr. Delucchi's best estimate), anywhere from 4 to ~16 times cheaper than light rail, and anywhere from 1.6 to 7 times cheaper than heavy rail. This also doesn't included discussions of linked trips; that is, if someone takes a trip using heavy rail, they often need another intermediary form of transportation (transit bus, taxi, light rail, etc) to get them from their initial starting point to their final destination. This must get added to the total cost of the trip.

625 Also, note that one of the shortcomings of Mr. Delucchi's analysis is that the  
average number of passengers per vehicle is likely greater than one for both  
gasoline and electric auto. To create a more accurate analysis as it applies to  
the Bay Area, it would make sense to use Bay Area's statistics.

630 Request: This author requests that Plan Bay Area and the Environmental Impact  
Report include an accurate, unbiased, and audited analysis of Marginal Social  
Cost Pricing as defined in research scientist Mark DeLucchi's report entitled  
"Should We Try to Get The Prices Right?" from Spring 2000 (Attached in the  
Appendices for your convenience) to compare the options that make the most  
635 economic and environmental sense. Furthermore, since the authors of Plan Bay  
Area have used alternative analysis to this MSC pricing, please explain why the  
approach that Plan Bay Area has used is empirically more effective. I request  
that Plan Bay Area list the subsidies required to each form of transportation on a  
per passenger-mile basis using fair and balanced metrics about the average  
640 number of passengers, keeping in mind that previous estimates of passengers  
per vehicle have been overstated historically by MTC.<sup>36</sup>

C151-16

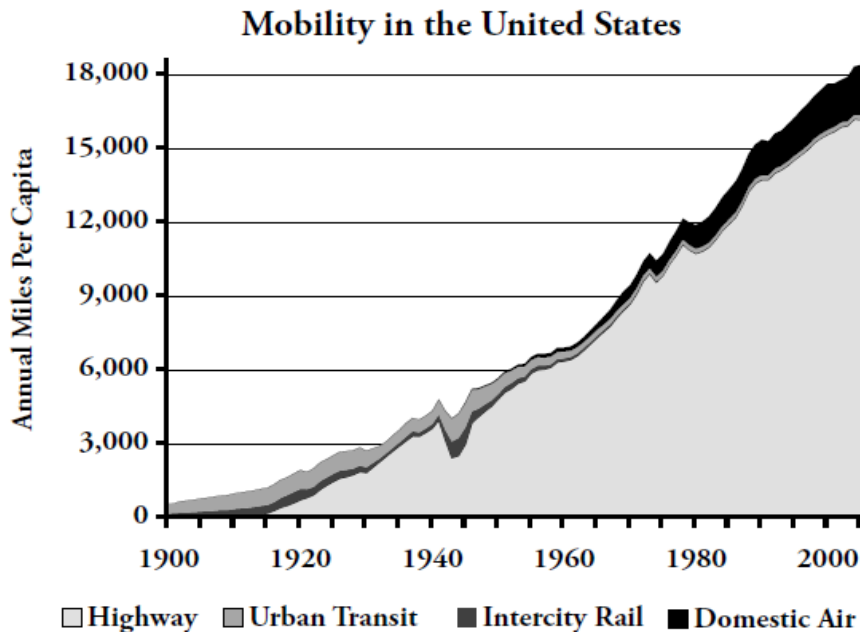
100 36 "COMMENTS ON THE METROPOLITAN TRANSPORTATION COMMISSION'S TRANSPORTATION-AIR QUALITY  
CONFORMITY ANALYSIS FOR PLAN BAY AREA & 2013 TRANSPORTATION IMPROVEMENT PROGRAM", Thomas A.  
Rubin, May 3, 2013



## THE IMPORTANCE OF THE AUTOMOBILE AS IT RELATES TO PHYSICAL, ECONOMIC AND SOCIAL MOBILITY.

645

Let's start with the importance of the automobile and, therefore, roads as it pertains and contributes to mobility (both literally and socially).



650

*In the debate over the supposed need to “get drivers out of their cars,” people often forget that automobiles and highways have provided Americans with enormous benefits. Since about 1925, they have provided more mobility than all other forms of transportation combined. Intercity passenger trains and urban transit at their peaks provided only a tiny fraction of the mobility that Americans get from the automobile today, and most of that mobility was enjoyed mainly by the wealthy.<sup>37</sup>*

655

<sup>37</sup> “The Citizens’ Guide to Transportation Reauthorization”, American Dream Coalition, August 2009,

660

This graph and accompanying passage above suggest that nothing has allowed humans to increase mobility as the automobile, and even at it's height of use, urban transit was very expensive and moved only a small fraction of people around. (For further discussion of the importance of mobility historically, see Appendix 1.)

665

The merits of mobility, the importance of the automobile, both as one of the cleanest alternatives per passenger miles traveled and as it relates to mobility and income growth can be found in the excellent piece entitled "The Citizens' Guide to Transportation Reauthorization."<sup>38</sup>

670

Here are some key statistics from that report:

- "...the problems that exist are more due to misallocations of resources than to an actual shortage of funds. One of the biggest misallocations of funds has been to rail transit construction." In fact, not only is there a misallocation of resources, but MTC has history of massive transit project cost overruns and time-to-completion extensions on past projects, all while ridership has declined over the past 32 years<sup>39</sup>.

680

- "The current federal funding process gives transit agencies perverse incentives to select high-cost solutions to transit problems. This is financially unsustainable because it requires

<http://americandreamcoalition.org/pdfs/CitGuideB&W.pdf>

110 38 "The Citizens' Guide to Transportation Reauthorization", American Dream Coalition, August 2009,

<http://americandreamcoalition.org/pdfs/CitGuideB&W.pdf>

39 "COMMENTS ON THE METROPOLITAN TRANSPORTATION COMMISSION'S TRANSPORTATION-AIR QUALITY CONFORMITY ANALYSIS FOR PLAN BAY AREA & 2013 TRANSPORTATION IMPROVEMENT PROGRAM", Thomas A. Rubin, May 3, 2013

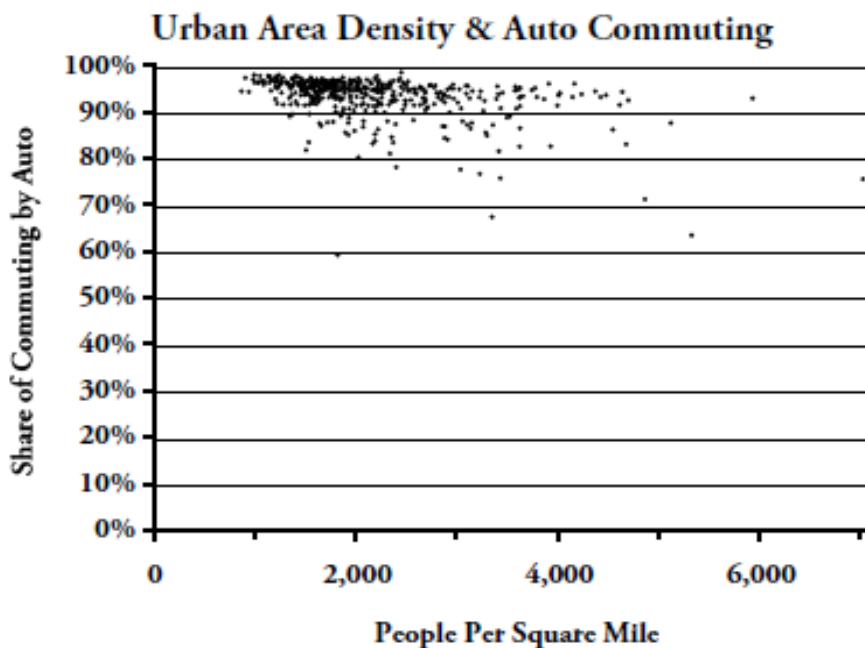
more and more subsidies to move hardly any more people.” This statement  
685 applies perfectly to the Plan in that instead of finding a solution that uses the  
lowest cost solutions to reducing greenhouse gases, as mentioned earlier in my  
comments, the Plan increases investments to the tune of \$22 billion towards  
massive new capital improvement projects with the \$57 billion of discretionary  
funds available to the Plan. Not only that but \$14 billion of the funding for the  
690 plan is listed as “Anticipated/Unspecified” with absolutely no forecast for where  
this funding is expected to come from.<sup>40</sup> To use a phrase that often must appear  
in financial disclosures of all kinds, “past performance are not necessarily  
indicative of future results.” The Plan makes some very troubling assumptions  
today about about the sources of funding some time in the future, even to  
695 assume that funding will grow at a 3% rate of inflation, only using the last 15  
years of data, when MTC and ABAG have been around for decades longer than  
that. Even though the idea of spending money in the future from a fictional  
source makes little sense, if MTC and ABAG were going to embark on such a  
journey, they should have used data from all of those years ABAG and MTC  
700 have been in existence to get the clearest picture.

–“Since transit carries only about 1 percent of passenger travel, and virtually no  
freight, it seems unfair and inefficient that it receives more than 20 percent of  
federal transportation funds.” The Plan shows that while roughly 80% of the  
705 transportation comes from automobiles as of 2010, and that transit's share has  
been a steady 10% for 2 decades, the Plan allocates just 38% of the  
transportation funding to automobiles and 62% to transit.

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40 Financial Assumptions, Plan Bay Area (Draft), March 2013, p 14

710 -"Since 1970, federal, state, and local governments have spent well over \$750 billion subsidizing transit, yet per-capita transit ridership has actually declined. In the past two decades, urban driving has increased by 75 percent and subsidies to transit have increased by nearly 70 percent. But total transit ridership has increased by less than 20 percent, so transit's share of urban travel has declined  
715 from 4.0 to 1.7 percent." Despite the current density and the density induced by the Plan, it is ludicrous to imagine the pace of growth of the share of transit



ridership as provided under this Plan between 2010 and 2040. In fact, according the DEIR, from 1990 to 2010, transit ridership didn't budge from around 10%<sup>41</sup>. Yet somehow, the Plan suggests spending billions more dollars will somehow  
720 increase ridership. At the end of it all, "data from the 2000 census show that the densest urban area in the US is 7 times denser than the least dense areas, yet the percentage of people who use autos to get to work in the densest area is only

<sup>41</sup> DEIR, p 2.1-15, Table 2.1-6

about 8 percent less than the least-dense areas.”<sup>42</sup>

-“The 2000 census found that nine out of ten households have access to at least one car.” This suggests that automobiles are affordable and therefore both preferred and available to the greatest number of individuals. Why else would 80% of the transportation in the Bay Area come from automobiles?

730

-“People in households with incomes of more than \$100,000 travel only about 75 percent more miles each year than people in households with incomes less than \$20,000. Since wealthier households are five times more likely to fly on long trips than low-income households, the

735

distribution of auto travel is more evenly spread than indicated in the above figure.” The disconnect in the difference between higher-wealth and low-income households in terms of the number of miles traveled suggest that were airplane miles to be removed from the equation, the number of vehicle miles traveled would be much more evenly distributed despite differences in income levels, and that wealth does not have a great impact on everyday mobility.

740

-“Despite large subsidies to high-speed rail and urban transit, they don’t make up for reduced driving by taking trains more. For example, the average American rides on urban rail transit 88 miles a year. Though Europe has far more cities with rail transit than the United States, the average western European rides urban rail transit only 96 miles a year. France and Japan have each spent many tens and even hundreds of billions of dollars on high-speed rail, yet the average

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<sup>42</sup> “The Citizens’ Guide to Transportation Reauthorization”, American Dream Coalition, August 2009, <http://americandreamcoalition.org/pdfs/CitGuideB&W.pdf>

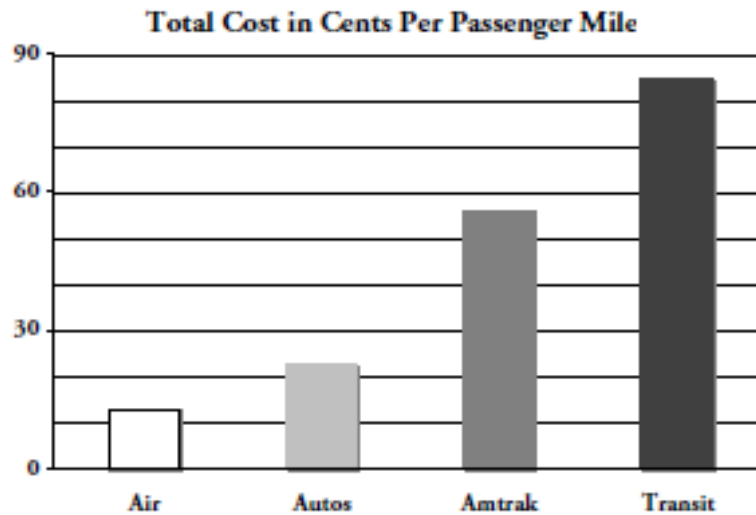
residents of those countries ride high-speed rail less than 400 miles per year, and rail's share of travel has steadily declined while the auto's share has  
750 increased."

- "Studies show that increased mobility means higher worker productivities and incomes because employers have access to a larger pool of workers, and lower cost consumer goods because retailers know that unhappy customers can  
755 simply drive somewhere else." Case in point: Mobility = prosperity. Instead of encouraging mobility and focusing on reducing congestion, the Plan seeks to limit people's movement, encourages people to stay local, and encourages virtues that require humans to take up less space, shopping in close proximity to home (which provides significant advantage to retailers who can raise prices on  
760 consumers), and also limits people in the number of jobs they can access within a reasonable period of time devoted to travel.

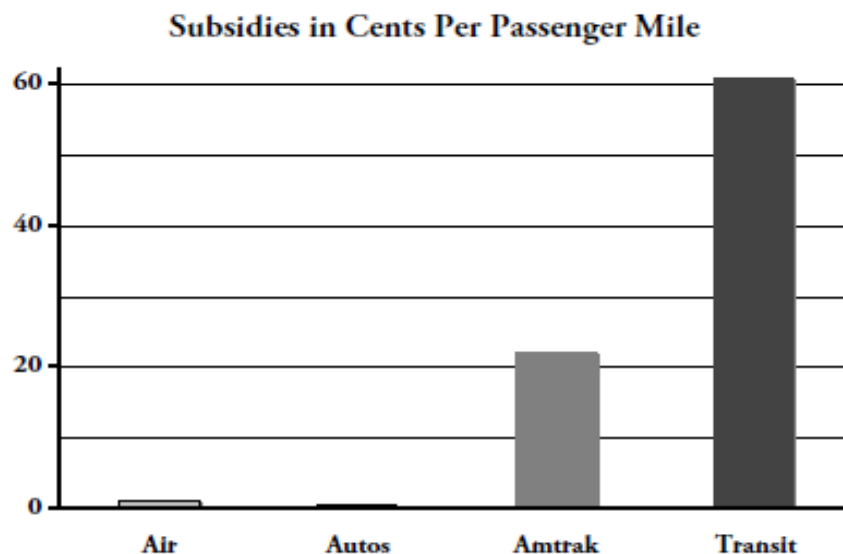
- "Autos are far less expensive than other modes of travel. Counting costs to both users and taxpayers, Americans spend about 24 cents per passenger mile on  
765 driving compared with 56 cents on Amtrak and 85 cents on public transit." Again, this means accessibility and affordability. Despite having controlling the agencies responsible for collecting per passenger mile cost and energy data, the DEIR does not make any comparisons on this basis except to suggest that the reader would need to do his/her own calculations about per passenger mile  
770 information. "The energy efficiency of each of these modes may vary according to operating conditions and ridership." Why doesn't the Plan make a comparison of the various forms of private and public transportation on this basis? Could it be because automobile use would look more attractive under this comparison? I ask that the DEIR be modified to include this information and once included, the

C151-18

775 merits of the Plan be reevaluated and revised or scrapped based on this new  
information.



Transit (as shown by this graph) is roughly 4 times more expensive as autos, and  
if the chart above didn't assume 1.6 people per car, but rather 2.4 people per car  
780 (the average for intercity auto trips), the cost per passenger mile would be  
comparable to air travel.<sup>43</sup>

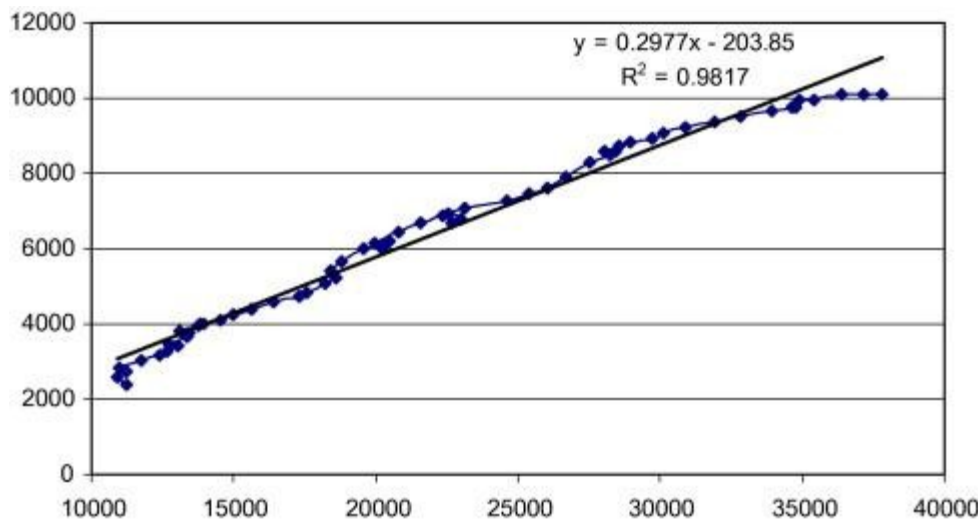


125 43 "The Citizens' Guide to Transportation Reauthorization", American Dream Coalition, August 2009,  
<http://americandreamcoalition.org/pdfs/CitGuideB&W.pdf>

-“Even counting social costs such as pollution, says University of California economist Mark DeLucchi, autos are far less expensive than transit.” This ties  
 785 back to the earlier discussion of MSC pricing.

So the question is now: is mobility a positive or a negative for society? One way to view whether this is positive or negative is to look the correlation of mobility (Vehicle Miles Traveled (“VMT”) per capita versus both per capita gross domestic  
 790 product (GDP) and per capita income growth:

We can see by this chart of VMT per capita versus real GDP per capita using data from 1946-2006, that with a 98% R-squared (the coefficient of determination), vehicle miles per capita does indeed correlate nearly one-for-one  
 795 with GDP per capita. That suggests that as people become more mobile, the nation as a whole becomes more prosperous.

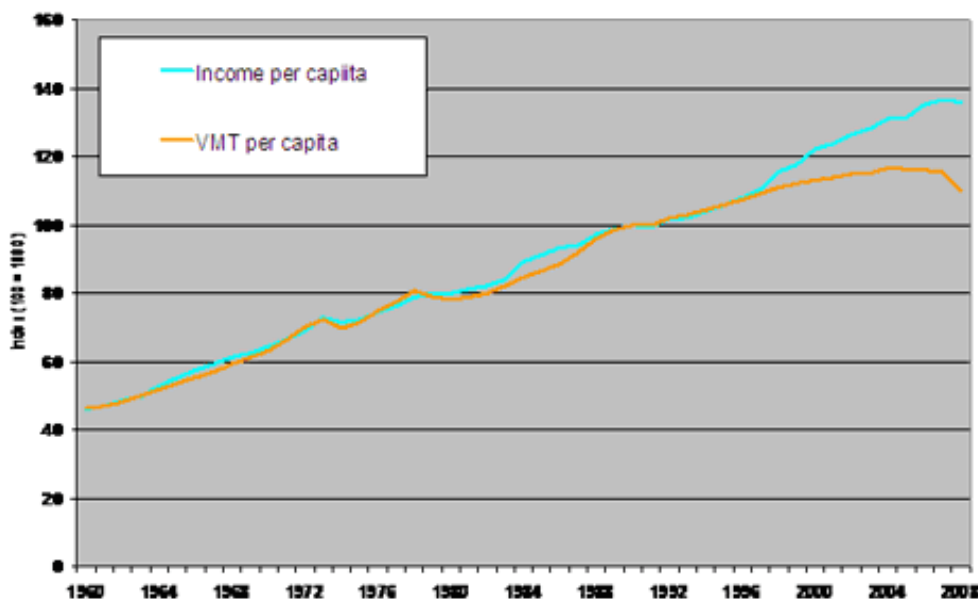


**Fig. Vehicle-miles per capita and real GDP per capita (in 2000  
 800 US\$), 1946–2006.**

Sources: GDP data are from [Johnston and Williamson \(2008\)](#). Travel data are from the Federal Highway Administration.



We also can see that VMT per capita and Income per capita are linked nearly  
 805 one-for-one, suggesting a nearly perfect correlation between the two. See chart



Source:

<http://transportation.nationaljournal.com/gr/winkelman4.gif>

810 Note in the above chart that starting in the late 1990s, income per capita and VMT began to decouple from one another. This is likely due to VMT declines preceding the “Great Recession” that began in 2008. As we already know, the correlation between VMT and GDP are nearly one -for-one. It is also noted that VMT has a causal relationship on GDP.

Excerpt:

820 *“The VMT-economy causality investigation finds that, indeed, VMT is a large and statistically significant driver of GDP. It finds also that, historically at least, the price of energy has not been an important driver of innovation in vehicle efficiency. If fuel efficiency could be improved, there would be positive economic effects, but limited, long-run effects on VMT. Specifically, the causality analysis reveals the following:*

825 *Although the causality between VMT and GDP is bidirectional, the **primary one is for VMT to “cause” GDP growth. In the short run (2 years), an exogenous (an outside influence, such as regulation), downward shock to VMT results in a reduction of GDP of 90 percent of the size of the VMT shock.** In the long run (20 years) the link is weaker, at about 46 percent. In contrast,*  
830 *endogenous (an influence from within the model, research- or discovery-based) improvements in fuel efficiency appear to have a positive effect on GDP. A 10 percent increase in fuel efficiency yields only a 1 percent GDP increase in the short run, but a 6 percent effect in the long run.”<sup>44</sup> [emphasis added]*

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44 *Driving the Economy: Automotive Travel, Economic Growth, and the Risks of Global Warming Regulations.* Cascade Policy Institute, November 2009, p. i

835

...

*“...if VMT strongly drives economic activity in a causal manner, then policies that are effective in reducing VMT also could reduce economic activity”<sup>45</sup>*

...

840

*“VMT strongly influences GDP in the same direction, consistent with the pairwise causality finding. As illustrated in Figure 7, the response (“elasticity”) of GDP per capita to a shock in VMT per capita is high, both in the long and short run. **Specifically, a one percent change in VMT/capita causes a 0.9 percent change in GDP in the short run (2 years) and a 0.46 percent in the long run (20 years). If accurate, this is a key finding, since it suggests there is a large penalty – even in the long run – associated with policies that use direct regulation to reduce VMT.**”<sup>46</sup> [emphasis added]*

845

...

850

*“...exogenously improving fuel efficiency has a positive effect on GDP. A 10 percent improvement increases GDP per capita by about 1.2 percent in the short run and 6.5 percent in the long run. This supports the notion that, **in contrast to expecting price stimulus mechanisms (such as carbon tax, cap-and-trade, subsidies, etc.) to indirectly encourage technological change, it may be better to support direct efforts to improve technology.**”<sup>47</sup> [emphasis added]*

855

...

45 *Driving the Economy: Automotive Travel, Economic Growth, and the Risks of Global Warming Regulations*. Cascade Policy Institute, November 2009, p. 5

46 *Driving the Economy: Automotive Travel, Economic Growth, and the Risks of Global Warming Regulations*. Cascade Policy Institute, November 2009, p. 7

47 *Driving the Economy: Automotive Travel, Economic Growth, and the Risks of Global Warming Regulations*. Cascade Policy Institute, November 2009, p. 7

860 *“...this author’s research suggests that the market responds in ways that make tax- or regulatory interventions unlikely to be dramatically effective in reducing VMT, but very dramatic in its effect on economic vigor.”<sup>48</sup>*

What we have learned from this research piece is that the logic of using behavioral/regulatory changes has little effects on VMT but rather very dramatic negative effect on GDP. The idea to reduce VMT only serves to slow economic growth. We also now know that VMT has a direct causal relationship to positive GDP growth. Since VMT & income per capita are also closely aligned, we can make some very strong inferences that the the greater the VMT/capita (VMT = mobility) the greater the impact on economic prosperity. The very idea that a Metropolitan Transportation Organization (“MPO”) would ideologically create a Plan that does not aim to increase the greatest mobility/capita (with the automobile being the most affordable, most flexible, fastest, and the least expensive transportation method on a Marginal Social Cost Pricing model) is at it's core a very flawed notion. Instead of behavioral modifications, MPOs should be focused on funding technological advances (like increased fuel efficiency) which have a very positive effect on VMT, GDP, and therefore income. Reducing VMT while dismissing the impact on the economy would be extremely foolish and further damage income/wealth fo an already diminished middle class.

880 Another explanation for the diversion in VMT and GDP is perhaps that the increased efficiencies and wage-earning opportunities afforded from the proliferation of the personal computer and its peripherals, the expansion of the

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48 *Driving the Economy: Automotive Travel, Economic Growth, and the Risks of Global Warming Regulations*. Cascade Policy Institute, November 2009, p. 8

internet, mobile devices and technologies, and the expansion of additional work-from-home opportunities.

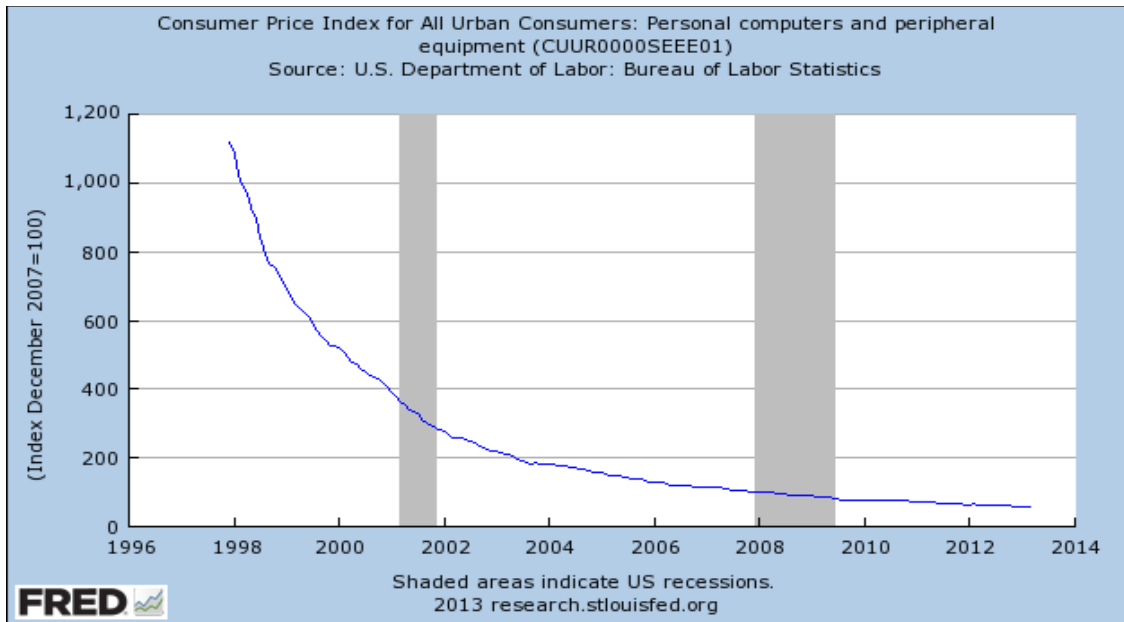
885

We can see in this first chart that the price of the personal computer and peripheral equipment dropped precipitously from the end of 1997 (11 times more expensive as 2007) to today. This dramatic price drop allowed more individuals to be able to purchase a personal computer. The personal computer and the  
890 improvement of telephony and cable technologies created instantaneous access to practically unlimited amounts of information, opened opportunities for flexible schedules around education and higher levels of learning, increased the speed, frequency of communication via email, text messaging and instant messaging. Text messaging has fallen from about 6 cent to about 1 cent per message in the  
895 last 8 years.<sup>49</sup> The price of the mobile phone has fallen dramatically, not even including the cost of inflation or the increase in the number of features.<sup>50</sup>

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49 [http://assets.fiercemarkets.com/files/wireless/fierceimages/voice\\_chart\\_2\\_small.jpg](http://assets.fiercemarkets.com/files/wireless/fierceimages/voice_chart_2_small.jpg)

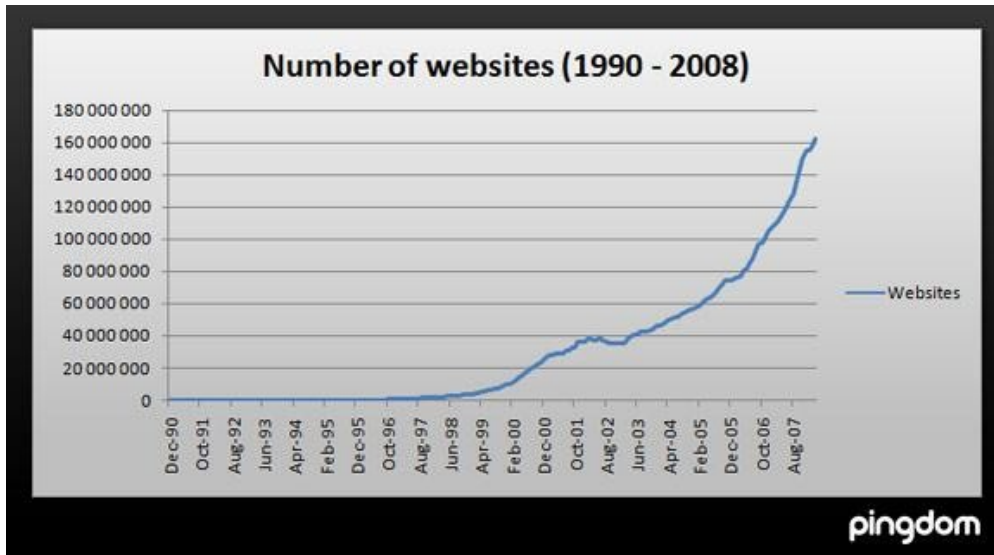
50 <http://www.savings.com/blog/post/Infographic-The-Shrinking-Cost-of-Mobile.html>



Source: <http://research.stlouisfed.org/fred2/series/CUUR0000SEEE01>

900

The number of websites has grown nearly exponentially starting in the late 1990s indicating the opportunity for increased e-commerce.

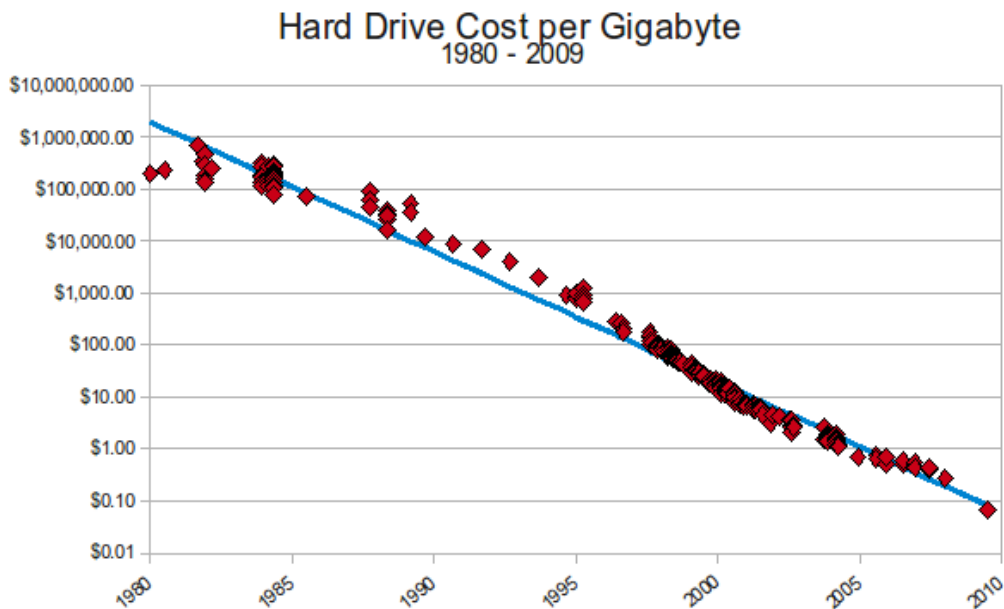


Source: <http://royal.pingdom.com/2008/04/04/how-we-got-from-1-to-162-million-websites-on-the-internet/>

905

The constant decline in costs of data storage, combined with the fall in the price of personal computers, and the increase in computer processor speeds has led to the handheld devices and currently smart-phones which are capable of very powerful calculations, instant connectivity to the world via telephone and internet, provide access to sources of entertainment, news, etc.

910



Source: <http://www.mkomo.com/cost-per-gigabyte>

915 All of these technological changes have also given rise for the ability of people to live where they want because companies can allow personnel to work anywhere they need to, as long this does not reduce efficiencies, and profits.

Despite the improvements/efficiencies in computing and mobile technologies (not even adjusted for inflation), the Plan fails to include ANY study of the use of and  
 920 the rise in telecommuting in as it relates to environmental impacts over the life of the Plan in either the Plan or the DEIR. According to the survey of Income and Program Participation, the number of home-based workers increased by 35% between 1997 and 2010 nationally.<sup>51</sup> This number is well corroborated in the DEIR, adjusting for the differences between start dates of the just-mentioned  
 925 survey and the DEIR. The DEIR mentions that “the percentage of Bay Area residents working from home has nearly doubled since 1990.”<sup>52</sup> In the DEIR in Appendix D under Alternative Transportation Suggestions under “Telecommutes...All alternatives assume increases in telecommuting consistent with past trends.”<sup>53</sup> The fact that it is mentioned in the DEIR means that the  
 930 notion of growth in telecommuting was at least contemplated by the creators of the Plan.

A few questions:

While there has been a parabolic decline in the price of computer, computer  
 935 peripherals and the price of mobile devices, the plan assumes “increases in

145 51 “Working at Home is on the Rise”, US Census, <http://www.census.gov/hhes/commuting/files/2012/Home-based%20Workers%20in%20the%20United%20States%20Infographic.pdf>

52 DEIR, 2.1-15

53 DEIR, Appendix D, D-13



telecommuting consistent with past trends.” Why was telecommuting trend 'assumed' to stay consistent, while assumptions about future transit trends and future living preferences changed dramatically within the Plan?

940 If the idea here is to reduce VMT from cars and increase the VMT from other forms of transportation and land-use changes, why isn't there a greater discussion of incentives to increasing telecommuting as a way of reducing energy-use and greenhouse gas production?

945 A simple, well-promoted focused campaign to employees or employers to suggest more work from home opportunities, in the tech-heavy region of the Bay Area, would potentially reduce the number of trips needed by auto or transit. Since the Plan is very heavy on behavioral modification vs technological modification, why wasn't there even a suggestion of convincing employees and  
950 employers to use telecommuting as a way to reduce greenhouse gases?

The Plan requires massive subsidies to transit and to developers for increased densities through OBAG and Priority Development Areas. Why aren't their subsidies for companies who increase the number of work from home  
955 opportunities or flexible work schedules, which would arguably reduce congestion, particularly at peak travel hours? Those workers that would still need to commute to work would arguably have less stress, less delays, shorter commutes, room for stretch their feet on transit and better quality of life. The Plan would also have less justification to spend massive amounts of public  
960 money on exorbitantly expensive capital improvement projects to expand the system were more people encouraged to stay and work from home.

Telecommuting also means that a larger percentage of the population could choose to live where it was most economical, provide for almost no burden on the environment (especially if those individuals were allowed to buy land and build properties outside of the urban growth boundaries where they could self-mitigate their own impact on the environment through green technologies like rainwater collection, organic farming, composting, solar power generation, graywater collection and reuse, algae-power production, etc—technologies which are not readily available to those living in higher and higher densities. Research shows that artificial supply constraints due to urban growth boundaries and actions by urban planners have contributed massively to the housing bubble in California and unaffordable home prices, yet we add more regulation on top of bad regulation to fix this problem.<sup>54</sup> To that end, why doesn't the Plan consider the notion of expanding or completely doing away with the urban growth boundaries as it applies to housing affordability and greenhouse gas reduction?

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<sup>54</sup> *How Urban Planners Caused the Housing Bubble*, Randal O'Toole, Oct 1, 2009

## QUESTIONS IN DIRE NEED OF ANSWERS BEFORE VOTING ON A PLAN OF THIS MAGNITUDE

1) Who are the stakeholders here? Who wins and who loses? Are we robbing user fees, taxpayers and property owners to pay developers and monopolized public transit operators? If we are resigned to robbing one group to pay another, is this at least the most cost-effective way of committing the theft?

C151-22

2) What is the cost per passenger mile, vehicle-mile, hour of reduced congestion, ton of reduced greenhouse gas emissions compared with the cost of alternative projects, especially the "No Project" alternative? Why does the Financial Assumptions document only show the cost and revenue projects for the preferred project and not also for all of the alternatives? Even if it might fit the statutory requirements, isn't it disingenuous to ask appointed, unelected, unaccountable officials to vote on a Plan without knowing the costs of the alternatives?

C151-23

3) What share of the total cost is paid by users of each form of transportation, and what benefits do other taxpayers get from their share of the costs? In the case where low-income users need subsidies, why wasn't a vouchers program chosen (on a trial basis, at least to get a more accurate data sample) so that an accurate representation of travel preferences could be produced for Plan's selection process?

4) Are MTC & ABAG using actual realistic values or best-possible-situation estimates as it applies to each of the alternatives? And were each of the alternatives treated objectively and fairly in such an analysis? What are MTC's &

C151-24

ABAG's track records on the cost/use estimates for past projects of large magnitude?

1010 5) Is the public sector doing something that the private sector could or should be doing? Along that vein, why didn't the Plan consider the idea of a fair market process to allowing private entities to compete against BART, CALTRAIN, BATA to limit risks of the aforementioned public entities of having a monopoly on prices and the quality of service. Research shows a strong economic and social case for privatizing Amtrak<sup>55</sup>. When services compete, the public wins.

C151-25

1015 6) Does the building of additional transit assets create larger problems/costs down the line? Since transit maintenance for rail is at least as expensive as buses and rail has an average life of 30yrs, how does the Plan expect to pay for the maintenance of these new assets when the Plan is already underfunded by  
1020 \$14 billion?

C151-26

1025 7) Why doesn't the Plan fund all of the maintenance BEFORE funding the new nice-to-have projects that total over \$22 billion? This would be akin to buying a Maserati instead of ensuring there is enough cash to pay for one's home mortgage.

1030 8) Are MTC and ABAG staffers sure the preferred alternative (alternative 2) is the most efficient based on a full and unbiased analysis versus alternatives 1, 3, 4, and 5? Is it the responsibility of MTC to ideologically penalize drivers by reallocating gasoline taxes in favor of transit? Is that part of MTC's governing purpose or has MTC overreached on its powers here?

C151-27

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55 Stopping the Runaway Train – The Case For Privatizing Amtrak – O'Toole – Nov 13, 2012

9) What share of available resources are being used to address what share of our problem? Does this Plan depend on forcing large segments of the population to accept an exorbitantly costly change in behavior? Is this rational if there is very little in the way of compensating benefits? Would a technological solution (self driving cars, improved vehicle emissions standards such as Pavley 1 and Pavley 2, traffic signal coordination, green technology at the single-family property, etc) solve the problem at a lower cost than the behavioral solutions posited by the Plan? Seeing that the savings of just 3,0000 MTCO<sub>2</sub>E per day<sup>56</sup> between the “No Project” alternative and the “Preferred” alternative comes at an enormous expense of 10s of billions of dollars according to the Plan, does it make any sense to spend this kind of money when a single volcanic eruption can easily put out 150,000 to 300,000 MMTCO<sub>2</sub>E per day (that is, 50 times the savings per day that the preferred alternative will provide!) This is not an argument that suggests that volcanoes emit more GHGs than humans; there are already estimates that suggest humans emit 29 billion MTCO<sub>2</sub>E per day (according to 2007 EIA estimates) while volcanoes emit 65 to 319 million MTCO<sub>2</sub>E per day.<sup>57</sup> If we endeavor to reduce our greenhouse gas emissions, does a cost of \$6,666,666 per ton<sup>58</sup> make any sense when we have already discussed so many alternatives that cost less than \$50 per ton in the aforementioned McKinsey Survey and when a single week of emissions from a single uncontrollable volcanic eruption, outdoes all of our efforts for an entire

56 This is according to the Plan's model but really does not include Pavley 1 and Pavley 2 standards which reduce the savings even further. See Letter to Orinda City Council by Orinda Watch in the Appendices attached.

57 <http://www.skepticalscience.com/volcanoes-and-global-warming.htm>

58 This is estimated as ~\$20 billion of new transit projects as defined in the preferred alternative in Plan Bay Area divided by 3,000MTCO<sub>2</sub>E per day; it is assumed by me that the rest of the funds are purposed for maintenance regardless of the alternative chosen

year?

1055 The simple overriding question to everything I've discussed in this entire comment letter is this:

**At what cost?**

**List of Appendices submitted as electronic files (by file name) with this comment letter:**

- Appendix A - Tom Rubin - ABAG MTC Compliance Comments 05 02 13.pdf
- 1060 Appendix B - Should We Try to Get The Prices Right – Delucchi.pdf
- Appendix C - Orinda Watch comment on Plan Bay Area 05-13-13.pdf
- Appendix D - McKinsey Report - Reducing US Greenhouse Gas Emissions.pdf
- Appendix E - O'Toole - The Planning Tax- The Case against Regional Growth-Management Planning.pdf
- 1065 Appendix F - Citizens' Guide to Transportation Reauthorization - Black and White.pdf
- Appendix G - Cascade - Driving the Economy.pdf
- Appendix H - O'Toole - Roadmap to Gridlock.pdf
- Appendix I - O'Toole - Myth of Compact Cities.pdf
- Appendix J - O'Toole - Does Rail Transit Save Energy.pdf
- 1070 Appendix K - vision for the Bay Area's future \_ Opinion Shop \_ an SFGate.pdf
- Appendix L - Housing plan may hurt economy, climate - San Francisco Chronicle.pdf
- Appendix M - Profile Page - OneBayArea SFGate.pdf
- Appendix N - Plan Bay Area offers a solid vision - San Francisco Chronicle.pdf
- Appendix O - How Urban Planners Caused the Housing Bubble, Randall O'Toole, Oct 1,
- 1075 2009.pdf
- Appendix P - GOVERNMENT CODE SECTION 66500-66536.2.doc
- Appendix Q - Financial\_Assumptions - Draft Plan Bay Area.pdf
- Appendix R - Transportation 2035 Plan-Final – MTC.pdf
- Appendix S - The Greatest Invention - How Automobiles Made America Great – O'Toole.pdf
- 1080 Appendix T - Stopping the Runaway Train – The Case For Privatizing Amtrak – O'Toole – Nov 13, 2012.pdf
- Appendix U - Ending Congestion by Refinancing Highways - O'Toole - May 15, 2012.pdf

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*Susan Kirsch*

*Mill Valley, CA 94941*

May 15, 2013

MTC-ABAG

Plan Bay Area DEIR Public Comment

101 8<sup>th</sup> Street

Oakland, CA 94607

[info@OneBayArea.org](mailto:info@OneBayArea.org)

**Re: Public Comment on Plan Bay Area and Draft EIR for Plan Bay Area**

- 1- I am a 34-year resident of Mill Valley, CA. Prior to moving to Marin, I worked at the Northwest Regional Educational Laboratory in Portland, Oregon to develop and implement local, regional, and statewide strategies to engage the public in decision-making.
- 2- I am active in the community. In 2007, I co-founded Friends of Mill Valley in opposition to an ill-conceived Precise Plan. I was founding president and current VP of my neighborhood association. In 2010, I co-founded Citizen Marin, which encourages citizen activism from community groups throughout of Marin County.
- 3- I am an elected member of the Democratic Central Committee.
- 4- I am a proponent of affordable housing and raise funds on behalf of the Tenderloin Neighborhood Development Corporation. I am an Advisory Board member of the Social Justice Center of Marin, and I am a member of the Marin Environmental Housing Collaborative.
- 5- I am a proponent of planning and support integrated short- and long-range planning for land use and transportation.
- 6- I concur with the threat of global climate change and the importance of taking steps to reduce green house gas emissions, preserve the environment, and create a just and equitable environment for all citizens.
- 7- The One Bay Area Plan, however, has significant flaws and the DEIR is inadequate.

How you climb a mountain is more important than reaching the top.

Yvon Chouinard, Author,

*Let My People Go Surfing: Education of a Reluctant Businessman*

- 8- The Executive Summary (ES-2) says: The purpose of the EIR is to: (1) Analyze the potential environmental effects of the adoption and implementation of the proposed plan; (2) Inform decision-makers, responsible and trustee agencies, and members of the public as to the range of the environmental impacts of the proposed Plan; (3) Recommend a set of feasible measures to mitigate any significant adverse impacts; and (4) Analyze a range of reasonable alternatives to the proposed Plan.
- 9- Re (1): The Plan fails to adequately analyze the potential environmental effects of the adoption and implementation of the proposed plan:
- a. Re: the inadequacy of the Transportation-Air Quality Conformity Analysis, I refer you to the Comment Letter from Thomas A. Rubin.
  - b. Re: the inadequacy of the housing plans near transit, I refer you to the Comment Letter from Robert Silvestri.
  - c. Re: the inadequacy of health impacts, I refer you to the Comment Letter from Ann Spake.
  - d. Re: the inadequacy of water impacts, I refer you to the Comment Letters from Kerry Stoeber, Linda Rames, Liz Specht, and others.
  - e. Re: the inadequacy of the impacts on incorporated Marin, I refer you to the Comment Letter from Sharon Rushton.
  - f. Re: other inadequacies of projections and forecasts, I refer you to the numerous letters from citizens from around the 101 cities and nine counties of Bay Area.
- 10- My comments are focused on the inadequacy of the process ABAG/MTC has employed to get to the selection of *their* preferred alternative. Evidence: DEIR 3.1-5: *Alternative 2, proposed as the Jobs-Housing Connections in the NOP, was selected by MTC and ABAG as the preferred plan option for Plan Bay Area.*
- 11- Question: Since this is a tax-payer funded project, why don't the voters, not MTC and ABAG, get to vote to make the decision?
- 12- The process has been manipulated from the beginning and is based on questionable assumptions, faulty projections, inflated numbers,

C152-1

C152-2

C152-3

C152-4

and limited and controlled discussion with the public. ABAG/MTC has failed to engage the public and secure the knowledge and wisdom of an educated electorate. The DEIR is inadequate for its failure to engage the public.

13- Through letters to the editor and public comment periods, many assert that ABAG/MTC has lead the public through a sham process, having identified their own preferred scenario from the start and rigging a process that looks defensible on paper, but, in fact, has curtailed public participation.

14- Evidence of a sham process: “Compact for Sustainable Bay Area,” a document released July 29, 1999 by the Bay Area Alliance for Sustainable Development, an agency run by ABAG/MTC, shows the basic policy components of One Bay Area are the same as those pushed by ABAG/MTC in 2011, which are almost identical to the ones in the DEIR in 2013.

15- The plan has been based on pre-determined scenarios and solutions. In the 11/23/10 Memo from Ken Kirkey to Planning Directors, he described pre-determined scenarios and claims, *By the early spring of 2011 the conversation between local governments and regional agencies will turn to the feasibility of achieving the Initial Vision Scenario by working on the Detailed Scenarios.*

16- Further Evidence of a manipulative process: In a 3/4/11 memo from ABAG and MTC Executive Directors to MTC Planning Committee, ABAG Administrative Committee claims, *The Initial Vision Scenario starts the conversation on the Sustainable Communities Strategy among local jurisdictions, regional agencies, and other interested stakeholders.* However, from a 11/23/10 memo, we have evidence that the conversation was already well underway through “intense information exchange with County-Corridors Work groups throughout the Bay Area.” (p. 9)

17- Many members of the public maintain that ABAG/MTC has kept the public unaware of the One Bay Area Plan. ABAG/MTC produced internal documents with meeting dates and times, but they have failed to take systematic steps to actively inform, educate, engage, and then listen to the will of the people who are impacted by the decisions.

18- For example, ABAG/MTC scheduled a public meeting on the Initial Vision Scenario for Marin for May 11, 2011. ABAG distributed information to the insider agencies, but failed to adequately notify the public of the meetings or the content. Seeing that no elected

officials at the county or local level were informing the public about the meeting, I wrote a Marin Voice article that was published in the Marin Independent Journal on May 10, 2011.

- 19- May 11, 2011 ABAG/MTC hosted the Initial Vision Scenario discussion in Marin, facilitated by MIG, Inc, for an audience who challenged the contrived, manipulative session and asked for a meaningful discussion about strategies to reduce green house gas emissions and provide housing options, but without impact or meaningful response from the event organizers.
- 20- Results on the May 11, 2011 meeting published on 5/17/2011 called "Turning Graphical Results by Question", failed to point out that 30% of the attendees protested the manipulative quality of the questions and the limited choices by refusing to vote. Participation dropped from 110 voters down to 70.
- 21- The 2010 Update Final Draft (12/3/10) Attachment A-page 68 identifies targeted performance describing the number of comments logged, the number of meetings and logging 100% of the written correspondence. In other others, ABAG/MTC counted all the activities that could be counted, but failed to measure what really counts. There was an inadequate effort to collect and report on the issues and concerns of the people making comments, only the number of people who commented. Thoughtful, qualitative input was omitted and only the inconsequential items that can be counted are included, thereby diminishing the value of the public outreach, and giving further evidence that this process has not been carried out in good faith.
- 22- A website posting re: Public Workshops April-May 2011 announces a public outreach budget of \$325,000.
- 23- QUESTION: How much of the public outreach budget has paid for facilitators, posters, travel and refreshments, and how much was used to actually engage with the public? How much has ABAG/MTC spent on public outreach between June 2011 and May 2013. What have the expenditures been for?
- 24- The Plan and the DEIR Process has been inadequate in efforts to inform the public. At the 5/10/13 ABAG/MTC ExCom meeting there was reference to a sheet of pink paper than listed all the outreach efforts. A list of dates, times, and locations on paper, however, do not equate with engaging the public in meaningful discussion about the problem that needs to be solved (reducing green house gas emissions) or finding alternative solutions to handle the

C152-5

problem (high density housing near transit). It's like handing a nutritionally deficient community a list of nutritious food, as if the paper list provides healthy calories, but never serving real food.

25- After release of the DERI, ABAG/MTC published a brochure with the heading "Your invitation to **comment** on the Draft Plan Bay Area," displaying their intention to take comments, but not really consider, them.

26- Marin has three voting members on the ABAG/MTC Executive Committee, similar to the number of members from the other nine counties. The Marin Board of Supervisors selected Steve Kinsey and Katie Rice to represent the BOS on MTC and ABAG respectively. The Association of Marin Mayors and City Councilmembers selected Novato Mayor Pat Eklund to represent them. Citizens living in the 101 cities and unincorporated areas of the Bay Area do not have direct representation.

27- There are at least three problems here, which give further evidence to the fact the ABAG/MTC process has been one of form, but lacking common sense and substance. The first is that the Draft EIR is 1,300+ pages long, and few people had time to read it. The second is that just two meetings on a 25-year, \$289 BILLION dollar plan are not enough. And the third is that the meeting on the Draft EIR was at 10:00 am in Marin and at 1:00 pm in San Jose, times when most people are at work.

28- Further evidence of the disregard for public comment comes by the fact that in Marin, the April 16, 2013 meeting for comment on the DEIR, was scheduled at 10 am, in direct conflict with the regularly scheduled meeting time for the Marin Board of Supervisors. As a result, two of the three people who will vote on the project were unavailable to hear public comment about it.

29- Still further evidence of the shameful disregard for public input came at the Monday, April 29, 2013 Open House and Public Hearing when more than 200 people packed the Marin Center to comment on the plan to the 3 people from Marin who will vote on it. Rather than displaying planning skills for a two-hour timeframe to accommodate all the people who came to speak about the Plan, speaker time was cut from three minutes to two minutes and finally to just one minute for comments because our representatives didn't want to be inconvenienced by extending beyond the two-hour time limit. One woman spoke to the fact she spent 50 hours (!) of her weekend reading the 1,300 page DEIR and was now insulted with a demand she summarize her conclusions in just one minute! Disgraceful.

30- Further evidence of the failure to inform and engage the public comes from the fact the people who will vote on the plan failed to educate, initiate outreach, or engage in discussion. In Marin, as I hear is true in other counties, people serving on the ABAG/MTC ExCom have been passive, rather than provide leadership. They have responded, rather than initiate. For example in Marin:

1) May 9, 2013 Supervisor Rice moderated a panel presentation organized by a consortium of agencies, which provided a chance for select speakers to address elements of the plan, but didn't provide any opportunity for thoughtful discussion.

2) On May 30, Supervisor Kinsey is scheduled to participate in a debate on transportation. Like Rice, he is responding, not leading.

31- The ES-11 claims "the proposed Plan was developed through extensive coordination with local jurisdiction," however that is not true. Local City Council members elected two people to work with ABAG/MTC: one to serve on the Transportation Authority of Marin (and similar groups in the other 8-counties) and another to work with ABAG via Planning Directors. These well-intentioned electeds also failed to take initiative to inform, educate and engage the public about the complexity of the issues, the vocabulary of the discussion, the choices and the long-range impacts.

32- In frustration to the lack of leadership from electeds and the dearth of information, Citizen Marin, a grass-roots organization representing neighborhood, community and homeowner groups, responded by creating a Town Hall meeting on March 20. Rather than support and contribute to the effort, Supervisor Kinsey, who holds one of Marin's 3 votes, stood on the side-lines with a group claiming the efforts to talk about the issues were racist, classist, NIMBY-ist, and supported apartheid, thereby discrediting attempts to have a conversation about the issues of Plan Bay Area.

33- The manipulative experience of the public is captured in an animated video called "Plan Bay Area Public Outreach Meeting." The video can be found at:

[https://www.youtube.com/watch?v=51W2xlIZ95E&list=HL1367986727&feature=mh\\_lolz](https://www.youtube.com/watch?v=51W2xlIZ95E&list=HL1367986727&feature=mh_lolz).

34- We have witnessed a rush to judgment with flagrant, intentional disregard for the public, for citizen engagement and opinion, and for democratic discernment to clearly identify the problem the SCS is intended to solve; setting realistic goals, considering creative and



innovative alternatives that take 21<sup>st</sup> century technology into account rather than relying on the thinking of the 20<sup>th</sup> century which created the problems with the environment and poverty; and that weigh alternatives against clearly identified criteria.

35- As a result of faulty and inadequate process and lack of authentic engagement, the Plan fails to create a principled, realistic approach to reduce green house gas emissions and meet the housing needs of people living economically impoverished lives. In fact, re: Equitable Access, the Plan concludes (Target 7, p. 108), "Plan moves in wrong direction; the share of household income needed to cover transportation and **housing costs is project to rise to 69% for low income and lower-middle income residents** during the Plan Bay Area period. HUD determines that if a household dedicates 30% or ore of household income to housing, they are cost-burdened.

C152-6

36- The Plan fails to recommend a set of feasible measures to mitigate any significant adverse impacts. Claims that future Project EIRs will address environmental impacts is reckless and puts the public at risk.

C152-7

37- The program EIR reveals 5 significant, irreversible environment changes, including the emission of greenhouse gases that will contribute to global change, in direct violation of the stated goal of the Plan. ABAG/MTC staff dismisses this finding claiming the specific project EIRs will find mitigating measures.

C152-8

38- The program EIR reveals 39 significant, unavoidable impacts in direct violation of the stated goals of the plan, including:

- a. Increase in per capita vehicle miles traveled;
- b. Increased emissions of PM10 over existing conditions;
- c. Residential or business disruption or displacement of substantial numbers of existing population and housing;
- d. Permanent alternations to an existing neighborhood or community by separating residences from community facilities an services, restricting access to commercial or residential areas, or eliminating community amenities;
- e. Net increase in transportation investments in areas regularly inundated by sea level rise;
- f. Increase in the number of people residing within areas regularly inundated by sea level rise;
- g. Affect visual resources by blocking panoramic views or views of significant landscape features or landforms;

- 279 h. Result in insufficient water supplies
- 280 i. Result in inadequate wastewater treatment capacity
- 281 j. Locate projects on a site which is included on a list of hazardous
- 282 materials site;
- 283 k. Result in increased use of existing neighborhood and regional
- 284 parts and other recreational facilities such that substantial
- 285 deterioration of the facility would occur or be accelerated.

286 39- QUESTION: Seeing how this “kick-the-can-down-the-road”  
 287 mentality hasn’t worked for environmental protection in the past,  
 288 and understanding ABAG/MTC doesn’t have the authority to  
 289 impose CEQA mitigation measures, and understanding that the 44  
 290 significant unmitigated impacts will only get cumulatively worse  
 291 with the addition of specific projects, what is the justification for  
 292 ABAG/MTC to find “overriding consideration”?

293 40- The DEIR demonstrates that the No Project alternative is the most  
 294 sound, serves the greatest number of citizens while doing the least  
 295 amount of harm to people or to the environment.

C152-9

296 41- Question: What is the justification for ignoring the No Project  
 297 alternative which displays the least long-term negative impact and  
 298 the greatest long-term benefits?

299 42- Question: Where is the evidence of an authentic public information  
 300 and engagement campaign?

C152-10

301 43- QUESTION: At an early age, we learn the American Revolution was  
 302 fought on the premise of *No Taxation Without Representation*. What is  
 303 the justification for going back on over 200 years of American  
 304 experience and allowing decisions with impact in perpetuity and a  
 305 budget of \$289 Billion from tax-payers to go forward without  
 306 representation and a vote? Why isn’t the public getting to vote on the  
 307 plan?

C152-11

308 44- QUESTION: Who are the staff who read, compile, and respond to the  
 309 Comment Letters? What is the composition of the group to assure a  
 310 fair and unbiased assessment of the letters? What are the checks and  
 311 balances to give equal representation to the citizens?

C152-12

312 45- Finally, I see I will submit these comments to OneBayArea.org, but  
 313 recently reference to the plan has shied away from that term in favor  
 314 of Plan Bay Area. Yet we know business and political leaders, with  
 315 financial funders, gathered in San Jose in February 2013, to discuss  
 316 advantages of merging the nine-county Bay Area into a single region.

C152-13



Planners, we read, predict a booming economy if counties merge transit, police and fire services and city governments.

46- QUESTION: What are the political, corporate, financial, and other interests that overlap and link SB375, ABAG, MTC, Sustainable Communities Strategies, and Smart Growth in a long-term plan to dismantle local and county governments to become a unified One Bay Area government?

*Plans are of little importance, but planning is essential.*

— Winston Churchill

*People who must live with planning decisions, should have the prevailing voice in making the decisions.*

— Anonymous

Respectfully submitted,

Susan Kirsch  
Mill Valley, CA

[REDACTED]  
Camp Sherman, Oregon 97730  
15 May 2013

MTC  
Plan Bay Area Public Comment  
101 Eighth Street  
Oakland, California 94607

Dear People:

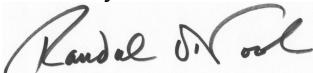
Please consider the attached comments in response to Plan Bay Area and the Plan Bay Area draft environmental impact report. I am submitting these comments as an expert on land-use planning issues, having done research on land-use planning for nearly 40 years.

Among other things, I have written four books on land-use and/or transportation issues along with numerous papers on these subjects. I am attaching four of these papers to my comments:

- "The Planning Tax": An analysis of the effects of growth-management planning on housing affordability;
- "How Urban Planners Caused the Housing Bubble": An analysis of the effects of growth-management planning on home price volatility;
- "Does Rail Transit Save Energy or Reduce Greenhouse Gas Emissions?"
- "The Myth of the Compact City: Why Compact Development Is Not the Way to Reduce Carbon Dioxide Emissions."

I am also attaching to my comments papers by UC Irvine economist David Brownstone; UC Berkeley engineers Mikhail Chester and Arpad Horvath; and San Jose State University economists Tom Means, Edward Stringham, and Edward Lopez.

Sincerely,



Randal O'Toole  
Senior Fellow  
Cato Institute

## Comments on Plan Bay Area by Randal O'Toole, Cato Institute

### Executive Summary

**C153-1** Implementation of Plan Bay Area will require the demolition of more than 169,000 single-family detached homes, or one out of every nine such homes in the region, according to table 2.3-2 of the draft environmental impact report. Any earthquake or other natural event that resulted in this much destruction would be counted as the greatest natural catastrophe in American history.

**C153-2** Planners say this reflects a change in demand and in 2040 only 39 percent of Bay Area households will want to live in single-family detached homes. In fact, most Americans, now and in the future, do and will prefer single-family homes. For Plan Bay Area to work without expanding the region's "urban footprint," these 169,000 homes must be replaced by 870,000 townhouses and multi-family dwellings. Though the plan admits

**C153-3** that only about a fifth of the region's land has been developed, planners did not even consider the option of making housing more affordable by developing more land.

**C153-4** Instead, planners' goal is to reduce greenhouse gas emissions by concentrating new housing along transit corridors and boosting rail transit service by more than 35 percent. This, they predict, will increase per capita transit ridership by 50 percent and reduce per capita driving by 6 percent. These predictions are highly optimistic considering that previous densification of the region and expansion of rail transit resulted in a 36 percent decline in per capita transit ridership and a 30 percent increase in per capita driving since 1982.

**C153-5** Even if planners' optimistic projections prove correct, data in the plan reveals that the twin policies of densification and rail transit will do little to meet state mandates to reduce greenhouse gas emissions and provide more affordable housing. A careful analysis of data in the draft environmental impact report reveals that these policies will reduce greenhouse gas emissions by less than 1 percent. Moreover, the plan itself admits

**C153-6** that it will make housing less, not more, affordable.

**C153-7** These failings are the result of a shoddy planning process in which the prescriptions were determined in advance of any analysis of whether they would be either effective or cost-effective at meeting the plan's goals. Although planners developed five alternatives, all of them contained some version of these same prescriptions, giving readers and decision makers little choice but to accept those prescriptions.

The two most important prescriptions predetermined for the plan were to *target selected neighborhoods for densification* and *expand the capacity of the region's rail transit system*. Every alternative except No Project targets selected neighborhoods for densification, and even No Project would densify the region without targeting specific neighborhoods. Every alternative except No Project increases rail transit capacities by more than 35 percent, which is more than any alternative would increase bus or highway capacities, and even No Project increases rail capacities by 20 percent.

When the prescriptions in a plan are determined in advance, without regard to their cost-effectiveness, trade-offs, or the personal preferences of current and future residents of the region, the result is not planning but tyranny. To avoid this tyranny, Plan Bay Area should be scrapped and the entire planning process replaced by one that devolves planning decisions to as a local a level as possible.

## Four Decades of Failed Plans

After World War II, the San Francisco Bay Area was one of the fastest-growing regions in the country. Between 1950 and 1970, the combined San Francisco-Oakland-San Jose urbanized areas grew twice as fast as the average large U.S. urban area (those with more than a million people in 1950), and faster than every other such urban area except Los Angeles and Washington, DC. The San Jose urbanized area alone was by far the nation's fastest-growing urbanized area, as its population nearly hexupled in two decades.

This rapid growth led to alarms in the 1960s about the costs of sprawl. Due to these concerns, most of the cities and counties in the Bay Area adopted urban-growth boundaries in the early 1970s. Outside the boundaries, development was heavily restricted; inside the boundaries, many cities passed zoning ordinances that limited increases in density.

These combined restrictions led to a rapid rise in the cost of developable land and housing. As of 1969, Bay Area housing was still very affordable, with median housing prices in the San Francisco-Oakland urban area less than 2.3 times median family incomes and in the San Jose urban area less than 2.2 times incomes. When a home is twice someone's income, they can dedicate 25 percent of their income to a mortgage and pay it off in less than 15 years.<sup>1</sup>

With the adoption of growth boundaries and other land-use restrictions, by 1979, median home prices in San Francisco-Oakland and San Jose were both more than 4.0 times median family incomes. Someone buying a home that costs four times their income would have to dedicate considerably more than 25 percent of their income to a mortgage to pay it off in 30 years.

By 1989, Bay Area price-to-income ratios were 5.4 in San Jose and 6.7 in San Francisco-Oakland; by 2006, they were 8.9 to 10.9. Even with the recent fall in median housing prices, they were still 6.3 to 7.1 times median family incomes in 2011. If someone buying a home that costs six or more times their income dedicated half their income to a mortgage at a 2.5 percent interest rate, they still would not be able to pay it off in 30 years.

It is doubtful that many who supported the urban-growth boundaries when they were first drawn in the 1970s intended or expected median housing prices to rise to 6 to 11 times median family incomes. This was an unintended consequence of the plans. Since residents who already owned their own homes benefitted from this rise in prices, there was little political pressure to fix the problem.

Land-use regulation not only made housing unaffordable, it made housing prices far more volatile. While housing prices in unregulated areas closely mirror median incomes, the above numbers show that Bay Area prices swing wildly, and the region has suffered at least three housing bubbles—one in the late 1970s, one in the late 1980s, and one in the mid-2000s—since imposing growth boundaries.

One reason for volatility is the lengthy permitting process imposed by cities that know developers have few alternative places to develop. This lengthy process means that developers are unable to meet demand when it increases, but can finally bring homes to the market about the time that demand declines. Volatility is good if you are lucky enough to buy low and sell high, but many people do not have a choice about when they buy and sell, which greatly increases the risk of homeownership.

While we have better data for housing than for other types of development, these same forces apply to retail, commercial, and other forms of development as well as housing. In combination, they make the Bay Area one of the least business-friendly regions of the country.

**C153-8** The Bay Area has a reputation of being a hotbed of innovation and business start-ups. Yet the reality is that the combination of growth boundaries, a glacial permitting process, and resistance to density within the boundaries slowed Bay Area growth; forced low- and even moderate-income people to move out; and discouraged businesses from moving to or expanding in the region. Yet Plan Bay Area would only make these problems worse by tightening urban-growth boundaries despite a projected 30 percent increase in population between 2010 and 2040.

At the same time as the Bay Area was making housing unaffordable, it was building a network of rail transit, including the BART system, Muni and VTA light rail, Caltrain, and the Altamont Commuter Express. Elsewhere, I estimate that the total capital costs for these rail lines was more than \$15 billion, yet they did little to improve the region's transportation system.<sup>2</sup>

In fact, Federal Transit Administration data reveal that, since at least 1982, the region's transit ridership has dramatically declined. Bay Area transit agencies carried more than 530 million trips in 1982, not counting what were probably around 6 million trips carried on Southern Pacific commuter trains (later taken over by CalTrain) as they weren't included in data published by the Federal Transit Administration. By 2011, they carried only 461 million trips.

An agency-by-agency comparison of ridership in 1982 and 2011 shows what happened. BART ridership increased by 52 million trips during this time. San Francisco light rail grew by 7 million trips and San Jose light rail carried 10 million trips in 2011 but none in 1982. In addition, CalTrain probably gained about 6 million trips over what Southern Pacific carried in 1982. The Altamont Commuter Express carries less than a million trips per year, for a total gain in rail ridership of about 76 million annual trips.

During the same period, however, Muni lost 79 million bus trips; A-C Transit lost 63 million bus trips (about 10 million of which were picked up by other agencies such as Central Contra Costa Transit); SamTrans lost 9 million trips; Santa Clara transit lost 6 million bus trips; and Golden Gate transit lost 4 million trips, for a total of 162 million lost trips. While a few bus agencies gained ridership, the net effect is a decline of about 75 million trips, depending on how many trips Southern Pacific carried in 1982. The apparent reason for the decline is that MTC has invested in BART and other rail transit at the expense of maintaining and improving the region's bus systems, a policy that led one critic to call BART a "vampire [that] sucks the lifeblood out of every transit agency with which it comes in contact."<sup>3</sup>

When taking the region's population growth into account, per capita transit trips declined from 100 in 1982 to 64 in 2011. Moreover, transit's share of commuting has also declined. The 1980 census found that 11.6 percent of Bay Area commuters took transit to work. In 1990 and 2000, it was only 10.1 percent. The 2010 census found a slight recovery to 10.6 percent. But between 1980 and 2010, the share of commuters who drive to work increased from 80.7 percent to 82.1 percent. At the same time, according to the Texas Transportation Institute, the cost of congestion more than octupled between 1982 and 2007. While the cost declined somewhat after 2007, that was only because of the recession, not to transit, whose ridership declined between 2007 and 2011.<sup>4</sup>

**C153-9** A 36 percent decline in per capita ridership and a loss of market share of commuters, transit's core market, has to be regarded as a huge failure. Yet Plan Bay Area blithely proposes to continue the same policy of expanding high-cost rail service at the expense of buses and highways.

## Plan Bay Area: A Continuation of Failure

As described in Table 3.1-1 of the draft environmental impact report (DEIR), to prepare Plan Bay Area, planners identified more than two dozen policies that could vary among the alternatives. These include:

- Zoning policies including existing, PDA focused, and TPP focused zoning;
- Growth boundaries including existing and stricter;
- Subsidies, including subsidies to PDAs, urban cores, and TPPs;
- Land-use incentives including OneBayArea grants, CEQA streamlining, and TPP redevelopment incentives;
- Road plans including the committed road network only, preferred network, preferred with reduces express lanes, and preferred with no high expansion;
- Transit plans including committed only, preferred, more funds for BART and AC transit, and more funds for all agencies except BART, Muni, and Caltrain;
- Fee policies including fees on high VMT areas, increased peak tolls on the Bay Bridge, and a VMT tax;
- Parking policies including no change and reducing minimum parking requirements;
- Climate initiatives, including public chargers for electric vehicles, electric vehicle purchase incentives, car sharing, vanpool incentives, clean vehicles feebates, smart driving strategy, and commuter benefits ordinance.

**C153-10** Planners' biases are revealed by several important policies that were not even considered. For example, although "existing" and "stricter" growth boundaries were considered, the option of less-restrictive boundaries was not. Although the options of MTC's preferred road network or less-extensive networks were considered, a more-extensive road network was not. Although 35 percent or more improvements to rail service were considered, the alternative of making similarly large improvements to bus service was not.

**C153-11** The next appropriate step in the planning process would be to estimate the cost of each of these policies and each policy's effects on greenhouse gas emissions, housing affordability, and other planning goals. Plan Bay Area planners, however, either skipped this step or failed to document it in the DEIR.

**C153-12** Instead, as described on pages ES-7 and ES-8 of the DEIR, they then combined these policies, almost at random, into five alternatives:

1. "No Project," meaning no changes in land-use patterns and no transportation improvements other than those already approved by May 1, 2011;
2. "Proposed Plan," which puts most housing and job growth in priority development areas (PDAs) and spends nearly 60 percent of funds available for transportation improvements on transit;
3. "Transit Priority Focus," which puts most housing and job growth in "transit priority project (TPP) areas" and spends even more on transit;
4. "Enhanced Network of Communities," in which "development is still generally focused around PDAs" and Bay Bridge tolls are increased to provide more money for transit;

5. "Environment, Equity, and Jobs" would emphasize development in both PDAs and in "jobs-rich, high- opportunity TPPs not currently identified as PDAs" and charge vehicle-mile fees to provide more money for transit.<sup>5</sup>

C153-13

While this might at first glance appear to be a wide range of alternatives, in fact, it is not.

- Table 3.1-1 shows that all alternatives except No Project make urban-growth boundaries even more restrictive than they are today and meet housing demand by targeting numerous neighborhoods for densification. They differ only in which neighborhoods they target. (No Project densifies within existing urban-growth boundaries but does not target specific neighborhoods.)
- According to table 3.1-7, all of the alternatives except No Project increase rail service by more than 35 percent (No Project is 20 percent), while the most any alternative increases bus service is 24 percent even though planners anticipate a 30 percent growth in the region's population.
- Also according to table 3.1-7, and in spite of the projected 30 percent growth in population, none of the alternatives contemplate more than a 3.3 percent increase in the region's road network (counting freeways, expressways, arterials, and collectors), or more than a 10 percent increase in the region's freeway lane miles.

Densification and rail transit are needed, planners say, to reduce greenhouse gas emissions. Not only is this highly debatable, the reality is that planners' biases towards densification and transit long preceded the issue of greenhouse gases.

### Plan Bay Area Is Biased Towards Density

Numerous surveys have shown that most Americans aspire to low-density housing and lifestyles.<sup>6</sup> Yet for decades, urban planners have believed that higher-density housing is somehow superior. Urban Land Institute researcher Douglas Porter describes this as a "gap between the daily mode of living desired by most Americans and the mode that most city planners . . . believe is most appropriate." While most Americans, Porter admits, "want a house on a large lot," planners believe such low densities are "expensive in terms of public and private infrastructure costs, quality of life, and environmental damage." The question Porter asked was: how do planners convince people to live the way planners think they should live? Porter's answer was regional plans like Plan Bay Area.<sup>7</sup>

Density is a solution in search of a problem. Before climate change was a concern, planners supported densification in order to improve people's sense of community; save energy; reduce air pollution; improve health and reduce obesity; protect farms and open space; and reduce traffic congestion. In fact, the correlation between density and any of these factors is weak and, in some cases, exactly the opposite of what planners think it is. Yet this hasn't changed planners' goal of increasing population densities.

Ironically, thanks to infill development since the establishment of urban-growth boundaries, San Francisco-Oakland is already the second-densest urban area in the country. According to the 2010 census, the densest is Los Angeles-Long Beach-Anaheim, at 7,000 people per square mile. San Francisco-Oakland is 6,266 people per square mile. San Jose, at 5,820 people per square mile, is third. New York-Newark, at 5,320 people per square mile, is only number five.<sup>8</sup> While New York City may be denser than San Francisco, the Bay Area has denser suburbs.

The 2010 density of all urban areas in the Bay Area is 4,743 people per square mile. This is almost exactly twice the average density of all U.S. urban areas (areas of more than



2,500 people).<sup>9</sup> The nation's largest urbanized areas that have maintained housing affordability, including Dallas-Ft. Worth, Houston, and San Antonio, have densities approaching 3,000 people per square mile. Some have lower densities, but densities above 3,000 people per square mile seem to be associated with unaffordable housing: in 2010, no urbanized area (areas of more than 50,000 people) denser than 3,000 people per square mile had median home prices less than 2.5 times median family incomes.<sup>10</sup>

Despite existing densities, Plan Bay Area calls for densifying the region still further. Under the plan, all non-agricultural development will take place "within the urban footprint (existing urban development and urban growth boundaries)."<sup>11</sup> Since the plan is projecting 30 percent more people by 2040, virtually all of whom will live in urban areas, 2040 urban densities will grow by about 30 percent.<sup>12</sup>

**C153-14** To accommodate 30 percent more people without increasing the area of developed land, table 2.3-2 of the DEIR indicates that, by 2040, there will be 169,100 fewer single-family detached homes, 380,000 more townhouses, and 489,100 more multi-family dwellings. In other words, one out of every nine single-family detached homes will be demolished and replaced with an average of 5.1 attached or multi-family homes.

Plan Bay Area also calls for 77 percent of new housing to locate in "priority development areas" (PDAs) located along major transit corridors. These PDAs occupy just 5 percent of the region's land area, but are also expected to provide 63 percent of new jobs.<sup>13</sup> To accommodate 77 percent of new residents, the PDAs would have to have average population densities of 4,700 people per square mile on top of whatever population they have today.

**C153-15** Plan Bay Area claims that the planned reduction of single-family detached homes from 56 percent to just 39 percent of the region's housing stock reflects changes in housing preferences. Supposedly, large numbers of retiring baby boomers and young households with no children will prefer to live in high-density, mixed-use areas rather than low-density suburbs. In support of this idea, they cite work by University of Utah planner Arthur Nelson.<sup>14</sup>

Nelson's work, however, is not credible. As described in a 2006 article on future housing preferences in the *Journal of the American Planning Association*, he based his projections of future demand "on interpretations of surveys" reported in a paper by urban planners Dowell Myers and Elizabeth Gearin.<sup>15</sup> In the same issue of the *Journal*, an article by University of North Carolina professor of urban planning Emil Malizia critiqued Nelson's claims.

Malizia pointed out that the surveys on which Nelson based his work "may not be terribly reliable" because the samples "are self selected rather than random" and may be "heavily influenced by the data collection method."<sup>16</sup> The surveys asked questions such as whether people would "approve of having townhouses built in their neighborhoods" and whether they might want to live in one. A mere 17 percent said they might to live in one, but since that was more than the share of Americans already living in townhouses, Nelson concluded there was a shortage of this type of housing.

Malizia also observed that Nelson advocated "financial incentives and concessions" to persuade developers to build high-density housing, a concept included in Plan Bay Area. Yet, Malizia pointed out, "If it is true that consumers prefer and can afford new forms of development, real estate developers and investors will respond; these markets are not that inefficient."<sup>17</sup>



C153-16

In other words, if it is true that there is a growing demand for high-density housing, then one way to meet that demand would be to reduce regulation and allow builders to build for the market. Plan Bay Area instead would mandate and subsidize construction of high-density housing whether there is a market for it or not.

Table 2.3-2 uses the term “demand” to imply that, by 2040, people won’t want those 169,000 single-family detached homes. This, however, betrays planners’ lack of understanding of fundamental economic concepts such as demand. Demand is not a point and cannot be expressed as a single number such as 1,365,900 (the number of single-family detached homes that the DEIR says Bay Area residents will “demand” in 2040). Demand is a line that shows the various quantities of something that people would buy at various prices. If the government artificially makes something very expensive, then the quantity that people will demand at that price will be low. But this doesn’t mean, as the DEIR and Arthur Nelson imply, that public preferences for single-family detached homes have changed.

Japan is one of the most crowded countries in the world, and also has an aging population that Nelson would predict would prefer living in multi-family housing. Yet 55 percent of Japanese households live in single-family detached homes.<sup>18</sup> In order to fit 30 percent more people inside of more restrictive urban-growth boundaries, Plan Bay Area planners know they have to reduce the share of Bay Area households living in single-family detached homes to just 39 percent, or 16 percent less than Japan. So they use the subterfuge of “demand” as an excuse to do so.

The reality is that, if housing were more affordable, a far greater share of Bay Area residents would prefer single-family detached homes. The fact that Plan Bay Area proposes to subsidize densification of PDAs shows that planners understand that, even at the Bay Area’s unaffordable housing prices, the demand for high-density housing is not sufficient to support the densification required by the plan.

Plan Bay Area’s policy of targeted densification was pioneered by planners in the Portland, Oregon, area. Like the Bay Area, Portland-area planners drew an urban-growth boundary in the 1970s. Unlike the Bay Area, Portland has a strong regional government, known as Metro, which in the mid-1990s gave population targets to each of 27 municipalities in the region and specifically targeted several dozen neighborhoods and numerous corridors for redevelopment at higher densities.<sup>19</sup>

Bay Area planners may believe that such targeted densification will help relieve the region’s housing affordability problems. After all, Portland housing is less unaffordable than the Bay Area’s: At the height of the recent housing bubble, Portland-area median home prices were about 4.5 times median family incomes, instead of 9 to 11 times as they were in the Bay Area.

A closer look suggests that Portland’s relative affordability has little to do with its densification policies. For one thing, the Portland urbanized area has only about 3,500 people per square mile—well under the Bay Area’s average of more than 4,700 people per square mile. Second, Portland’s densification programs started only recently, since the late 1970s Portland has always been more affordable than the Bay Area, so densification is probably less important than other factors.

The most important other factor is that Portland has “safety valves” in the form of less-regulated areas located nearby where Portland-area workers could buy homes at affordable prices. Clark County (Vancouver), Washington has far less land-use

regulation, and between 1990 and 2010 its population grew almost twice as fast as counties on the Oregon side of the Portland-Vancouver metro area. Salem, Oregon—45 miles south of Portland—has an urban-growth boundary but was never as strict as Portland, so its population also grew rapidly between 1990 and 2010, overtaking Eugene as Oregon's second-largest city.

By contrast, the Bay Area's "safety valves" are located in Modesto, Stockton, and other Central Valley cities some 80 to 90 miles away from most Bay Area employment centers. While these areas rapidly grew during the housing boom of the early 2000s, their distance from Bay Area jobs and the land-use regulation that they imposed on local developers meant that they had little effect on Bay Area housing prices. In short, there is little reason to believe that targeted densification will make Bay Area housing more affordable.

**C153-17** Plan Bay Area argues that one advantage of multi-family homes is that they use less energy than single-family. "Multi-family residential units, when compared to single family residential units, are 44 percent more efficient on a per unit basis in terms of consumption of electricity and 35 percent more efficient with natural gas consumption."<sup>20</sup> What the plan doesn't say, however, is that this is solely because multi-family units are smaller than single-family homes.

According to the U.S. Department of Energy, single-family detached homes use 30 percent *less* energy per square foot than multi-family homes. This is actually an underestimate because it doesn't count the energy needed to light, heat, and air condition hallways, lobbies, and other common areas in multi-family structures. In addition, household sizes in single-family homes average about 26 percent more than in multi-family, which on a per-person basis offsets most of the energy savings claimed by Plan Bay Area per household.<sup>21</sup>

**C153-18** Plan Bay Area's bias towards density is also based on an assumption that people living in higher densities drive less. Most studies of the relationship between driving and density measure the number of trips or vehicle miles of travel by household in areas of different densities. But households in higher density areas tend to be smaller, so differences in per capita driving among areas of differing densities are smaller than differences in per household driving.

Most of these studies also fail to take into account the self-selection problem, which is that people who prefer to drive less tend to live in higher density areas. This does not mean that increasing densities will lead other people to drive less.

In reviewing the literature of the relationship between the "built environment" and driving, economist David Brownstone of the University of California at Irvine found that most studies "make no attempt to control for self-selection." The ones that did typically found that the relationship between density and driving was small. Overall, "There is evidence that there is a statistically significant link between aspects of the built environment correlated with density and VMT," Brownstone concluded, but "the size of this link is too small to be useful" in saving energy or reducing greenhouse gas emissions.<sup>22</sup>

## Plan Bay Area Is Biased Towards Transit

**C153-19** Plan Bay Area would dedicate 62 percent of transportation funds to transit and 38 percent to roads even though transit carries only 3.5 percent of the region's passenger

travel and less than 11 percent of the region's commuters to work. The assumptions behind this split are that spending more money on transit will get people to take transit instead of driving and that transit emits significantly less greenhouse gases than cars. Neither assumption is true.

The DEIR projects 40 to 60 percent increases in per capita transit ridership under all alternatives except No Project, and even No Project projects a 25 percent increase.<sup>23</sup> Based on past performance, however, such increases are unlikely. As shown above, despite billions of dollars spent on transit over the past several decades, per capita transit ridership has declined by 36 percent since 1982.

C153-20

Even if Plan Bay Area could increase per capita transit ridership, doing so is not likely to significantly reduce greenhouse gas emissions. While transit emits slightly less greenhouse gases than driving today, under the Pavley standards, cars will soon be greener than transit.

The Federal Transit Administration's National Transit Database indicates that transit operations consumed an average of 3,443 BTUs per passenger mile in 2010.<sup>24</sup> For the same year, the Department of Energy says that the average car consumed 3,447 BTUs per passenger mile.<sup>25</sup> The 0.12 percent difference between the two is less than the sampling error for these two numbers. Cars and transit also both emit about 250 grams of carbon-dioxide-equivalent greenhouse gases per passenger mile.

Light trucks consumed more energy, about 4,200 BTUs per passenger mile, which is about 300 grams of greenhouse gases per passenger mile. But there are several reasons to believe that both cars and light trucks will soon be more efficient and cleaner than transit.

First, while rail transit uses less energy per passenger mile than buses, the total lifecycle costs of rail transit are much larger, relative to the operational costs, than for highway transportation. According to an analysis by researchers at the University of California at Berkeley, "total life-cycle energy inputs and greenhouse gas emissions contribute an additional 63% for on road, 155% for rail, and 31% for air systems over vehicle tailpipe operation."<sup>26</sup> In other words, the full environmental costs of rail are 155 percent greater than the operational costs while the full environmental costs of highway transport are only 63 percent greater than the operational costs.

In 2010, rail transit operations, including light rail, heavy rail, and commuter rail, used 2,676 BTUs per passenger mile. This means the full, life-cycle energy costs of rail transit are more than 6,600 BTUs per passenger mile, while the full, life-cycle costs of driving a car are 5,600 BTUs per passenger mile. Rail transit still beats light trucks, but barely, as the latter consume 6,800 BTUs per passenger mile.

C153-21

The second factor that must be considered is that cars and light trucks are rapidly becoming greener, while transit is improving slowly, if at all. Average auto fuel economy has improved by 40 percent in the last 40 years, while transit's fuel economy has actually gotten worse.<sup>27</sup>

Based on the DEIR's projections of miles of driving in table 3.1-8 and greenhouse gas emissions in table 3.1-28, the Pavley standards will reduce average per-mile emissions by 26 to 28 percent, which is roughly the same as improving fossil fuel economy by the same amount. This suggests the average automobile on the road in 2040, including both cars and light trucks will use only about 2,700 BTUs and emit about 190 grams per

passenger mile. Adding 63 percent to get the total life-cycle costs means that autos will use about 4,400 BTUs and emit about 310 grams of carbon dioxide per passenger mile, both of which are less than transit today.

While bus transit fuel economy might improve slightly between now and 2025, rail transit is not likely to get any better. This is because rail systems have long lifespans and, once a technology is selected, it is very expensive to replace with something that is more fuel-efficient. "Autos and buses have relatively short life cycles, modest capital costs and have autonomous vehicles independent from the guideway; thus, they can enable relatively rapid integration of state-of-the-art technologies," says University of South Florida transit expert Steve Polzin. "Modes where the vehicle and guideways are integrated systems may be far more difficult or expensive to upgrade to newer, more efficient technologies."<sup>28</sup>

## Plan Bay Area Is Not Cost Effective

**C153-22** If reducing greenhouse gas emissions is really the high priority that SB 375 and the plan say it is, then it is equally critical to find the most cost-effective ways of achieving that goal. Any money spent on a less-than-cost-effective means of reducing emissions means less money available to reduce them using more cost-effective tools.

Plan Bay Area pays lip service to developing a "cost-effective" transportation system.<sup>29</sup> Yet there is nothing cost-effective about the current or proposed Bay Area transportation network. The high cost of rail is revealed by Plan Bay Area's proposal to spend \$159 billion on transit maintenance and only \$94 million on road maintenance.<sup>30</sup> In 2010, about two-thirds of Bay Area transit maintenance spending was on rail transit, which suggests that about \$106 billion of transit maintenance is needed for rail systems.<sup>31</sup> The Bay Area has less than 700 directional route miles of rail lines but more than 20,000 lane miles of freeways, expressways, arterials, and collectors.<sup>32</sup> Yet Plan Bay Area proposes to spend less maintaining those 20,000 lane miles of roads than some 700 miles of track.

Thus, even if expanding the Bay Area's transit systems could save a small amount of energy and slightly reduce greenhouse gas emissions, the high cost of doing so would not be worth it. A 2007 report from McKinsey & Company suggests that programs to abate greenhouse gas emissions are worthwhile only if they cost less than \$50 per ton of abated carbon dioxide.<sup>33</sup> Spending more money on transit, if it reduces greenhouse gas emissions at all, would do so at a cost of thousands of dollars per ton. Yet Plan Bay Area calls for spending \$21 billion on transit improvements compared with just \$15 billion on highway improvements.<sup>34</sup>

The McKinsey report suggests a variety of ways of cost-effectively reducing greenhouse gas emissions, yet none are contemplated in Plan Bay Area. My own analysis of densification and rail transit, the two central features of Plan Bay Area, are that they would cost thousands of dollars per ton, many times more than McKinsey's \$50-per-ton cost-effectiveness threshold.<sup>35</sup>

A close analysis of table 3.1-29 in the DEIR reveals that Plan Bay Area is far from cost effective in reducing greenhouse gas emissions or meeting any other goal. This compares greenhouse gas emissions in 2010 with emissions in 2040 under each of the alternatives. Emissions are broken down by land-use and transportation sources.

**C153-23** According to the table, the California Air Resources Board's (ARB) 2008 scoping plan will reduce land-use related emissions by 9.6 billion tons per year under all the

alternatives. By comparison, the densification required by Plan Bay Area will reduce emissions by only 131 million tons. This doesn't mean the ARB's scoping plan is necessarily cost effective, but it is certainly far more effective than densification.

On the transportation side, improved fuel efficiency of cars, trucks, and buses is expected to reduce greenhouse gas emissions by 2.7 billion tons per year. (Emissions from "other vehicles," including trains and ferries, are expected to increase.) Full implementation of MTC's climate policy initiative is projected to reduce emissions by 1.6 billion tons. By comparison, Plan Bay Area's efforts to get people to drive less reduces emissions by only about 330 million tons. Again, this doesn't mean that all parts of MTC's climate policy initiative are necessarily cost effective, but the initiative is more than twice as effective as Plan Bay Area's densification and transit strategies at what is likely a far lower cost.

**C153-24** The No-Project alternative, which assumes implementation of the ARB scoping plan, improved auto fuel economy, and only partial implementation of MTC's climate policy initiative, reduces greenhouse gas emissions by 12.2 percent. Adding full implementation of MTC's climate policy initiative would reduce greenhouse gas emissions by a total of 14.4 percent. Adding Plan Bay Area's densification strategy reduces emissions by only 0.3 percent more. Adding Plan Bay Area's efforts to get people to drive less reduces emissions by 0.7 percent more.

Table One  
 Effectiveness of Greenhouse Gas Emissions Strategies

| Strategy                                    | Billions of Tons | Change from 2010 |
|---------------------------------------------|------------------|------------------|
| 2010 baseline                               | 48,846           |                  |
| No Project in 2040                          | 42,895           | -12.2%           |
| No Project plus full MTC Climate Initiative | 41,813           | -14.4%           |
| Plan Bay Area Land-Use Strategies           | 41,682           | -14.7%           |
| Plan Bay Area Transportation Strategies     | 41,344           | -15.4%           |

In other words, although Plan Bay Area's preferred alternative reduces emissions by 15.4 percent below their 2010 levels, only 1 percent of that reduction is due to Plan Bay Area itself. To be fair, some of reduction in driving may be due to Plan Bay Area's densification strategy, but that only means that Plan Bay Area's transit investments are projected to be even less effective at reducing greenhouse gas emissions.

**C153-25** All of these numbers are projections, of course, and there is little reason to suspect that they will be accurate. All of the alternatives except No Project project a 40 to 60 percent increase in per capita transit ridership, and even No Project projects a 25 percent increase. Yet past efforts by MTC and ABAG have failed to increase per capita transit ridership, reduce per capita driving, or increase transit's share of travel.

**C153-26** It is entirely possible that Plan Bay Area could lead to greater emissions than a do-nothing alternative, rather than less. For example, concentrating 77 percent of new development in 5 percent of the region's land area is likely to significantly increase traffic congestion in the PDAs. Such increased congestion will waste fuel and produce more greenhouse gas emissions. Moreover, the emissions figures in table 3.1-29 only include the operational costs of transportation. As previously noted, the full life-cycle costs of rail transport are much greater than the operating costs, so table 3.1-29 underestimates the effects of rail expansions relative to highway expansions.



**C153-27** Incidentally, Plan Bay Area's claim that the No Project alternative does not meet the state mandate for a 15 percent reduction in per capita car and light truck emissions is simply wrong. According to table 4 of Plan Bay Area, No Project reduces per capita auto emissions by 8 percent, while the preferred alternative reduces them by 18 percent. However, as described in table 3.1-28 of the DEIR, this conclusion was reached assuming that the Pavley fuel standards did not exist.

Table 3.1-29, which takes the Pavley standards into account, shows that per capita passenger vehicle emissions will fall by at least 37 percent under No Project and 41 percent under the preferred alternative. MTC's climate policy initiative will reduce vehicle emissions even further, though it isn't possible to assess how much of that reduction is due to passenger vehicles. But it is clear that all alternatives meet the state mandate. In any case, the main difference in emissions between the No Project alternative and the other four is that the No Project alternative only partially implements MTC's climate policy initiative, while most of the others fully implement it. Plan Bay Area's other land-use and transportation policies have relatively little effect on per capita greenhouse gas emissions.

## Plan Bay Area Fails to Make Housing Affordable

**C153-28** Thanks to previous land-use planning efforts, the Bay Area is one of the least affordable housing markets in the world.<sup>36</sup> Though Plan Bay Area sets adequate housing as one of two mandatory targets, it fails to do more than tinker at the edges of the region's housing affordability problem.

The plan sets a target of reducing "by 10 percentage points (to 56 percent, from 66 percent) the share of low-income and lower-middle income residents' household income consumed by transportation and housing."<sup>37</sup> But it admits that it not only fails to reach this target, it "moves in the wrong direction" with the share of income needed to cover transportation and housing rising to 69 percent for low- and lower-middle-income residents.<sup>38</sup>

The plan's main tools to address this issue are targets for communities in the region to accept new housing and subsidies to low-income housing. But housing affordability is not just a problem for low- and lower-middle income families. At \$156,000, Palo Alto had the highest median family income of any city in the Bay Area in 2011, yet it also had median housing prices of more than \$1 million, or well over 6 times family incomes.<sup>39</sup>

Subsidies for low-income housing are not going to solve the region's housing problems. In fact, many subsidies and affordability mandates actually make those problems worse by driving up the overall cost of housing. For example, numerous Bay Area communities have imposed housing mandates requiring builders to sell or rent a specified portion of new housing for "affordable" rates. The result is less overall construction and higher prices for the non-affordable units that are built. When the affordability mandates push up the prices of new homes, the prices of used homes follow making housing less affordable for almost everyone.<sup>40</sup>

High-density housing won't solve the problem either. While some people, mainly young singles and childless couples—though not necessarily a majority of those—are attracted to dense, mixed-use developments, they are a small minority. For most new Bay Area residents, such high-density developments will be second-class housing: smaller, with less privacy, more noise, no room for expansion as families grow, and more subject to crime. This means they will continue to aspire to live in single-family homes that

planners have made unaffordable to most residents who are not fortunate enough to already own one.

While Plan Bay Area claims to meet the state mandate that 100 percent of residents can be housed within the region, this is just a numeric exercise of assigning density targets to each city in the region. Whether those targets can be reached is another matter entirely, especially if fewer than 538,000 households—the plan's target for PDAs—are willing to live in such high-density areas.<sup>41</sup>

## Plan Bay Area Ignores Trade-Offs

**C153-29** Bay Area residents have a wide range of needs, preferences, and priorities, and Plan Bay Area considers only a few of them. By failing to fully evaluate the more than two dozen policies being considered in the plan, Plan Bay Area ignores the trade offs between these policies, some of which may be more important to residents than they realize.

For example, Plan Bay Area takes it for granted that roughly 80 percent of land in the nine-county area should be preserved as open space. Currently, the plan says, only about 18 percent of the nine-county area is developed, and the plan calls for all new non-agricultural development to remain within this area.<sup>42</sup> The 2010 census found that 21 percent of the nine-county area is "urbanized"; the difference may be parks included in the Census Bureau's definition of urbanized.<sup>43</sup>

The trade off of keeping all new development in a minimal area is that this policy has produced one of the world's least affordable housing markets. If the region's population density had been allowed to remain at 3,000 people per square mile—the density at which major urban areas still have affordable housing—the amount of developed land would have increased from Census Bureau's 21 percent to just 33 percent. Even with population growth through 2040, densities could remain this low while still allowing well over half the region to remain as open space.

**C153-30** Plan Bay Area claims that adequate housing is a "mandatory" target while open space preservation is a "voluntary" target. But in fact it treats open space as mandatory and trades off affordable housing in order to preserve that open space, failing to meet its target that low- to moderate-income people are able to reduce the shares of their income going for housing and transportation costs. This is unfair both to future homebuyers and the owners of land that is excluded from development.

**C153-31** Plan Bay Area also ignores the trade offs between high-density housing and public safety. Contrary to popular belief, density itself does not lead to higher crime, but the design features associated with higher densities often can. Architect Oscar Newman's 1973 book, *Defensible Space*, first identified the design features that make developments more susceptible to crime. He found that the most important factor in reducing property crime was to reduce what he called "permeability," that is, the ability of strangers to enter properties.<sup>44</sup>

For example, a high-rise luxury apartment building with one entrance staffed by a security guard would have low permeability. But mid- and high-rise apartments built for low- or middle-income families often have multiple entrances and no security guards, making them very permeable. A neighborhood of homes with private backyards would be less permeable than one with alleys behind the homes, offering potential burglars more access points to the home. Mixed-use developments and developments with lots of common areas are more permeable than single-use developments with

mainly private property because it is not always easy to tell if a stranger in a mixed-use development or common area has a legitimate purpose in being there or not.

Unfortunately, most of the things planners want to build into PDAs and transit-oriented developments—such as mixed uses, alleys, and common areas—increase permeability and make those developments more subject to crime. A study of a “New Urban” development in Britain found that it had five times as much crime and cost police departments three times as much to keep secure as a development designed to minimize permeability.<sup>45</sup>

Crime is only one of many issues that influence people’s housing decisions. Others are the quality of schools; proximity to friends and relatives; access to transportation; and other neighborhood amenities. Ironically, considering that planners would prefer that everyone lived close to work, close proximity to work is *not* a major factor in people’s housing decisions. In fact, studies by University of California (Davis) researchers have found that people prefer to live some distance from work so they can adjust to a work or home mindset as they commute.<sup>46</sup>

**C153-32** By focusing mainly on planners’ desire to reduce per capita driving, Plan Bay Area oversimplifies the complexity of real life and the wide range of people’s personal tastes and preferences. The result is a plan that is intrusive and authoritarian without any redeeming values.

## Conclusions

**C153-33** Plan Bay Area considers more than two-dozen policies aimed at reducing greenhouse gas emissions and making housing more affordable. Yet the policies it adopts are not cost-effective at reducing emissions and are not effective at all in making housing affordable. Other policies that might have been more effective weren’t even considered. These failings can be traced directly to inadequacies in the planning process.

In a rational planning process, planners should identify, without prejudice, a wide range of policies that might contribute to the goals of the plan. They should then estimate the cost of each of the policies and their effects on emissions, affordability, and other issues. This would allow them to develop a plan by selecting a blend of the policies that are most cost-effective at meeting the key goals of the plan.

Instead, planners started out by assuming that the plan would adopt certain policies, including densification and a 35 percent increase in rail transit service, that may not contribute to the goals at all and are certainly unlikely to be cost-effective ways of reducing greenhouse gas emissions.

Although planners failed to do a cost-effectiveness analysis of these policies, it is possible to estimate from table 3.1-29 that densification and improved transit service together will reduce greenhouse gas emissions by less than 1 percent. The Plan also admits that it fails to make housing more affordable for low- and lower-middle-income people, which almost certainly means housing will be less affordable for everyone who does not already own a home.

How can planners justify an enormously expensive plan that disrupts numerous neighborhoods in the region in order to reduce greenhouse gases by 1 percent? The answer is that they cite a state law requiring a 15 percent reduction in per capita



emissions from automobiles—but then ignore another state law that mandates improvements in fuel economy that, by itself, will more than meet this goal.

C153-34

This means Plan Bay Area is not only poorly planned; it is dishonest. The entire plan should be scrapped and restarted, preferably at the local level rather than the regional level.

## Notes

1. Median home values from 1970 *Census of Housing: Part 1-United States Summary* (Washington: Census Bureau, 1972), table 14; median family incomes from 1970 Census Supplementary Report 63, "Per Capita Income, Median Family Income, and Low Income Status in 1969 for States, Standard Metropolitan Statistical Areas, and Counties: 1970," Census Bureau. Data for later years are from similar tables and reports for the 1980 and later censuses.
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3. Belinda Griswold, "Tunnel Vision," San Francisco Bay Guardian, November 5, 1997.
4. David Schrank, Bill Eisele, and Tim Lomax, "2012 Urban Mobility Report," Texas Transportation Institute, College Station, Texas, "complete data" spreadsheet.
5. Plan Bay Area DEIR p. 3.1-7–3.1-8.
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7. Douglas Porter, "Regional Governance of Metropolitan Form: The Missing Link in Relating Land Use and Transportation," in *Transportation, Urban Form, and the Environment* (Washington, DC: Transportation Research Board, 1991), p. 65.
8. "2010 Census Urban Area Facts: Most Densely Populated Urbanized Areas," Bureau of the Census, 2012, [tinyurl.com/ctypsu2](http://tinyurl.com/ctypsu2).
9. Calculations based on "Urban and Rural in 2010 by State and County," Bureau of the Census, 2012, [tinyurl.com/cn7st9j](http://tinyurl.com/cn7st9j).
10. 2010 urbanized area densities from "List of 2010 Urbanized Areas," Census Bureau, [tinyurl.com/d5jo3gf](http://tinyurl.com/d5jo3gf); 2010 median home values and median family incomes from 2011 American Community Survey table B25077, Median Home Values, and B19113, Median Family Income.
11. Plan Bay Area, p. 19.
12. Plan Bay Area, p. 6.
13. Plan Bay Area DEIR, page 1.2-25.
14. DEIR page 2.3-5.
15. Arthur C. Nelson, "Leadership in a New Era," *Journal of the American Planning Association*, volume 72, number 4 (2006), p. 397.
16. Emil Malizia, "Comment on 'Planning Leadership in a New Era,'" *Journal of the American Planning Association*, Autumn, 2006, volume 72, no. 4, p. 407.
17. *Ibid.*, p. 408.
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## Curriculum Vitae for Randal O'Toole

Senior Fellow, Cato Institute; [REDACTED], Camp Sherman, Oregon 97730; [REDACTED]

### Books

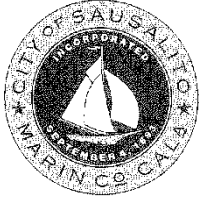
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*Gridlock: Why We're Stuck in Traffic and What to Do About It*, Cato Institute, 2010  
*The Best-Laid Plans: How Government Planning Harms Your Quality of Life, Your Pocketbook, and Your Future*, Cato Institute, 2008  
*The Vanishing Automobile and Other Urban Myths: How Smart Growth Harms American Cities*, Thoreau Institute, 2001  
*Reforming the Forest Service*, Island Press, 1988

### Selected Other Publications

"The Great Streetcar Conspiracy," Cato Institute Policy Analysis No. 699. June 14, 2012.  
"Ending Congestion by Refinancing Highways," Cato Institute Policy Analysis No. 695. May 15, 2012.  
"Crony Capitalism and Social Engineering: The Case against Tax-Increment Financing," Cato Institute Policy Analysis No. 676. May 18, 2011.  
"Defining Success: The Case against Rail Transit," Cato Institute Policy Analysis No. 663. March 24, 2010.  
"The Myth of the Compact City: Why Compact Development Is Not the Way to Reduce Carbon Dioxide Emissions," Cato Institute Policy Analysis No. 653. November 18, 2009.  
"How Urban Planners Caused the Housing Bubble," Cato Institute Policy Analysis No. 646. October 1, 2009.  
"High-Speed Rail: The Wrong Road for America," Cato Institute Policy Analysis No. 625. October 31, 2008.  
"Roadmap to Gridlock: The Failure of Long-Range Metropolitan Transportation Planning," Cato Institute Policy Analysis No. 617. May 27, 2008.  
"Does Rail Transit Save Energy or Reduce Greenhouse Gas Emissions?," Cato Institute Policy Analysis No. 615. April 14, 2008.  
"The Planning Tax: The Case against Regional Growth-Management Planning," Cato Institute Policy Analysis No. 606. December 6, 2007.  
"Do You Know the Way to L.A.? San Jose Shows How to Turn an Urban Area into Los Angeles in Three Stressful Decades," Cato Institute Policy Analysis No. 602. October 17, 2007.  
"Debunking Portland: The City That Doesn't Work," Cato Institute Policy Analysis No. 596. July 9, 2007.  
"The Greatest Invention: How Automobiles Made America Great," American Dream Coalition, September, 2006.

### Education

1977–1980: Graduate work in urban planning and economics at the University of Oregon; no degree.  
1974: BS in Forestry and BS in Geology from Oregon State University.



Wed. May 15, 2013

To:  
Metropolitan Transportation Commission  
Plan Bay Area / Draft EIR Public Comment  
101 Eighth Street  
Oakland, CA 94607

From:  
Linda Pfeifer, Sausalito City Council  
[REDACTED]  
Sausalito, CA 94965

Subject: Comments on Plan Bay Area and Draft EIR

My name is Linda Pfeifer. I am a member of the Sausalito City Council.

I am submitting this letter as public comment on the Draft Bay Area Plan and Draft Bay Area Plan Draft Environmental Impact Report (State Clearinghouse No. 2012062029).

I am concerned that the Association of Bay Area Governments (ABAG) and the Metropolitan Transportation Commission (MTC) have embarked on a long-range land use plan based on unproven assumptions regarding greenhouse gas emission reductions, job and population growth, and environmental impact. This comment letter summarizes my concerns for your consideration.

C154-1

I. Plan Bay Area and Draft EIR Fails to Adequately Disclose, Analyze, and Mitigate Water Constraints

The Draft EIR fails to accurately assess water requirements for Plan Bay

Area. The Draft EIR does not assess the risk to federally endangered and protected species habitat, including creek, bay, wetlands, and overall habitat damage caused by water diversions, water draw-downs, altered stream flow, and other possible water use strategies to accommodate Plan Bay Area's proposed high density housing numbers and commercial development.

The fact that the Planned Development Areas and potential Planned Development Areas border sensitive eco-habitats near commercial and residential neighborhoods with antiquated storm drain, road, and sewer infrastructure, high traffic congestion, rising sea levels, coupled with Marin's water constraints, makes the lack of a water assessment plan in this DEIR unacceptable. The DEIR fails to assess the cumulative impact of water use diversion or other water mitigation strategies on wildlife habitat, and the ability of existing water resources to service the residential and commercial density proposed.

The failure to identify and analyze the quantities of water required for Plan Bay Area is a serious flaw in this Draft EIR. This Draft EIR is not a reasoned and good faith effort to inform the public, Marin leaders, and key decision-makers regarding the impact of Plan Bay Area on Marin County. The Draft EIR is in violation of key principals of California water law.

What quantity of water will be diverted by all water users in the watershed to accommodate Plan Bay Area?

What cumulative impact will water diversions from all sources have on wildlife? What water quantities will be needed to service current and future residents and commercial establishments?

What water levels and flows (e.g. river, creek, wetlands, bay flows) are necessary to sustain species habitat? And what constitutes a "safe" flow?

Why hasn't Plan Bay Area's EIR consider impacts to water constraints on habitat on a per-city basis and for unincorporated neighborhoods?

Without this information, how can ABAG, MTC, or the public be informed and predict the scope or magnitude of adverse impacts that would occur as a result of Plan Bay Area?

C154-2

II. Plan Bay Area Draft EIR uses flawed data in GHG projections that yield inaccurate findings and fail to inform the public, elected officials, and key decision-makers as to Plan Bay Area's true environmental impact.

I have been told that the "No Project" Alternative (#1) for Plan Bay Area is not an option because it does not reduce GHGs (Greenhouse Gasses). The fact is that the "No Project" Alternative can indeed be chosen, as it can be enhanced with various programs and strategies that will reduce GHGs.

In fact, the Draft EIR uses inaccurate data to support the other alternatives that purport to reduce GHGs.

The Draft EIR does not consider impacts of the new "Pavley" standards in California, already in effect, raising required mpg per mile and reducing GHGs (this is acknowledged in the notes of the DEIR).

The Draft EIR uses 2005 data in its projected future GHG emissions and GHG reductions. But this data does not include the impact of newly passed CAFÉ standards (e.g. 54.5 mpg for cars and light trucks). This will reduce car and light truck emissions more than any of Plan Bay Area's Alternative Projects even if we do nothing (e.g., "No Project" Alternative #1). In other words, the Draft EIR assumptions for each Alternative are flawed. This analysis in the Draft EIR must be redone and updated to reflect accurate statistics for correct projections and assumptions.

In its current state, the Draft EIR fails to inform the public, elected leaders and key decisions makers as to Plan Bay Area's true environmental impact. This part of the Draft EIR should be redone and revised and resubmitted for public review prior to any vote.

Why doesn't the Draft EIR use new legislation, policies, and standards targeting GHG emission reduction in its GHG emission projections and analysis?

How can MTC justify its GHG findings and the subsequent proposals in the Plan when it has not even considered other less expensive, less

disruptive and more effective methods of achieving GHG reduction goals?

C154-3

### III. Plan Bay Area DEIR references flawed job and population growth projections

According to Plan Bay Area, Sausalito is projected to have a 23% job growth rate between 2010 and 2040. This projection is flawed and does not correlate with projections from other agencies. The State Dept. of Finance (DOF) projects lower job and population growth. Please re-assess Sausalito's projected job and population growth rate, as well as the projected job and population growth rates of Marin County featured in Plan Bay Area, which are inflated and unrealistic.

For example, the Pitkin-Myers CDR 12 report item 1 ("Less Population Growth") notes..."Much lower population growth is foreseen" in these projections indicated by the official state population projections issued in 2007 by the State Dept. of Finance.

Why wasn't Pitkin-Myers data and other reliable data (e.g., DOF) used in the growth projections?

ABAG's RHNA factors in job and population growth projections. It is my understanding that ABAG's methodology for the 2014-2022 RHNA differs from the methodology used to generate the 2007-2014 RHNA. Was a new RHNA methodology created by ABAG because the prior RHNA methodology was flawed? Is so, what research did ABAG conduct to substantiate the accuracy, validity, and reliability of the new methodology? How did this new methodology factor in historically reliable data (e.g., Dept. of Finance, Pitkin-Myers), and if not, why not?

C154-4

### IV. CEQA Streamlining

CEQA streamlining for SB375, Plan Bay Area, or Housing Element allocations should not be permitted. Is the approval or denial of CEQA streamlining controlled at the local level? Local control regarding CEQA is paramount and should not be usurped.

Sausalito recently passed its Housing Element in compliance with its ABAG RHNA. An EIR was not performed for Sausalito's Housing

Element, despite clear constraints in the locations identified for potential housing allocations. These constraints include poor storm drains, traffic congestion, endangered and threatened species (Sausalito is surrounded by Richardson's Bay and the Golden Gate National Recreation Area), sea level rise, potential toxic waste, and EPA mandates and fines placed on Sausalito for its crumbling sewer infrastructure.

Without individual EIRs from cities, how reliable and accurate are the assumptions and data used in the cumulative Draft EIR for Marin regarding Plan Bay Area?

C154-5

V. Plan Bay Area Draft EIR Fails to Substantiate Assumptions, Claims, and Predictions regarding the reduction of GHGs.

Recent research indicates that the type of development proposed by Plan Bay Area will increase, not decrease, GHG emissions (Australian Conservation Foundation, 10/2007).

In fact, Plan Bay Area's alternative solutions for Marin County could produce 2.5 times the GHG emissions of single family home development and 3 times the GHG emissions of attached, single family townhouse development.

Research on the impact of TOD (Transit Oriented Development) on GHG emission reduction is open to interpretation (and misinterpretation), and the methodologies and scenario assumptions used in this research should be revisited and validated.

What meta-analysis did the Draft EIR conduct to substantiate its GHG emission claims and predictions, including current, past, and future GHGs?

What individual research was referenced? What criteria did the Draft EIR use in selecting the research?

If assumptions were made regarding applicability of selected research to Marin and Plan Bay Area, what criteria was used in these assumptions, and how was this criteria substantiated?



What primary research on real-world TOD projects, as opposed to only simulated scenarios and/or models based on assumptions, was used to assess the accuracy, reliability, and validity of the Plan Bay Area DEIR conclusions regarding GHG emissions?

## **Conclusion**

I was saddened to learn that, despite widespread requests from the public, community leaders, and elected officials, ABAG and MTC rejected an extension of the public comment deadline for the Plan Bay Area Draft EIR. Fifty-five days is too short a time for sufficient transparency and public review and comment.

I have reviewed the comments by the Transportation Authority of Marin. I do not agree with all the comments of the TAM letter.

C154-6

I urge ABAG and MTC to support the “No Project” Alternative #1 and to explore other strategies for GHG reduction.

I also ask ABAG and MTC to consider the issues and answer the questions raised in this comment letter.

Thank you for the opportunity to comment on Plan Bay Area and its Draft EIR.

Respectfully

Linda Pfeifer  
Sausalito City Council

cc: Ezra Rapport, Association of Bay Area  
Governments Transportation Authority  
of Marin  
Sausalito City Council Members  
Sausalito City Manager Adam Politzer

Ann Fromer Spake

[REDACTED]  
Mill Valley, Ca. 94941

MTC-ABAG Plan Bay Area Public Comment  
101 8th Street Oakland, California 94607

Re: Public Comment on Draft Plan Bay Area and Draft Plan Bay Area Draft  
Environmental Impact Report

This letter is submitted as public comment on the Draft Plan Bay Area and Draft Plan Bay Area Draft Environmental Impact Report (State Clearinghouse No. 2012062029).

I was born in San Francisco and moved to Tamalpais Valley in Unincorporated Marin where I have raised my family and lived for the last 44 years. I am a retired professional in Early Childhood Development and Parent Education. I have been involved with community affairs since 1977 with my husband who was Co-chair of the Preserve Tam Valley Committee and an elected member of the Tamalpais Community Services District Board for 14 years. He served on the Advisory Committee of the Richardson Bay Special Area Plan (1984). He was appointed by the Marin County Board of Supervisors as a member-at-large with focus on open space to the Tamalpais Area Community Planning Committee from 1986 - 1992 and an appointed member of the Gateway Planning Committee since 2004 when established as an advisory committee to Marin County Supervisor Charles McGlashan. Both of us have been involved as members of the Tam/Almonte Task Force, providing input regarding impacts based on our knowledge of the Tamalpais Planning Area as the 2007 Countywide EIR and Plan was being developed. Since 2011 we have been working on the Tam Valley Community Plan Update Committee established by Supervisor McGlashan. As Board members of Sustainable Tam Almonte we have reviewed and commented on the Marin 2012 Draft Marin County Housing Element and its Draft Supplemental Environmental Impact Report (DSEIR). I was appointed by the Marin County Board of Supervisors in 2011 to the Health Council of Marin and have been President of the Health Council since 2012.

C155-1

## I. Impact Assessment:

1. *Projects taking advantage of CEQA Streamlining provisions of SB 375 must apply the mitigation measures described, as feasible, to address site-specific conditions. To the extent that an individual project adopts and implements all feasible mitigation measures described, the impact would be less than significant with mitigation (LS-M).*

*MTC/ABAG cannot require local implementing agencies to adopt the mitigation measures, and it is ultimately the responsibility of a lead agency to determine and adopt mitigation. Therefore it cannot be ensured that this mitigation measure would be implemented in all cases, and this impact remains significant and unavoidable (SU)*

2. Following the review of environmental issues the following statements italicized above are repeated which essentially state :

- that the conclusions from the Plan's EIR review are subject to site-specific feasibility
- such site-specific feasibility cannot be assessed by a program EIR such as this
- CEQA streamlining provisions of SB375 allow 'suggested mitigations' to reduce significance and ease environmental review
- however, MTC/ABAG cannot require and is not responsible for the mitigation measures
- there is no assurance whether or what mitigation will be determined or implemented by lead agency in specific cases or what will be understood when review is limited

"Section 15151 of the *State CEQA Guidelines* states that an EIR should be prepared with a sufficient degree of analysis to provide decision-makers with information which enables them to make a decision which intelligently takes account of environmental consequences." However, the analysis in this DEIR lacks sufficient analysis to make "intelligent" and well-informed land use decisions, some of them irreversible and many significant and adverse, affecting people, other species and the sustainability of the environment for many decades to come.

**Conclusions cannot be made** based on the above **impact assessment as to whether environmental impacts are less than significant or significant and unavoidable.** The Plan Bay Area's DEIR is inadequate and cannot be relied on to approve the Project.

C155-2

To define pollution areas by highways which are mislabeled on illustrative maps raises questions regarding the validity of other information. This is particularly significant as the purpose of an EIR is to adequately disclose, analyze and mitigate potentially significant health impacts. There could be no benefit from implementation of Plan Bay Area that would override thirty-nine significant unavoidable adverse environmental impacts which could result in severe environmental harm and serious illness, injury and loss of life.

C155-3

C155-4

The DEIR's conclusions are not supported by substantial evidence. Analysis is inadequate due to the fact that **an EIR must include mitigations that can be evaluated NOW as to whether or not they have merit.** To propose to study, develop sea level rise scenarios or develop a plan in the future does not legally constitute mitigation. **CEQA is not meant to be a post hoc rationalization of decisions that have already been made.** Future analysis defers the public and planner's ability to ascertain whether or not and where feasible mitigations will exist to affect the extent of the impacts and therefore is insufficient. An example is the insufficient 'mitigation' of sea level rise.

C155-5

## II. Impact Significance Criteria :

1. Impacts of the environment on a project or plan (as opposed to impacts of a project or plan on the environment) are beyond the scope of required CEQA review. “[T]he purpose of an EIR is to identify the significant effects of a project on the environment, not the significant effects of the environment on the project.”

2. The above statement illustrates a fundamental flaw in this planning process, EIR and CEQA review.

If decision-making is to depend solely on information about the project or Plan's impact on the environment then we can't fully consider the impacts based on our interconnection/interdependence with that very environment. An example would be merely reviewing a building's impact on sea level rise rather than considering sea level rise's impact on a building and its residents.

Another example of this disconnect is that the effects on people and property of seismic occurrences due to preexisting environmental hazards can not be analyzed in this EIR even though proposed development may be located in high seismic risk areas.

**This makes such planning susceptible to unintended consequences.**

C155-6

3. SB 375 amended the California Environmental Quality Act (Pub. Resources Code § 21000 et seq.) to ease environmental review of specific types of developments that are anticipated to reduce emissions. This would suggest that such review is not necessary although the other deleterious environmental impacts may be less speculative and more significant!

C155-7

### III. Implementation of PDA selection without assessment and public input.

1. To not distinguish the difference between 'potential' and 'priority' PDA's beyond the level of completion of the planning makes the assessment and decision-making regarding the appropriateness of PDAs selection unclear.

2. **Priority Development Areas (PDAs)** are nominated by local jurisdictions supposedly as **appropriate places to concentrate future growth**. As a result of this focused growth, under the proposed Plan about 99 percent of new housing would be **within the region's existing urban footprint**. Local jurisdictions have chosen a Place Type for each PDA (such as transit neighborhood), which provides a **general set of guidelines for the character, scale, and density of future growth and best matches the community vision for the area**.

3. The **PROBLEM** with this approach is :

- that areas were nominated which were not appropriate such as in Almonte Tamalpais Valley in Marin and the 26% of PDAs in the C.A.R.E. communities in the Bay Area sited in the Pacific Institute 'Crossroads' Report
- that areas have been nominated which will increase social injustice and health disparities
- that areas have been nominated that should be buffer zones between TACs and residential development.
- that areas are targeted which are semi-rural, not urban, and are being forced into urbanization inconsistent with their character, scale, density, community vision, public services and highly constrained conditions.
- that areas have been nominated without local community knowledge and input which target and incentivize development without prior consideration of a multitude of significant adverse unmitigable impacts creating community stress, and wasted planning time at both public and private expense.

- that the PDA doesn't make a distinction in Marin between a 'city-centered corridor' and a 'Highway 101 urban corridor'. The former would direct development into existing cities, an appropriate place for 'urban' development. The latter would suggest that semi-rural and rural areas *between cities* are 'urban' which they functionally and intentionally are *not*.
- that funding needed for transportation such as public transit, bike lanes and road safety improvements in semi-rural areas (which is supported by all of our tax dollars ) would be unfairly denied unless these areas agree to convert to urban areas.

## Environmental Issue Areas :

### IV. Transportation Impact - Significant and Unavoidable Adverse Impacts

C155-8

As related to Almonte/Tamalpais Community PDA/TPP Area -

A. **Proposed Plan will cause increased per-trip travel time for commute and non-commute purposes, VMT and per-capita VMT** due to continuing service level F exacerbated by proposed increased population of residents having to travel outside our community for basic goods, services, schools and employment. **The Draft Plan Bay Area DEIR is insufficient because it fails to adequately analyze and mitigate Impact 2.1-3 on smaller busy highways with LOS "F"**. With additional residential development precisely where the traffic is most obstructed and backed up, the LOS rating may only be considered F, i.e. the same by the EIR, because you have no G (growing worse) rating! This alone should advise against and eliminate proposed increased residential development.

C155-9

B. **Insufficient public transit both on and beyond the 101 corridor make continued auto use necessary.**

C. **Public transit is also inadequate to serve 'tools of the trade' for many lower income occupations, thereby creating equity issues** based on assumptions of new housing limiting parking and/or adding additional costs for such beyond rent.

C155-10

D. It is noteworthy that **"the proposed Plan assumes that in-commuting from outside the region will continue at 2010 levels"**.

C155-11

E. Open space resources serve residents from throughout the region, so park

acreage in Marin is actually serving residents throughout the region and **implementation of the proposed Plan would increase the number of residents traveling from and through our PDA to make use of existing parkland.**

C155-12

**F. The congestion of this regional traffic combined with adjacent residents from Muir Beach, Muir Woods Park, and Mill Valley and local current and proposed community residents will create an unavoidable, significant, adverse impact, especially when all must pass through our narrow valley.**

G. The regional traffic referenced above is going to one of the world's largest urban national parks. Over 7 million people live within a 1-hour drive of GGNRA. The GGNRA is visited by about 17 million people each year from across the US and around the world. Muir Woods receives about 750,000 visitors annually through Tam Valley. Trips to GGNRA account for 50 percent of all visits to the 29 national parks in California. Muir Beach, and Muir Beach Overlook (with spectacular panoramic views in every direction) are 3 miles west of Muir Woods.

In addition, traffic destinations include Mount Tamalpais, Stinson Beach, Tennessee Valley, and Point Reyes National Seashore located along the west coast of Marin County approximately 30 miles north of the City of San Francisco. The Seashore draws visitors with both its shoreline and over 150 miles of hiking trails as well as attraction of Bolinas Ridge, Olema Valley and Tomales Bay. The Seashore averages over 2 million visitors each year who are drawn to the unique geography of the Point Reyes peninsula, the rich cultural and historic setting, and the dramatic natural environment, which is recognized locally, nationally, and globally as a center of biodiversity. As previously mentioned, the Seashore along with GGNRA, is part of the Golden Gate Biosphere Reserve designated by UNESCO as an area of global significance. **As such traffic is likely to continue to grow unavoidably, increases from additional housing will inevitably aggravate an already highly constrained condition and should not be allowed.**

C155-13

## **V. Air Quality Impact - Significant Unavoidable Adverse Impact**

As related to Almonte/Tamalpais Community PDA/TPP Area -

**In general, the closer one gets to a source of emissions, the higher the pollutant concentrations one will be exposed to. Ideally, sensitive land uses would be set back an appropriate distance such that sensitive receptors would not be exposed to TAC and PM<sub>2.5</sub> concentrations that could adversely affect their health.**

However, this is the **CENTRAL ISSUE** surrounding infill development, such as in TPPs and PDAs, where the objective is to locate jobs and housing in close proximity to each other to reduce automobile trips and therefore mobile source emissions. In doing so, sensitive receptors can be located too close to stationary or mobile sources and exposed to unhealthy levels of TACs and PM<sub>2.5</sub> concentrations!!!

A. **The Proposed Plan conflicts with air quality plans due to proposed development with sensitive receptors within 500 ' of existing and increasing toxic air contaminants due to both mobile and stationary sources.** The ARB 2005 Air Quality and Land Use Handbook: A Community Health Perspective (Handbook) identifies the appropriate distances that sensitive receptors should be protected from these stationary and mobile sources including analysis within 1000' of source. For other stationary sources besides gas station and generators, where BAAQMD could not identify dispersion values, the cancer risk and PM<sub>2.5</sub> concentrations for each source were assumed to be the same at the source and up to 1,000 feet from the source.

C155-14

B. 2.2-22 BAAQMD estimated cancer risk and PM<sub>2.5</sub> concentration data is for mobile sources located in and within 1,000 feet of TPP areas. Mobile sources include freeways (highways and high volume roadways) .

C. According to Geoffrey Hornek, an environmental air quality consultant who has evaluated the sites proposed in the Tamalpais/Almonte PDA, **all of the Tamalpais Junction sites are located within the zone of influence of a number of strong roadway and stationary TAC sources as identified in the BAAQMD's listings.** The current risk assessment is inadequate to assure that future residents of any housing units built on any of the Tamalpais Junction PDA sites would not be exposed to unacceptable TAC levels. Further, **there is no evidence that future, in--depth health risk assessments could assure that TAC exposures would meet BAAQMD standards.**

C155-15

D. **There will be a net increase of emissions of criteria pollutants from on-road mobile sources due to the combination of increasing regional traffic** with more than a million recreational visitors a year going to Stinson Beach, Mount Tamalpais, Muir Woods, and the GGNRA in Tennessee Valley passing through our narrow valley.



**E. The convergence of major highways 1 and 101 next to the proposed development compounds the air quality impacts,** especially with insufficient public transit available.

C155-16

**F. The Plan's pollution map identifying specific highways in our area is inaccurately labelled thereby making the screening data on specific highways questionable.** The identification of actual mobile and stationary sources and their significant adverse impacts are accurately illustrated in a site-specific document by Mr. Hornek, an air quality expert, submitted in comments on the DEIR of the proposed Marin County Housing Element 2012.

C155-17

**G. The proposed Plan will create increased health disparities** to the extent that this PDA/TTP development is targeted for vulnerable populations, seniors, young children, pregnant mothers, individuals with compromised immune systems or low income residents.

C155-18

**H. The Healthy and Safe Communities performance targets for 2040 Plan Bay Area (Table 1.2-2) which aim to reduce premature deaths from exposure to particulate emissions will not be evidenced in our PDA as there will not be reductions in our highly impacted area.**

C155-19

**I. 2.2-19 Local Pollutant Impact Analysis -**

Serious adverse health impacts can result by locating sensitive receptors within close proximity to sources of TACs and PM2.5. The urbanized areas along these transit corridors typically contain a wide range of air pollution sources including stationary and area sources (e.g., gas stations, manufacturing facilities, etc.) and mobile sources (e.g., cars, trucks, trains etc.) which generate TACs and PM2.5 that can create localized health risks to residents and other sensitive receptors from prolonged exposure to elevated concentrations.

**J. 2.2-3 Significant and Unavoidable**

Implementation of the proposed Plan could cause a net increase in emissions of PM10 from on-road mobile sources compared to existing conditions. As shown in Table 2.2-8, PM10 emissions from mobile sources would increase by 12 percent during the proposed Plan's timeframe compared to existing conditions. The higher levels of PM10 emissions in 2040 conditions are due to the fact that these emissions are strongly influenced by the 20 percent growth in VMT (which

directly affects entrained roadway dust), with some contributions from tire and brake wear and exhaust.

C155-20

#### K. 2.2-5 Significant and Unavoidable

Implementation of the proposed **Plan could cause a localized net increase in sensitive receptors located in Transit Priority Project (TPP) corridors** where TACs or fine particulate matter (PM<sub>2.5</sub>) concentrations result in a cancer risk greater than 100/million or a concentration of PM<sub>2.5</sub> greater than 0.8 µg/m<sup>3</sup>. Regarding Impact 2.2.5(a) and 2.2.5(b), the Draft EIR fails to accurately disclose the severity of the significant cumulative health risks to sensitive receptors on sites within the zone of influence of collective TACs and PM<sub>2.5</sub> emissions from several significant sources. For instance, Unincorporated Mill Valley sites located in the Transit Priority Project (TPP) corridor and located in the Hwy 101 Corridor Priority Development Area of the Draft Plan Bay Area are simultaneously subject to TACs and PM<sub>2.5</sub> emissions from three or four of the following sources: Hwy 101 (LOS “F”), Hwy 1 (LOS “F”), two Dry Cleaners, three Gas Stations and the County of Marin Crest Marin Pump Station Generator.

C155-21

#### L. 2.2-6 Significant and Unavoidable

Implementation of the proposed **Plan could result in a localized larger increase or smaller decrease of TACs and or PM<sub>2.5</sub> emissions in disproportionately impacted communities compared to the remainder of the Bay Area communities. These communities already experience significant health disparities and environmental injustice.** The Pacific Institute study report indicated that almost half of the PDA areas in the CARE communities proposed for high density development are unhealthy and inappropriate for residential development. Non-residential buffer zones without additional TAC sources should be established there instead.

C155-22

M. The EIR states that it does not examine the effects on local or regional air quality from specific land use and transportation improvements in the proposed Plan. Without assessing the potential effects it can not plan for or provide assurances regarding the health of the population it will be impacting.

C155-23

N. New research on the health effects of TACs and PM<sub>2.5</sub> reinforces earlier findings regarding adverse health impacts on both respiratory and cardiovascular health but also a wider range of potential effects, such as diabetes, autism, cognitive functions in older adults, and oxidative damage to DNA. In addition, US EPA has not identified a level of TAC/ PM<sub>2.5</sub> concentration where no

**negative health effects are observed. Carcinogens are assumed to have no safe threshold below which health impacts would not occur.** Sources of TACs include industrial processes, commercial operations (e.g., gasoline stations and dry cleaners), and motor vehicle exhaust—particularly diesel-powered vehicles. The three most potent carcinogens come primarily from motor vehicles—diesel PM overall, and 1,3-butadiene and benzene as specific components of diesel PM. The remaining toxic air pollutants, such as hexavalent chromium and perchloroethylene, while not appearing to contribute as much to the overall risks, can present high risks to people living close to a source due to the highly localized concentration of TACs.

C155-24

**Destroying people's health is significant and avoidable** but not by assuming vehicles will improve someday or people will live indoors with perpetually adequately maintained air filters. We cannot assume that development will not include residents who need to use the outdoors or major tree vegetation will grow in saline soil. As an early childhood development specialist I am concerned that multi-family housing should foster growth and development of young children by providing active and ready access to healthy outdoor space. Increased outdoor use and exercise is also essential to address the national public health obesity crisis.

With limited access to some of our communities, the truck routes which currently avoid residential neighborhoods will now be moving through new residential developments if the TPP proposed plan is implemented in contrast with recommendations of BMP. According to the Tamalpais Area Community Plan the highway and major road through Tamalpais Valley are a main truck route to Mill Valley and parts of West Marin.

C155-25

**Overriding significant environmental impacts that cannot be feasibly avoided or substantially reduced through processes such as CEQA streamlining or exemption under SB375 and ignoring their adverse impacts is unsustainable and irresponsible and it doesn't make them less than significant to those impacted by them.** According to the EIR, MTC/ABAG cannot require or ensure that mitigation measures will be implemented and they indicate that there are site-specific conditions that preclude the reduction of impacts. **Avoiding such projects is the only sustainable alternative.**

C155-26

## **VI. Land Use and Housing Impact -**

**A. Proposed development will increase the conversion of natural habitat prioritized for open space by the Tamalpais Area Community Plan and essential in the future for protection from sea level rise and inundation as well as preservation of**

wildlife habitat and affected migratory and endangered species. (See 'G' below)

C155-27

**B. This Urban Plan is supposed to direct development into cities (City-Centered Corridor) rather than adversely impacting semi-rural community areas which are supposed to be protected as part of the Baylands Corridor.**

C155-28

**C. Regarding population growth - The Plan projects 13% population growth in Marin (32,914) representing growth of 11% in households which is equivalent to an additional city being placed in Marin with 38% of that growth targeted to go in PDAs (12,507 residents). The State Department Of Finance projects a population growth of 3% (6,818 more people). This is a significant discrepancy. The Plan Bay Area and the DEIR should be revised to reflect realistic population growth based on DOF projections.**

C155-29

**D. The assumption that there will be substantial job growth presumes business investments which are not identified or analyzed in the EIR . The assumption that if you build houses there will consequently be jobs is not a proven fact.** The projected growth of employed residents doesn't seem consistent with Marin's population which has an increasing percentage of seniors who will not be employed. As Marin County is the largest employer in Marin and its departments have already been expected to cut their budgets by 10% there is no reasonable expectation that there will be adequate increased funding available for additional jobs, i.e. personnel and services. **Many residents who can afford to live here are either self-employed, government employed or commuting to jobs outside Marin where jobs are more prevalent and offered at higher wages so the concept of jobs near housing is unlikely, especially in some of the PDA locations like Tamalpais Valley.** To the extent that existing commercial uses are reduced by mixed use or replaced by 100% housing projects there will actually be a loss of jobs.

C155-30

**E. It is noted that affordable housing is the primary type of housing which is unavailable and needed rather than more market-rate, particularly in Marin. However, only 43% of the proposed housing in the Plan is for lower income residents and achieving it "assumes planning support, coordination of regulations, and increase in public funding" making this objective less likely to be attained.** There is no discussion of the impact on these new residents of escalating costs of living, declining wages, continuing unemployment and the inability of planners to create jobs all of which impact the affordability of housing. **EIR states that Plan does not alleviate the existing challenges of restricted housing supply or escalating housing costs.**

C155-31

F. Impacts of Land Use Projects on Local Authority - According to the EIR the proposed Plan will only be implemented insofar as local jurisdictions adopt its policies and recommendations. This is misleading in that **local jurisdictions which perceive themselves dependent on the Plan's funding sources attempt to revise their policies to coincide in order to secure the funds (bribes). Therein they compromise their supposed independent local land use authority. Consistency with the 'Sustainable Community Strategy' is expected.**

C155-32

#### G. Impacts of Conversion to Land Use and Transportation Projects Significant and Unavoidable

1. **Preservation of the environment reflects an understanding that we and other species are mutually interconnected and independent with our environment.** This is reflected in the land we have reserved for open space, agriculture and forests. These resources sustain us. The proposed Plan will potentially convert 2,022 acres of protected open space lands, 5,941 acres of agricultural land, of which 1,184 acres are identified as Prime or Unique Farmland or Farmland of Statewide Importance, 723 acres of Williamson Act lands, and 1,414 acres of forest land to urbanized land uses and transportation projects.

2. **Table 2.3-17 shows that in Marin there are 135 acres where proposed development overlaps with open space and 31 acres affected by transportation projects. Table 2.3-18 shows 255 acres of forest and timberland in Marin will be potentially affected by development which represents 19% of this impact in the 9 counties.**

3. **These losses represent depletion of resources and expansion of our ecological footprint which is not a sustainable future direction and negate community efforts to retain these areas. They also reflect no consideration of the impacts on other species for whom relocation to substitute habitats may not be feasible.**

#### VII. Energy Impact -

C155-33

As related to Almonte/Tamalpais Community PDA/TPP Area -

A. **Proposed plan will increase our local per capita energy use as more people will need to travel beyond our community** for basic needs, services, schools and employment. (Elementary school is at capacity.)

C155-34

B. **Increased traffic will make bicycle travel by young children more hazardous and therefore deter both biking and walking** which will increase auto use and energy impacts.

C155-35

C. It is noteworthy that **"the proposed Plan assumes that in-commuting from outside the region will continue at 2010 levels" and regional recreational traffic with resulting GHG will increase with increased population.**

C155-36

## **VIII. Noise Impact -**

**A. Proposed plan will increase proximity of sensitive receptors who use both indoor and outdoor spaces to noise levels that exceed acceptable thresholds.**

Current health studies indicate that **excessive noise creates elevated cardiac risks for seniors, a targeted population for housing**, who will not be restricted to (or protected by) indoor living in insulated units. Residential and mixed-use development would potentially be constructed adjacent to high volume noisy transportation corridors which could have adverse impacts on these uses. **Mitigation measures, both indoor and outdoor would be necessary but MTC/ABAG can not require or ensure that these are possible or will occur.** Ambient noise levels at the majority of sites in PDA in Tamalpais Valley exceed 55dB CNEL threshold as a result of traffic along local roadways.

C155-37

**B. There is also no consideration of the additive noise levels on PDA from adjacent heliport with frequent recreational flights by GGNRA tourists. The Helicopter Tours fly over the Marin Headlands, and other landmarks in the Golden Gate Recreation Area. The FAA allows the helicopter company up to 2,900 flights per year and the sea plane company there to fly up to 2,190 flights.** The assessment of commercial air tour operations on units of the national park system is different in many respects from other aviation assessments. Air tour aircraft operations differ from the average national air transportation system operations, occurring in most cases seasonally, and only during daylight hours thereby concentrating the occurrences of flights and noise impacts. Air tour aircraft are by nature flying low for sightseeing purposes, and in national parks are often operating relatively close to the ground in low ambient sound environments. These factors require specialized noise assessment. With millions of visitors wanting to experience the GGNRA, some of which by aircraft tours, the potential impacts of noise on adjacent development in concentrated periods of the day and year should be considered an adverse impact.

C155-38

C. Review of the maps of PDAs and PCAs in Appendix C of the Jobs-Housing Connection Strategy reveals that, **generally, buffers are maintained between PDAs and PCAs.** San Francisco and Marin County are two places, however, where this is not the case. The southernmost PDA in Marin County is designated as a **Transit**



**Neighborhood PDA near Highway 101 and has two designated PCAs adjacent or proximate to it subject to existing traffic noise.**

D. There appears to be no recognition of the **impact of additional noise on the PCA from increased human activity** because it is already experiencing an existing adverse impact from proximity to the highway. There also seems to be no understanding of the **noise levels during construction due to the necessity of having to go down over 80' through bay mud to find bedrock** while attempting to secure a structure.

E. 2.6-2 **Significant and Unavoidable**

Implementation of the proposed Plan could result in **increased traffic volumes that could result in roadside noise levels that approach or exceed the FHWA Noise Abatement Criteria.**

F. 2.6-3 **Significant and Unavoidable**

**Implementation of the proposed Plan could result in increased noise exposure from transit sources that exceed FTA exposure thresholds.**

C155-39

**IX. Geology and Seismicity - Potentially Significant**

A. **Proposed plan would increase exposure of people and structures to the risk of property loss, injury, or death involving strong seismic ground shaking, effects of liquefaction, building on fill and bay mud, and projected inundation and sea level rise.** Over time, settlement of unconsolidated soils or soft compressible soils such as Bay Mud can also pose problems to facilities. creating substantial risks to life or property from on- or off-site landslide, lateral spreading, liquefaction, or collapse. In spite of mitigation suggested in the Bay Plan and the 2007 Marin Countywide Plan which might reduce adverse effects of mild-moderate seismic ground shaking, the risks from severe seismic ground shaking which is predicted remain a significant unavoidable project and cumulative impact.

C155-40

B. The U.S. Geological Survey (USGS) Working Group on California Earthquake Probabilities has evaluated the probability of one or more earthquakes occurring in the Bay Area and concluded that **there is currently a 63 percent likelihood of a magnitude 6.7 or higher earthquake occurring in the Bay Area by 2037. The San Andreas and the Hayward faults are the two faults considered to have the highest probabilities of causing a significant seismic event in the Bay Area S.A. 7.9 and H. 7.1 Max. moment magnitude earthquake. The PDA in Tamalpais Valley is in close approximately of about 10 - 11 miles from these two faults.**

C155-41

C. Strong ground movement from a major earthquake could affect the Bay Area during the next 30 years. Ground shaking may affect areas hundreds of miles distant from the earthquake's epicenter. The intensity of ground movement during an earthquake can vary depending on the overall magnitude, distance from the fault, focus of earthquake energy, and type of geologic material. **Liquefaction potential is highest in areas underlain by shallow groundwater and Bay fills, Bay Mud, and unconsolidated alluvium. Figure 2.7-2 illustrates liquefaction susceptibility in the Bay Area. The Liquefaction Map on page 555 does not reflect Tamalpais Valley's high liquefaction (or subsidence).**

C155-42

D. Impact Significance Criteria (page 564)

**Impacts of the environment on a project or plan (as opposed to impacts of a project or plan on the environment) are beyond the scope of required CEQA review. "[T]he purpose of an EIR is to identify the significant effects of a project on the environment, not the significant effects of the environment on the project." To choose to intensify development in high seismic risk areas without EIR analysis of the significant effects of the environment shows no regard for the impacts of the environment on people and structures and illustrates illusions about our technological ability to manage and ignore the power of natural forces.**

C155-43

E. **Implementation of the proposed Plan Bay Area would have a potentially significant adverse impact in Tam Valley PDA sites related to geology and seismicity based on the following -**

Criterion 2: Increase exposure of people or structures to the risk of property loss, injury, or death involving strong seismic ground shaking.

Criterion 3: Increase exposure of people or structures to the risk of property loss, injury, or death involving seismic-related ground failure including liquefaction.

Criterion 6: Locate projects on a geologic unit or soil that is unstable or that would become unstable as a result of the project; on expansive soils (high shrink-swell potential), as defined in Section 1803A of the 2010 California Building Code (the most recent version of the California Building Code); or on weak, unconsolidated soils, creating substantial risks to life or property from on- or off-site landslide, lateral spreading, liquefaction, or collapse.

F. According to this regional data, approximately **14 percent of all the PDA land area is located above deposits considered to have a very high potential for liquefaction, 12 percent with high potential, 37 percent moderate, 18 percent low,**



and 18 percent with very low potential. “ Map 2-11 Liquefaction Susceptibility Hazards in the 2007 Marin Countywide Plan illustrates areas of deep fill on bay mud, which are subject to high risks of liquefaction (and subsidence). (See also MCP's EIR) Many of these high liquefaction areas are located within the Transit Priority

Project (TPP) corridor and the Hwy 101 Priority Development Area (PDA) of Plan Bay Area. Other land use projects outside of the PDAs in the Bay Plan are more widely dispersed and would be located in a range of differing liquefaction potential.

**G. The potential for adverse ground failure impacts related to land use changes from implementation of the proposed Plan at the regional and local level is considered potentially significant (PS).** The findings related to the impact of seismic-related ground failure, of the Marin Countywide Plan's EIR and the 2012 Draft Marin County Housing Element's SDEIR conflict with those of the Draft Plan Bay Area's DEIR indicating that even with mitigation the adverse potential impacts would remain significant, unavoidable and cumulative. The above SEIR states that "implementation of the mitigation policies and programs would not eliminate all structural damage, injuries, or death from seismic-related ground failures, especially for severe seismic events". We have an opportunity to avoid these by exercising the precautionary principle and not placing more residences in such hazardous areas within approximately 10 miles of 2 faults. Such areas include the Tamalpais area with landfill on top of bay mud with bedrock reached at depth of about 80-90 feet. It is already subject to subsidence, liquefaction and lateral displacement, conditions inappropriate and expensive for proposed housing development.

## **X. Water Resources - Flood Hazards**

C155-44

A. Proposed plan would place structures within Tam Valley's 100-year flood hazard area which is currently subject to flooding and resultant traffic impediment. This area is also projected to become more constrained with projected sea level rise. See BCDC inundation map. The proposed Plan could increase the amount of housing in flood hazard areas in the region.

B. To reduce the significant impacts the EIR says that specific hydrology studies must be made to show compliance with laws and regulations related to development in the floodplain; however this '**mitigation**' **does not speak to the limitation or avoidance of development in such areas, i.e. only the 'how' but not the 'whether'** nor does it speak to the jeopardy that such development adds to communities from loss of wetlands.

C. The Federal Emergency Management Agency (FEMA) administers the National Flood Insurance Program **which provides subsidized flood insurance to communities that comply with FEMA regulations to limit development in floodplains. By designating new PDAs in floodplains the Plan does NOT limit such development and eliminates flood insurance subsidy opportunities thereby both increasing people at risk and increasing the cost of housing for current residents.** Figure 2.8-3 identifies federally designated 100-year storm event flood hazard zones in the Bay Area.

C155-45

D. The following two Executive Orders are consistent with Marin Countywide Plan which established the Baylands Corridor as an area for preservation and protection rather than development. **Part of the 101 Corridor PDA is located in this Baylands Corridor.**

1. Executive Order 11990 - Protection of Wetlands

This Executive Order is an overall wetlands policy for all agencies managing federal lands, sponsoring federal projects, or providing federal funds to state or local projects. **This Executive Order requires that when a construction project involves wetlands, a finding must be made by the federal agency that there is no practicable alternative to such construction. The practicable alternative is to avoid construction projects and protect wetlands so they can protect communities from sea level rise storm surge, king tides and flooding.**

2. Executive Order 11988 - Floodplain Management

Executive Order 11988 directs federal agencies to avoid to the extent practicable and feasible short- and long-term adverse impacts associated with the occupancy and modification of floodplains and to **avoid direct and indirect support of floodplain development wherever there is a practicable alternative. Further, this Executive Order requires the prevention of uneconomic, hazardous, or incompatible use of floodplains; protection and preservation of the natural and beneficial floodplain values;** and consistency with the standards and criteria of the National Flood Insurance Program (NFIP).

E. Within California, approximately 95 percent of the state's historic wetlands have been converted to other land uses. Wetlands in California had been reduced to only 450,000 acres. **The loss of wetlands has been pronounced in the Bay Area because of urban development, intense diking and as a result of mining.**

F. In accordance with Corps, EPA, USFWS, RWQCB, and CDFW guidelines, a goal of “no net loss” of wetland acreage and value is required, wherever possible, through avoidance of the resource. **It is possible to avoid development in areas that adversely impact and jeopardize wetlands.**

C155-46

**G. 2.8-6: Impact - Implementation of the proposed Plan could increase rates and amounts of runoff** due to additional impervious surfaces, higher runoff values for cut-and-fill slopes, or alterations to drainage systems that could **cause potential flood hazards and effects on water quality.**

H. Because individual projects under the proposed Plan have the **potential to adversely affect capacity of existing drainage systems** at a project- specific level, **these impacts are considered potentially significant (PS).**

## **XI. Sea Level Rise and Inundation :**

C155-47

### **A. 2.5-6 Significant and unavoidable!**

**Implementation of the proposed Plan may result in a net increase in the number of people residing within areas regularly inundated by sea level rise by midcentury.**

### **B. 2.5-7**

**Implementation of the proposed Plan may result in an increase in land use development within areas regularly inundated by sea level rise by midcentury.**

**C. According to the EIR, Bay Area employment within the PDAs and potentially inundated areas is projected to increase by 55% by 2040 and increase in the TPPs by 30% and the number of people employed throughout the S.F. Bay Area in inundated areas will increase by 30% indicating also an increase in commercial and industrial development in these areas.**

**D. Marin will see an increase in employment within PDAs of 15% within SLR zone, within TPPs 20%. Households within PDAs in SLR inundation zone will increase by 250% and LOW zone by 100% and within TPPs by 10%. This would put approximately almost new 2000 jobs and new 450 households at risk !**  
Why would responsible planners consider and choose such a plan and presume there will be no significant consequences! This kind of audacity ignores reality at other people's peril.

**E. The Plan proposes to proceed with development when adaptation strategies, including planned retreat, have not yet been analyzed and climate**

change and sea level rise issues have not been thoroughly investigated. The Precautionary Principle of avoidance of further shoreline development should be applied when such long-term knowledge is insufficient and existing knowledge indicates escalating risks.

## XII. Biological Resources - Potentially Significant

C155-48

A. Proposed plan will potentially have an adverse effect on sensitive or endangered species, inhibit restoration of historic wetlands and preclude ability to allow for migration inland as sea level rises. Some of proposed development also falls within wetland (WCA) or stream (SCA) conservation areas.

“This community has become a high priority community for both state and federal resource agencies. In its *Draft Recovery Plan for Tidal Marsh Ecosystems of Northern and Central California*, the USFWS has included Mill Valley’s shoreline in the Central/South San Francisco Bay Recovery Unit. Major threats to these communities include climate change, habitat loss and degradation, and invasion by exotic species such as non-native cordgrass species. (Mill Valley General Plan Draft 2040)”

“The tidal-terrestrial transition zone (T-zone) occupies the gradient between the intertidal zone and terrestrial (i.e., levee faces, valleys, hillsides, alluvial fans, and bluffs) and/or fluvial (i.e., rivers and streams) environments. The T-zone provides a number of valuable ecosystem functions and services, and also serves as accommodation space for estuarine transgression and floodwater dispersal/storage as sea level rises in the future. The T-zone is also one of the most heavily impacted areas of the Bay ecosystem, and emerging plans call for the conservation and reconnection of a T-zone where tidal marshes and their terrestrial connections can be created or allowed to naturally evolve.” ([http://www.sfei.org/TZone\\_SouthSFBay](http://www.sfei.org/TZone_SouthSFBay). Downloaded 5/13/2003)

“San Francisco Bay wetland managers are looking landward for ways to accommodate accelerated sea level rise due to climate change. A major concern is that sea level rise will drown existing tidal marshes except for a narrow ring of marshland between the Bay and the built environment. This would eliminate many of the Bay’s ecological services, as well as many of the ecological connections to the terrestrial environment upon which these services depend. Emerging plans therefore call for the conservation and reconnection of a tidal-terrestrial transition zone (T-zone) where tidal marshes and their terrestrial connections can be created or allowed to naturally evolve.” *An Assessment of*

*the South Bay Historical Tidal-Terrestrial Transition Zone* Erin Beller, Micha Salomon, Robin Grossinger • San Francisco Estuary Institute • Publication #693 • May 2013 produced for the U.S. Fish & Wildlife Service Coastal Program

When wetlands are defined in accordance with the federal definition, the wetlands themselves are "waters of the state." California Water Board - Draft Water Quality Control Policy for Wetland Area Protection and Dredged or fill Permitting. See 40 C.F.R. § 230.3(s)-(t) ("waters" include "wetlands"); Wat. Code, § 13050, subd. (e) (defining "waters of the state" more broadly than EPA defines "waters of the United States").

“Tidal marsh studies indicate that they are an important defense against sea level rise in vulnerable communities. “[T]he research forecasts that under faster sea-level rise rates, salt marshes could bury up to four times as much carbon as they do now.” (United States Geological Survey 2012 *Salt Marshes May Slow Climate Warming*. . . *For A While* Categories: Ecosystems, Featured Posted on September 26, 2012 at 11:00 am. Last update 12:57 pm By: Catherine Puckett cpuckett@usgs.gov & Hannah Hamilton hhamilton@usgs.gov ).

Tidal marsh development depends upon healthy supplies of plant communities, nutrients and alluvial deposition. This would be immitigable and the negative and associative costs, to the environment and the community, of losing tidal marsh wetlands far exceeds benefits derived from the project.

Diverse Upland transition areas tidal-terrestrial transition zones (T zones) above wetlands, known as ecotones, would be absent without tidal marshes and would be impacted by sea level rise adversely should tidal marsh plant community accretion not keep pace with the rising sea level. Thus the project would ultimately make human communities more vulnerable to flooding, CO2 release into the atmosphere, pollutants, loss of biodiversity and resilience. The T transition zone and habitat would be lost. Tidal marsh vegetation community regimes, sediment deposition from creeks, fluvial geomorphologic evolution and habitats would be unable to adapt to projected sea level rise conditions. This would damage and potentially obliterate remnant Endangered Species Act protected Critical Habitat should this project go through. Examples of this are occurring today and documented in Bothin Marsh and Coyote Creek’s Richardson Bay terminus during the King tides of 2012/2013 (San Francisco Estuary Partnership, California Coastal Commission)

Wetlands (tidal marshes) and their ecosystem services are protected from having no net loss and Federal Water Pollution Control Act (33 U.S.C. § 1251 et seq.) (Clean Water Act) to protect wetlands and riparian areas for water quality goals. With impacts of sea level rise already manifesting, mitigation of wetland losses may only be possible through tidal marsh natural enhancements (such as the horizontal levee (the Bay Institute 2013) and inland migration. Storm water run off currently filtered by the tidal marshes will flow straight into the bay off further impermeable hardscaping and pollute the Bay waters further as a result of this project. The proposed plan will significantly impact the tidal marsh by preventing adaptation of the tidal marsh through natural processes rendering compliance inmitigable.” (Laura Chariton, MA Riparian Policy and Restoration)

Eelgrass beds in Richardson bay deprived of natural sediments and nutrients would be impacted. Eelgrass beds right off shore of the marshes are hatching grounds for keystone species of herring that support bird, fish and marine mammal populations.

Both Eelgrass beds and tidal marshes are considered important for habitat, food sources, biodiversity and carbon sequestration. Those significant functions would be significantly impacted by this project. Tidal marsh biodiversity and resilience would be lost from the disconnection of nutrient and natural sediment deposition. “ Upland erosion and construction activities can increase sedimentation which can smother eelgrass. Shoreline structures built over the water prevent eelgrass from getting enough light for growth. Excessive nutrients can accelerate algae growth on eelgrass blades, blocking out light. Within San Francisco Estuary, Richardson Bay stands out as a particularly unique location for eelgrass restoration. It harbors the second largest extant eelgrass bed in the estuary, and plants with the most genetic diversity of six beds sampled. Further, a model of environmental conditions in the estuary has identified Richardson Bay as the area with the greatest area suitable for restoration (Merkel and Associates 2004). Hence, Richardson Bay is highly valued both for its existing eelgrass resources and its potential for restoration.”(<http://richardsonbay.audubon.org/all-about-eelgrass>) <http://sfep.sfei.org/our-projects/fish-and-wildlife-recovery/eelgrasshabitat/> (Laura Chariton, M.A. Riparian Policy and Restoration)

## B. 2.9-1a - Impact

**Implementation of the proposed Plan could have a substantial adverse effect**, either directly or through habitat modifications, **on species identified as candidate, sensitive, or special-status** in local or regional plans, policies, or regulations, or by the California Department of Fish and Wildlife or U.S. Fish and Wildlife Service and the National Audubon Society. "Impacted animals include steelhead, salt marsh harvest mouse, tide water goby, clapper rail, and Point Reyes bird's beak. Given the extensive list of species utilizing the subject property area it is advised to be certain that no other species is a candidate or listed species. The lessened observance of certain species would necessitate this comprehensive inquiry." (Laura Chariton, MA Riparian Policy and Restoration)

**Focused surveys to determine the locations and extent of special-status species populations have not been conducted in support of this programmatic EIR**; detailed and site-specific surveys are more appropriately conducted when project level detail is available. Analysis in this EIR therefore conservatively **assumes that special-status species would be present** within the impact footprint of regional growth/land use changes or a transportation project if the project is mapped as occurring within or transecting a known species occurrence.

C155-49

**C. The PDA and adjacent area in Tamalpais Valley include acres which are home to known Federally and State listed endangered species such as the Pt. Reyes Bird's Beak plant, Salt Marsh Harvest Mouse, Tide Water Goby (*Eucyclogobius newberryi*), Clapper Rail and listed threatened Steelhead (*Oncorhynchus Mykiss*) and provides habitat for both a resident and Pacific Flyway migratory bird population as well as many other species. Development in or adjacent to this habitat will have significant unavoidable adverse impacts.**

"The San Francisco Bay estuary, though severely fragmented and modified, represents the largest extent of tidal marsh in the western United States. Projected sea-level rise of 0.3-1.5m poses further threat to several endemic tidal marsh species such as the salt marsh harvest mouse, California clapper rail, and California black rail that are listed as federally endangered or state threatened species." (USGS website, <http://www.werc.usgs.gov/Project.aspx?ProjectID=88>, downloaded 5/13/2003)



Until and unless it is determined that each species does not carry potentially new information regarding endangered species status comprehensive biological studies need to occur.

The listed migration corridor includes (125 Birds Species, 75 Species of Butterfly,). Under the National Audubon Society, Bothin Marsh is also listed as an Important Bird Area. Greater and Lesser Scaup, Bufflehead and Ruddy Duck also are found during the migration period. Hundreds of shorebirds, especially Western Sandpiper, utilize the exposed mudflats of Bothin Marsh and the greater Richardson Bay daily during migration. “Bothin Marsh, is managed by Marin County Open Space District. This wetland, along with the wetlands of Corte Madera, represents the majority of the tidal marsh habitat of west-central San Francisco Bay. The estuarine wetlands of San Francisco (which includes Richardson) and San Pablo Bays are recognized together as a Western Hemisphere Shorebird Reserve Network (WHSRN) Site of Hemispheric Importance for shorebirds - the highest possible ranking.” (National Audubon Society website, <http://netapp.audubon.org/iba/Site/148>, downloaded 5/14/2003)

The U.S. Fish and Wildlife Service (USFWS) calls for the recovery of several species that depend on tidal marsh, including salt marsh harvest mouse (*Reithrodontomys raviventris*), salt marsh wandering shrew (*Sorex vagrans halicoetes*), California clapper rail (*Rallus longirostris obsoletus*), California black rail (*Laterallus jamaicensis coturniculus*), San Francisco common yellowthroat (*Geothlypis trichas sinuosa*), Samuel’s (San Pablo) song sparrow (*Melospiza melodia samuelis*), long-billed curlew (*Numenius americanus*), California sea-blite (*Suaeda californica*), and Pacific cordgrass (*Spartina foliosa*), green sturgeon (*Acipenser medirostris*) in Richardson Bay among others. In addition, the National Marine Fisheries Service (NMFS) has identified marsh habitat and its surrounding coastal waters as “essential fish habitat” and strives to protect this sensitive area for the fish species that depend on it for food and shelter.

Bothin Marsh Marin County Open Space area lists these species present that will be affected by environmental changes:



#### Bird Species:

Allen's Hummingbird, American Avocet American coot, American Crow  
 American Kestrel, American Pipit, American White Pelican, American Wigeon,  
 Anna's Hummingbird, Barn Owl, Barn Swallow, Barrow's Goldeneye, Belted  
 kingfisher, Black Phoebe, Black Scoter, Black –bellied Plover, Black-crowned  
 Night Heron, Black-necked Stilt, Blue winged Teal, Bonaparte's Gull, Brandts's  
 cormorant, Brant, Brewer's Blackbirds, Brown Pelican, Brown-headed Cowbird,  
 Bufflehead, Burrowing Owl, California Gull, Canada Goose, Canvasback,  
 Caspian Tern, Cinnamon Teal, Clapper Rail, Clark's Grebe, Cliff Swallow,  
 Common Goldeneye, Common Loon, Common Raven, Common Yellowthroat,  
 Cooper's Hawk, Double –crested Cormorant, Dunlin, Eared Grebe, Eurasian  
 Wigeon, European Starling, Forster's Tern, Gadwall, Glaucous-winged Gull,  
 Golden-crowned Sparrow, Great Blue Heron, Great Egret, Greater Scaup, Greater  
 White-fronted Goose, Greater yellowlegs, Green Heron, Green-winged Teal,  
 Heermann's Gull, Herring Gull, Hooded Merganser, Horned Grebe, House Finch,  
 House Sparrow, Killdeer, Least Sandpiper, Lesser Scaup, Lesser Yellowlegs,  
 Lincoln's Sparrow, Loggerhead Shrike, Long-billed Curlew, Long-billed  
 Dowitcher, Mallard, Marbled Godwit, Marsh Wren, Merlin, Mew Gull,  
 Mourning dove, Northern Harrier, Northern Mockingbird, Northern Pintail,  
 Northern Rough-winged Swallow, Northern Shoveler, Osprey, Pacific Loon,  
 Peregrine Falcon, Pied-billed Grebe, Red Know, Red –breasted Merganser,  
 Red-necked Grebe, Red-necked Phalarope, Red-tailed Hawk, Red –throated  
 Loon, Red-winged Blackbird, Redhead, Ring-billed Gull, Ring-necked Duck,  
 Rock Pigeon, Ruddy Duck, Ruddy Turnstone, Rufous Hummingbird,  
 Sanderling, Savannah Sparrow, Say's Phoebe, Semi-palmated Plover, Semi-  
 palmated Sandpiper, Sharp-shinned Hawk, Short-billed Dowitcher, Short-eared  
 Owl, Snowy Egret, Song Sparrow, Sora, Surf Scoter, Tree Swallow, Turkey  
 Vulture, Violet –green Swallow, Virginia Rail, Western Grebe, Western Gull,  
 Western Meadowlark, Western Sandpiper, Whimbrel, White-crowned Sparrow,  
 White–tailed Kite, White-throated Swift, White-winged Scoter, Willet

#### Butterfly Species:

Acmon Bue, American Lady, Anise Swallowtail, Arrowhead Blue, Blue Copper,  
 Boisduval's Blue Bramble Hairstreak, Brown Elf, Cabbage White, California  
 Dogface, California Sister, California Tortoiseshell, Callioppe Fritillary,  
 Checkered White, Cloudless Sulphur, common Branded Skipper, Common  
 Buckeye, Common Checkered-Skipper, common Ringlet, common Sootywing,

common Wood-Nymph, Coronis Fritillary, Dotted Blue, Eastern Tailed-Blue, Edith's Checkerspot, Eufala Skipper, Field Crescent, Fiery Skipper Gorgon Copper Gray Haristreak, Great Basin Wood-Nymph, Great Purple Hairstreak, Gulf Fritillary, Hoary Comma, Large Marble, Marin Blue, Milbert's Tortoiseshell, Monarch, Mormon Metalmark, Mountain Mahogany Haristreak, Mournful Duskywing, Mourning Cloak, Mylitta Crescent, Northern Checkerspot, Northern Cloudywing, Orange Sulphur, Pacuvius Duskywing, Painted Lady, Pale Swallowtail, Persius Duskywing, Pipevine Swallowtail, Propertius Duskywing, Purplish Copper, Red Admiral, Rural Skipper, Sachem, Sandhill Skipper, Sara Orangetip, Satyr Comma, Silver-spotted Skipper, Silvery Blue, Small Checkered Skipper, Spring Azure, Sylvan Hairstreak, Tailed Copper, Two-tailed Swallowtail, Umber Skipper, Variable Checkerspot, West Coast Lady, Western Pine Elfin, Western Pygmy-Blue, Western Tailed-Blue, Western Tiger Swallowtail, Woodland Skipper

#### Mammals:

Big Brown Bat, Common Gray Fox, Harbor Seal, Black-tailed Jackrabbit, Little Brown Bat, Yuma Myotis (Bat) Salt Marsh Harvest Mouse, Northern River Otter, Striped Skunk, Raccoon, Opossum

Reptiles/ Amphibians – Pacific Tree Frog

Numerous Mollusks and Invertebrates

New sightings of Pacific Ocean Otters in the area need to also be considered.

Restoration of Oyster Beds and retention of Eel grass bed in the vicinity are critical.

C155-50

**D. Potential regional effects on special-status species could occur as a result of habitat fragmentation, increased human intrusion into wildland areas, introduction of invasive species, disruption of migratory corridors, and a resulting regional reduction in biological diversity. Potential localized effects on special-status species include the temporary and permanent removal or conversion of vegetation and habitat necessary for species breeding, feeding, dispersal or sheltering. Because land use changes under the proposed Plan may result in adverse effects on special-status plants and wildlife at the regional level, these impacts are considered potentially**

**significant (PS). Listed affected species would include:** salt marsh harvest mouse, California clapper rail, Tidewater Goby, Pt. Reyes Bird Beak and Steelhead.

C155-51

**E. Construction and/or ongoing operations could result in direct mortality of special-status plants and wildlife, entrapment in open trenches, and general disturbance "light pollution" due to noise or vibration during pile-driving, earthmoving, and other construction activities. Construction-generated fugitive dust accumulation on surrounding vegetation and construction-related erosion, runoff, and sedimentation could degrade the quality of adjacent vegetation communities, affecting their ability to support special-status plants and wildlife. "Affected species would include:**

Mammals: Big Brown Bat, Common Gray Fox, Harbor Seal, Black-tailed Jackrabbit, Little Brown Bat, Yuma Myotis (Bat) Salt Marsh Harvest Mouse, Northern River Otter, Striped Skunk, Raccoon, Opossum"

Fish – Steelhead, Tidewater Goby, pacific herring, bat rays, sculpin, three-spined stickleback, California Roach

C155-52

**F. 2.9-3 Implementation of the proposed Plan could interfere substantially with the movement of any native resident or migratory fish or wildlife species or with established native resident or migratory wildlife corridor, or impede the use of native wildlife nursery sites. Some of those impacted species may include: Bivalves/ Mollusks/ Invertebrates- native oysters, clams polychaete worms, sea snail (*Littorina planaxis*) bivalves**

(*Macoma balthica*), (*Mya arenaria*) and (*Mytilus edulis*)

Fish – Steelhead, Tidewater Goby, pacific herring, bat rays, sculpin, three-spined stickleback, California Roach.

Crustaceans – Crab (*Hemigrapsis oregonensis*)

Mammals: Big Brown Bat, Common Gray Fox, Harbor Seal, Black-tailed Jackrabbit, Little Brown Bat, Yuma Myotis (Bat) Salt Marsh Harvest Mouse, Northern River Otter, Striped Skunk, Raccoon, Opossum

G. The fact stated in the EIR that many migratory corridors have already been fragmented or degraded to the point that their function as linkages is limited creates **an additional reason to protect existing corridors from continued degradation by Plan's proposed PDA development.**

“Most of the contiguous migration corridors have been lost to development. The remaining corridors are more critical than ever in supporting biologic and habitat processes to occur. Therefore, further degradation would be equivalent to a taking of species that rely on those corridors and violates of State and Federal Fish and Wildlife Codes. (Laura Chariton, M.A. Riparian Policy)

### XIII. Visual Resources -

C155-53

A. **Proposed plan with high density development in our semi-rural community will degrade the visual character of the gateway to our community and the GGNRA** and obstruct the appropriate visual access to the adjacent open space which has been prioritized for a passive marshside park in our Tamalpais Area Community Plan.

C155-54

B. **Priority Conservation Areas (PCAs)** comprise significant open spaces for which there exists broad consensus for long-term protection but face nearer-term development pressure. **The PCA designated in the proposed Plan for our area appears to be limited to Bothin Shoreline. However the adjacent area prioritized for preservation and protection as a buffer zone for the PCA (passive marshside park ) by local policies has now been included in the PDA.** As your EIR states PCAs play a particularly important role in the North Bay—where they are central to the character of many communities. (see 1.2-27)

### XIV. Public Utilities -

C155-55

A. At a time when we are working to live sustainably within our watershed utilizing conservation and limiting use of imported or engineered water, the increased population can strain our ability to achieve 'no net increase' which is an objective of our Countywide Plan.

B. Together, surface water and ground water currently supply approximately 31 percent of Bay Area water. **Surface water** from local rivers and streams (including the Delta) **is an important source** for all Bay Area water agencies, but **particularly so in the North Bay counties, where access to imported water is more limited due to infrastructure limitations. While numerous factors influence water demand overall**

**population growth is the most important factor.** Demand management and conservation programs helped limit the overall increase of water use in the Bay Area.

**C. 2.12-4 Significant and Unavoidable**

**Development under the proposed Plan could require and result in the construction of new or expanded water and wastewater treatment facilities, which could cause significant environmental impacts. Criterion 4 : Implementation of Plan Bay Area would have a potentially significant adverse impact....**

**D. Availability of actual , not paper, water is essential. Limits to growth are established in part by our ability to live within our watershed.**

**E. The EIR Fails To Adequately Disclose, Analyze and Mitigate Potentially Significant Impacts from insufficient water in more than one dry year which can adversely impact public health and safety through reductions of available water for residential and fire protection services.**

C155-56

**F. Future energy conservation, which is supposedly a primary purpose of the Plan, requires avoidance of creating the necessity of constructing desalination facilities which are hugely energy consumptive and expensive.** Additionally, in Marin such a plant poses potential adverse health impacts from being sited in the most polluted water body in California across from the worst industrial polluter in California. Therefore **continued escalation of growth (projected 30% regionwide or 11% in Marin) is in itself an ecological problem.**

C155-57

**G. Wastewater infrastructure is aging and periodically overwhelmed and failing causing sewage spills in our already compromised Bay.** Waste disposal agencies have different capacities and will probably experience differences in their ability to serve additional residential development. The costs of expanding service may be prohibitive on top of the expense of required maintenance of existing systems. **The Plan does not identify the financial resources required to expand the existing utilities at a time when public budgets are shrinking.**

**XV. Public Services and Recreation**

C155-58

**A. To maintain adequate levels of service overall service levels may need to grow. To meet increased demand for schools, library, and recreation facilities implementation of the proposed Plan would require additional facilities, personnel and equipment to ensure acceptable levels of service. (See 2.14-1 Significant and Unavoidable)**

**B. Impact Analysis - Potentially Significant Adverse Impact**  
**Implementation of the proposed Plan would have a potentially significant adverse impact if it would: Criterion 1: Result in the need for new or expanded facilities, the construction of which causes significant environmental impacts, in order to maintain adequate schools, emergency services, police, fire, and park and recreation services as a result of Plan Bay Area.**

**C. Potential construction related impacts of new public service facilities** could have impacts on aesthetics, air quality, cultural resources, geology, land use, noise, transportation, utilities, and other related impacts. Therefore, **impacts related to schools, emergency, police, fire, and park and recreation are considered potentially significant (PS).**

C155-59

**D. Each general plan is required to have a safety element to reduce the possible risks related to death, injuries, property damage, and economic and social dislocation resulting from fires, floods, earthquakes, landslides, and other hazards.** Included in the safety element is the emergency response section, which describes the service areas of emergency services, including fire, police, and ambulance, and an evaluation of the adequacy of the existing service and the demand for additional emergency services.

**E. The increases in total regional travel activity are expected to result in an increase in vehicle hours of delay (VHD) and increase in LOS F (see Chapter 2.1: Transportation).** This is already a very serious local problem! These delays are largely due to projected regional growth in population....Nonetheless, increases in congestion could impact service levels for fire and police services, thereby requiring additional facilities or staffing in order to meet service standards on congested roadways.

C155-60

**F. Localized Impacts - Potentially Significant**  
 In order to support new development, improved (or new) infrastructure and services must be funded and maintained. For instance, additional fire service capacity may be needed to serve high rise development as compared to existing low and mid-rise development. **Our Tamalpais Area Community Plan states that increased population will require addition services to maintain service level. The proposed Plan assumes an increase in public service facilities and personnel will be possible as the population increases. Whether there would be funds available for this from budgets in which services are being reduced is doubtful; therefore, there**

would likely be a decline in essential services such as fire and police.

As a detailed assessment of local needs is infeasible at the regional scale. Impacts at the regional and local levels are potentially significant (PS).

G. In the Tamalpais Valley community there is no more room for additional children at the school or room to further expand so even some of current residents are having to travel elsewhere expending more GHGs. New development will exacerbate this situation as the proposed plan would increase population which would exceed the capacity of local school.

C155-61

H. Open space resources serve residents from throughout the region, so park acreage in Marin is actually serving residents throughout the region. Implementation of the proposed Plan would increase the number of residents making use of existing parkland and could result in accelerated physical deterioration of parks and recreational facilities as well as the increased expense of services which are necessary to maintain them (park, police and fire).

## XVI. Hazards -

### A. Materials -

C155-62

1. Sites in our Tamalpais/Almonte community (PDA/TTP) are either on or impacted by identified hazardous materials according to expert, Mr. Matthew Hagemann, P.G., C.Hg., QSD, QSP. He has submitted comments to the Marin County Housing Element 2012 DEIR that identify the many hazardous sources in Tamalpais Valley PDA which create significant unmitigatable adverse impacts. Development of vacant or previously developed lots that have been impacted by petroleum hydrocarbons from leaking underground storage tanks or other chemical constituents could expose individuals to hazardous conditions at the site or on neighboring properties that involve the use of hazardous materials or hazardous wastes. Sites identified for residential development in Tamalpais Valley are contaminated from the past.

C155-63

2. Development of any of the Project's identified sites in Tamalpais Valley pose potentially significant health risks to construction workers and future residents through vapor intrusion, dermal contact and inhalation. **These significant impacts were not adequately disclosed or analyzed in the Housing Element's DEIR and are not being considered in the analysis of the continued expectations of our PDA in the Bay Plan.**



**3. The EIR fails to adequately disclose, analyze and mitigate potentially Significant Health Impacts from Soil and Groundwater Contamination**

**4. The hazard impacts related to land use changes from the implementation of the proposed Plan at the regional and local level are considered potentially significant (PS) Impact 2.13-4.**

**5. 2.13-4: Significant and Unavoidable**

**Implementation of the proposed Plan could result in projects located on a site which is included on a list of hazardous materials sites compiled pursuant to Government Code Section 65962.5 and, as a result, would create a significant hazard to the public or the environment.**

**6. EIR should require mitigation to reduce significant impacts to construction workers and residents to less than significant levels.**

**7. However, *MTC/ABAG cannot require local implementing agencies to adopt the mitigation measures. Therefore it cannot be ensured that the Plan's mitigation measures would be implemented in all cases, and therefore impacts described in this Plan remain significant and unavoidable (SU).***

## **B. Heliport**

**1. With helicopters taking off and landing frequently at Heliport in Tamalpais Valley in close proximity to proposed PDA/TPP development sites there is the potential for safety risks to residents. The EIR does not disclose or analyze the impact of this Heliport.**

**2. 2.13-5: Impact (see Plan's Criterion 5 page 840 ) Implementation of the proposed Plan could result in a safety hazard for people residing or working in the planning area for projects located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport. CEQA Section 21096 requires that when preparing an environmental impact report for any project situated within an airport influence area as defined in an ALUC compatibility plan (or, if a compatibility plan has not been adopted, within two nautical miles of a public-use airport), lead agencies shall utilize the California Airport Land Use Planning Handbook as a technical resource with respect to airport noise and safety compatibility issues. Identifying a resource does not disclose or ensure**



**feasible and compatible mitigation.**

### **C. Emergency Access and Egress**

**C155-71**

**1. The added congestion from more development, particularly high density development, in an area already and inevitably constrained by F level traffic with one lane in and out between Highway 1 and 101 creates a serious unmitigatable adverse impact regarding access and egress in emergencies. This is particularly problematic with an increased senior resident population needing rapid response time due to medical emergencies.**

**2. There is significant risk of loss, injury, or death in the event of need for evacuation in a community such as Almonte and Tamalpais Valley which are both high seismic and high wildland fire risks as indicated on maps in the 2007 Marin Countywide Plan and the Plan's fire hazard area map, Figure 2.13-3.**

**C155-72**

**3. The potential for wildland fire hazard impacts related to land use changes from implementation of the proposed Plan at the regional and local level are considered potentially significant (PS).**

Criterion 8 references impact concern - **Expose people or structures to a significant risk of loss, injury, or death involving wildland fires, including where wildlands are adjacent to urbanized areas or where residences are intermixed with wildlands.**

**4. Development that has spread into less densely populated, often hilly areas has increased the number of people living in heavily-vegetated areas where wildlands meet urban development, also referred to as the wildland-urban interface. This trend is spawning a third classification of fires: the urban wildfire. The 1991 Oakland Hills fire above Berkeley and Oakland is an example of an urban wildfire. A fire along the wildland-urban interface can result in major losses of property and structures.**

**C155-73**

**5. Emergency Response Plan : Related to Criterion 7 (pg.840)**

**2.13-7 None required (mitigation) - Less than significant !**

**Implementation of the proposed Plan could impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan.**

**6. The assessment 2.13-7 above is seriously inadequate and reflects both a lack of understanding of planned sites and people's needs! The potential for**

adverse emergency services and emergency evacuation plan impacts related to land use changes from the implementation of the proposed Plan at the regional level should not be considered less than significant when pursuing potential PDAs in which modifications to accommodate growth are not possible such as in Tamalpais Valley.

## XVII. Employment

C155-74

1. According to the EIR "under the proposed Plan, the overall ratio of jobs to employed residents will remain stable at the regional level from 2010 to 2040. " This presumes that the planners know what economic conditions will exist in the next 30 years for which they provide only speculative and no substantive evidence. Predictability of the economy is limited as evidenced by the recent "severe national economic recession" (and past ones) and the variability of boom and bust in particular sectors (dot-com and construction) and levels of unemployment and therefore, this is not a sound basis for such extensive and expensive planning.

C155-75

2. According to the EIR under proposed Plan the "ratio of out-of-region workers remains constant with historic trends; therefore, as the overall number of jobs increases, the total number of in-commuting workers would be expected to increase proportionately. As indicated in Chapter 2.1 of this EIR, **overall mobility in the region will be more constrained in 2040 than it was in 2010, even with implementation of the proposed Plan. There will be more peak period congestion and more total vehicle hours of delay.**

**This means that the fundamental concern with insufficient proximity of jobs and housing has not been altered as a means to achieve reduction of GHG in spite of billions of dollars spent and increasing consumption of resources required for projects in the proposed Plan.**

### 3. TABLE 3.2-5 : 2010 EMPLOYMENT BY COUNTY – NET IMPORTERS/EXPORTERS OF WORKERS AND JOBS/HOUSING BALANCE

**In Marin in 2010 the number of employed residents exceeds the number of jobs; the imports/exports of workers is considered 'equal'. (There are -7,700 jobs to employed residents.)**

### 4. TABLE 3.2-6: 2010 & 2040 EMPLOYED RESIDENTS AND JOBS BY COUNTY AND NET IMPORTERS/EXPORTERS OF WORKERS

**Table 3.2-6 shows that all nine counties will maintain their existing status as net importers or exporters of workers from 2010 to 2040 under the proposed Plan."**

5. In Marin the **number of employed residents projected** is 136,478 with no project (1040) and 136,476 with preferred plan (1940) . **Between the no project alternative and the proposed Plan there is a projected difference of 2 employed residents!**

There is projected increase from 2010 of 18,043 employed residents by 2040. The number of jobs in Marin is predicted to be 126,343 with no project (1940) and 129,118 (preferred plan). This an increase of 2775 jobs. However, **the number of import/export jobs is considered equal. Again , the tables show that the commute patterns have not been altered by the proposed Plan. The projected increases in employment are also questionable due to the unpredictability of the economy and the impacts of climate change.**

C155-76

6. Planning for a jobs-housing balance is based on the premise that the number of work trips by car, the overall number of vehicle trips, and the resultant vehicle miles traveled can be reduced when there are sufficient jobs available locally to balance the employment demands of the community. **According to this EIR these numbers are not going to change and this Plan has no direct power to create jobs locally which will result in an adverse impact on the areas where housing without jobs is being increased!** The EIR indicates increasing congestion overall could discourage new firms from locating in the Bay Area or cause some existing firms to consider relocating away from the region and there are limited fiscal resources for expansion of transportation system capacity. **The fact that there is another alternative identified specifically for jobs makes it evident that the proposed alternative is not the alternative preferred for promoting jobs.**

C155-77

7. **Table 3.2-2 FORECASTED GROWTH BY AGE GROUP AS A PERCENT OF THE TOTAL (2010-2040)**  
**0-24 years (25%) 25-44 years (17%) 45-64 years (1%) 65 years and over (137%) !!!**  
 "The population of the Bay Area is expected to increase across all age groups, but with the largest increase (137 percent) happening in the age bracket of 65 and over, and the smallest increase (1 percent) happening in the age bracket of 45 to 64 years, as shown in Table 3.2-2. This indicates a change in overall composition of Bay Area residents towards an aging population. Effects of the growing senior population are expected to include an increase in the amount of residential care facilities and a decline in the labor force."

8. ABAG projects that the Bay Area's **population will grow another 30 percent** from the 2010 level (over 2.1 million more residents), and **employment will**

**increase by 33 percent** (over 1.1 million additional jobs). This growth is summarized in Table 3.2-1. **Two major demographic changes shape these forecasts as they relate to household and job growth: the increase in the senior population and the increase in the Latino and Asian populations.**

**These facts do not correlate. The huge increase (%) in senior population will not represent increased employed residents. The increase in Latino and Asian populations culturally have lived and survived through multi-generational family household networks which will not be well-served by small units in high-rise apartments in close proximity to hazardous TACs from mobile transit or jeopardized by safety risks from seismic events, inundation, sea level rise and traffic congestion!**

**The fact that the proposed Plan indicated that in the future the costs for these families will rise to 69% for housing and transit further illustrates the inadequacy and inability of this Bay Plan to address the real needs of people living in the Bay Area! In fact, areas that have significant transit and high density development (as proposed in the Plan) like San Francisco have become increasing expensive and exclusive causing continued exodus and displacement of those who can't afford it. It is clear that densification has actually created more social injustice. The fact that the proposed plan is not the 'equity alternative' or the preferred 'environmental' plan is indicative of its inability to address these needs.**

C155-78

## **XVIII. Growth-inducing Effects and Cumulative Impacts**

1. "Over the next 30 years, with or without Plan Bay Area, the Bay Area population is anticipated to continue to grow, increasing by 30 percent. The proposed Plan is intended to help shape and accommodate this growth....It would be inaccurate to describe the Plan as growth-inducing as it was designed to accommodate, rather than to encourage, projected regional growth...." The EIR must examine the potential growth-inducing impacts of the proposed Plan. More specifically, CEQA Guidelines require that the EIR "discuss the ways in which the proposed project could foster economic or population growth, or the construction of additional housing, either directly or indirectly" (CEQA Guidelines Section 15126.2(d)).

2. According to the EIR this analysis includes consideration of "removal of obstacles to population growth" and development of new residential development in areas that are "currently only sparsely developed or underdeveloped". Infill development can also result in growth-inducing impacts when it exceeds existing infrastructure capacity in areas targeted by this Plan.

3. This Plan is growth-inducing when its PDA and TPP structure targets specific areas which would not be likely to be developed, especially to the extent proposed, due to constraints and then facilitates their development with streamlining and overriding these conditions and creating incentives to attract their development . Instead of applying limits to growth based on infrastructure capacity, the Plan creates the necessity of exceeding our limits with accompanying adverse impacts. This reflects the growth-inducing impacts as growth would otherwise be limited.

4. These growth-inducing impacts are particularly egregious when the Plan cannot identify, analyze or enforce their mitigations to reduce the adverse cumulative impacts of incremental "individually limited but cumulatively significant projects. " "Cumulatively considerable means two or more individual effects which, when considered together, are considerable or which compound or increase other environmental impacts" that the incremental effects of an individual project are significant when viewed in connection with the effects of past projects, the effects of other current projects, and the effects of probable future projects" (CEQA Guidelines § 15065(a)(3)). Cumulative impacts can result from individually minor but collectively significant projects taking place over a period of time. **The EIR states that all of the impacts addressed in Part Two are considered cumulative.**

5. Future environmental review would be subject to CEQA requirements applicable at that time. Current assumptions about review and mitigations may be altered rather than assured by new amendments, regulations, judicial decisions, impact thresholds, and increasing adverse environmental conditions. This can create unpredictable cumulative impacts which reflect inconsistency in incremental review.

## **XIX. 3.2 CEQA Required Conclusions**

C155-79

### **Regarding : The five Significant Irreversible Environmental Changes and thirty-nine Significant Unavoidable Impacts**

1. A Plan for the Bay Area needs to serve the needs of its residents without subjecting them to these impacts. It would not benefit people, other species or the environment to override these adverse impacts. Future planning should reflect accurate information about local conditions and constraints so that the health and safety of future residents will not be jeopardized. To create a realistic plan would require utilizing local public knowledge and input which is not evident in this Plan.

2. Forecasting for 30 years will subject areas to development which can be undermined by uncertainties of changing climate and land conditions and economic variability. This can result in faulty short-sighted speculative land use decisions with long-range implications from adverse impacts such as those not fully considered in this EIR such as from sea level rise.

3. This Plan focuses on projects that intensify congestion without the ability to offset their cumulative effects. To proceed while ignoring the potential effects of the environment on these projects because we lack the knowledge to factor in this information at this time is irresponsible and furthers liability.

C155-80

4. Therefore, I request that you not consign non-renewable resources to uses that future generations will probably be unable to reverse as required by this Plan. Further, I recommend that you do not recommend overriding the identified significant unavoidable adverse impacts and do not certify this insufficient EIR. Lastly in regard to these impacts stated in the CEQA Conclusions this Plan should not be approved.

Ann Fromer Spake

[REDACTED]

Mill Valley, Ca. 94941

**Robert Silvestri**

[REDACTED]  
Mill Valley, CA 94941  
[REDACTED]

May 10, 2013

MTC-ABAG  
Plan Bay Area Public Comment  
101 8<sup>th</sup> Street  
Oakland, California 94607

Re: Public Comment on Draft Bay Area Plan and Draft Bay Area Plan Draft  
Environmental Impact Report (State Clearinghouse No. 2012062029)

To Whom It May Concern:

This letter and the attached analysis are submitted as public comment on the Draft Bay Area Plan, the Plan Alternatives and Draft Bay Area Plan Draft Environmental Impact Report (State Clearinghouse No. 2012062029).

I am submitting this letter as a 20 year resident of Mill Valley, CA, located in Marin County, and a former resident of San Francisco for two years prior to that. As a licensed architect and planner, and a former affordable housing developer, and someone who has been active in local planning affairs in my city, I am generally considered an expert in the area of planning and zoning in Marin.

I have also recently published a book, *The Best Laid Plans: Our Planning and Affordable Housing Challenges in Marin*, which discusses and analyzes growth, planning, housing and their social, economic and environmental impacts.

In addition to being an informed resident and author, a brief bio of my expertise in this field is attached as Attachment A.

Yours truly,

Robert Silvestri

**Public Comment on Draft Bay Area Plan (State Clearinghouse No. 2012062029):  
by Robert Silvestri, [REDACTED]. Mill Valley, CA 94941; May 10, 2013: Housing  
Needs Not Addressed by Plan Bay Area**

This letter is submitted as public comment on the Draft Bay Area Plan (State Clearinghouse No. 2012062029) regarding high density, multifamily and other housing types.

**INTRODUCTION**

Per Senate Bill 375 ("SB375"), a statutory requirement of the Sustainable Communities Strategy ("SCS") and Plan Bay Area and its Alternatives is to *"house the region's projected growth by income level (very-low, low, moderate, above-moderate) without displacing current low-income residents in addition to providing adequate housing for anticipated regional growth."* The Sustainable Communities Strategy requires all Metropolitan Planning Organizations (MPOs) to create transportation oriented development plans as a means of achieving those goals. However, a review of the Draft Bay Area Plan and the Plan Alternatives (the "Plan") and the Draft Environmental Impact Report (the "DEIR") for the proposed Plan indicates that the Plan fails to adequately establish reasonably proof of its efficacy in encouraging the development of affordable housing, and in particular the types of affordable housing and community development most needed in Marin County and other similar areas in the region covered by the Plan. In fact the Plan's proposals and implementation, as conceived, will work against achieving the goals of SB375.

C156-1

**1 – The Plan Will Not Address Our Actual Affordable Housing Needs in Marin County or Similar Bay Area Cities and Counties.**

As written, the Plan will contribute to the continuing loss of existing affordable housing and it will discourage and possibly preclude the types of affordable housing and community development that are actually most needed in



Public Comment on Draft Bay Area Plan (State Clearinghouse No. 2012062029): submitted May 10, 2013 by Robert Silvestri, [REDACTED]. Mill Valley, CA 9494: Needs Not Addressed by Plan Bay Area

Marin County and by most of the Bay Area cities and counties outside of the urban core areas (San Francisco, San Jose, Oakland). Please note the following comments to support this conclusion:

The Plan essentially promotes only one affordable housing and growth solution: high density, transit oriented, multifamily development. However, the Plan fails to address, consider or even acknowledge other types of housing or our real affordable housing needs in areas like Marin. Because of this, the Plan is likely to have a counterproductive effect on that type of development needed most in most ex-urban, suburban and rural communities covered by the Bay Area Plan.

The analysis that follows will show that rather than simply counting units, as the RHNA does, the Plan needs to analyze and facilitate the types of housing that are actually needed in each prototypical community in order to achieve its goals. For the purposes of this comment “prototypical community” is defined as each different type of community development pattern that is found in the nine county Bay Area, which will be impacted by the Plan.

Definitions used in this analysis:

“Urban” (San Francisco, San Jose, Oakland): Areas that have fully developed high density housing and public transportation systems in place.

“Ex-urban” (Walnut Creek, Burlingame, Berkeley): Areas that have a mix of developed high density housing and some significant public transportation systems in place (e.g. BART).

“Suburban” (Marin County cities, Danville, Saratoga): Areas that do not have significant high density housing development or significant public transportation systems in place and are unlikely to have significant public transportation systems in place in the foreseeable future.

Public Comment on Draft Bay Area Plan (State Clearinghouse No. 2012062029): submitted May 10, 2013 by Robert Silvestri, [REDACTED]. Mill Valley, CA 9494: Needs Not Addressed by Plan Bay Area

“Rural” (West Marin and many parts of Napa and Sonoma counties): Areas that have no high density housing development or significant public transportation systems in place and will not have significant public transportation systems in place in the foreseeable future.

Marin County Suburban / Rural Example:

Examination of the affordable housing needs of Marin County cities and its unincorporated areas results in a list of housing types that are not recognized or acknowledged by the Plan. Most of the actual affordable housing “opportunity sites” in small Marin communities are found in smaller, infill locations and not in larger land parcels located near our major freeway, Route 101 (the only actual transportation corridor in Marin County). This creates a disconnect between the solutions envisioned by the Plan and the reality that our county and cities have to work with when addressing the Regional Housing Needs Assessment quotas as prescribed in their Housing Elements. Infill and mixed-use, infill development opportunities will not benefit in any way from the methods or transportation oriented investments prescribed by the Plan.

Furthermore, in most Marin communities, social, economic and demographic trends show that there are significant under-served populations that need different types of affordable housing than the high density, multifamily housing contemplated by the Plan. However, every one of the types of housing described hereunder and the low income residents who need them will not benefit from any types of support, subsidy or investment noted in the Plan.

The types of housing needed in Marin County that are not supported or promoted by the Plan include:

- Low income housing integrated into existing communities: These would predominately include, small scaled, low density, mixed use, retail and

Public Comment on Draft Bay Area Plan (State Clearinghouse No. 2012062029): submitted May 10, 2013 by Robert Silvestri, [REDACTED]. Mill Valley, CA 9494: Needs Not Addressed by Plan Bay Area

residential, and stand-alone duplex, triplex and fourplex housing. These represent the vast majority of housing growth opportunity sites in Marin.

- Housing for the elderly and assisted living facilities: A rapidly growing need, these would include a variety of types that are either not addressed by the Plan or not recognized by RHNA as qualifying units.
- Housing for people with disabilities and special medical needs: This is a growing need that remains under-served. In light of well accepted data on health and pollution, it is not recommended that this demographic group live in proximity to major highways or other sources of air pollution. So even if multifamily housing was developed according to the guidelines on the Plan, it would be putting this population in harm's way. Please also note that this correlation between proximity to freeways or major rails lines (e.g. Marin's SMART train) also applies to anyone suffering from emphysema, asthma, heart conditions, cancer or other serious illnesses, and there is growing evidence that there is also a correlation with instances of autism.
- Homeless shelters and abused women's safe houses: This is another area where housing need is increasing that is under-served and largely unrecognized by the RHNA quota system since almost all shelters are communal living. This is an instance where Housing Element law and the RHNA quota system are in conflict with SB375, a conflict that remains unresolved in the Plan. In addition, shelters and safe house facilities are most advantageously located within existing communities, which in the case of Marin means they will not be in direct proximity to Highway 101 or significant public transportation, and not best suited for transportation oriented development.

Public Comment on Draft Bay Area Plan (State Clearinghouse No. 2012062029): submitted May 10, 2013 by Robert Silvestri, [REDACTED]. Mill Valley, CA 9494: Needs Not Addressed by Plan Bay Area

- 105 • Live/work opportunities such as lofts and cooperative housing: There is an  
106 increasing demand and need for live / work housing opportunities and  
107 housing for those choosing or requiring alternative lifestyles. These units  
108 are typically only partially or sparsely finished and therefore by definition  
109 generally more affordable. The opportunities for these types of projects are  
110 typically on marginal land near suburban downtowns where there is little  
111 public transportation besides occasional bus routes.
  
- 112 • Co-housing: Co-housing may be one of the biggest emerging trends in  
113 housing that is likely to impact the types of housing built over the next 20  
114 years, particularly in places like Marin County. In these situations residents  
115 design and/or operate their own housing solutions (typically a hybrid of  
116 multifamily, townhome and zero lot, single family homes) and share  
117 common grounds, supporting recreational facilities or gardens, and often  
118 communal cooking / kitchens and dining areas. It is also typically moderate  
119 density development. Ownership is either fee simple or a form of  
120 condominium or both. This very important housing type has significant  
121 advantages because it frees up larger existing housing (as older residents  
122 downsize and move to smaller co-housing), it conserves land use, reducing  
123 auto use for socializing, and is generally less energy intensive. However,  
124 under RHNA and therefore the Plan, the way units are “counted” against  
125 the RHNA quota, a 35 unit project with a communal kitchen would be  
126 counted as one living unit of housing. This would discourage any city from  
127 assisting in this type of development. In addition, these kinds of projects  
128 are almost always in suburban or rural locations which are preferred by the  
129 owner/developers. The Plan, as it is written, with its emphasis on transit  
130 oriented development, actually discourages this important housing trend.  
131 Some examples of co-housing applications include communities for active

Public Comment on Draft Bay Area Plan (State Clearinghouse No. 2012062029): submitted May 10, 2013 by Robert Silvestri, [REDACTED]. Mill Valley, CA 9494: Needs Not Addressed by Plan Bay Area

seniors, migrant and seasonal worker housing, homeless and family transition housing, young singles housing and micro unit complexes.

- Apartment building preservation, reconfiguration and substantial rehabilitation: Renovation and rehabilitation of existing market rate, affordable housing projects is probably the biggest need and the biggest impact opportunity in Marin County in terms of preserving communities, allowing existing affordable housing residents to remain in place, and improving the lives of those most in need of assistance (a required criteria under SB375). This is in evidence in areas such as the Canal District in San Rafael and Marin City. However, as written, the Plan does not in any way acknowledge or encourage this need. To continue to promote the construction of new, highly impactful, high density projects while allowing existing affordable housing to fall into disrepair or worse, disuse, makes no social or economic sense whatsoever.
- Loss of existing public affordable housing: A related category of affordable housing need would include existing public housing units that are falling out of service due to the expiration of Housing Assistance Payments (HAP) Contracts, loss of economic use due to aging structures and too much deferred maintenance, or the voluntary withdrawal from the Section 8 program by the landlords. This is true throughout Marin and is evidenced by Marin County Housing Authority historical records. The annual loss of units in this category is a significant public housing problem in Marin and other Bay Area counties that the Plan does not address or acknowledge. The lack of federal or state funding (subsidies, tax credits or other financial incentives) to support the preservation of this essential affordable housing stock adds to the problem. Again, for the Plan to promote the construction of new, high impactful, high density projects while allowing existing

Public Comment on Draft Bay Area Plan (State Clearinghouse No. 2012062029): submitted May 10, 2013 by Robert Silvestri, [REDACTED]. Mill Valley, CA 9494: Needs Not Addressed by Plan Bay Area

affordable housing to fall into disrepair or worse, disuse, is a waste of public funds and makes no social or economic sense whatsoever.

- Building conversions from commercial to mixed use residential: Another major affordable housing opportunity throughout Marin, and places like it, are existing structures that lend themselves to conversion to residential and residential mixed use (commercial or retail) redevelopment. The Plan's single minded proposal to support only the development of new, high density, transit oriented development, ignores more economical and socially beneficial solutions.
- Sweat equity opportunities: The implementation of deed restricted, for sale housing as a sustainable affordable housing solution has been discredited over the past decades in many cities where it's been attempted (e.g. San Francisco). Deed restriction on for sale housing amounts to nothing more than a form of indentured servitude that is contrary to why anyone buys a home (for equity appreciation). Similar to the "live / work" opportunities described above, a better solution is "sweat equity" opportunities where low income owners can attain ownership or co-ownership with an equity partner, who they will share the appreciation upside with, or have the opportunity to pay off their equity partner / lender (equity plus interest) upon resale. However, they still get to directly benefit from the rewards of ownership and their hard work to improve and maintain their home. This method is effective for either new housing or existing housing purchase programs. However, because it does not generally create new housing units, it is ignored by RHNA and consequently ignored by the Plan.
- Very small starter rental and condo units: These include housing for singles, single parent households and young couples, often called "micro units,"

Public Comment on Draft Bay Area Plan (State Clearinghouse No. 2012062029): submitted May 10, 2013 by Robert Silvestri, [REDACTED]. Mill Valley, CA 9494: Needs Not Addressed by Plan Bay Area

and is another emerging housing type. However, in Marin, this again lends itself more to smaller scaled, infill, mixed use development that is atypical, both in location and proximity to significant public transportation options, than what is supported, analyzed and promoted by the Plan.

- Active elderly housing: Similar to micro units, these are smaller single family housing (condo or fee simple ownership) for the “active elderly” (partially retired and very active but not wanting any maintenance obligations). Similar to co-housing, these projects often have condominium shared spaces and shared amenities that are not aligned with RHNA, which deters cities from promoting their development. The Plan fails to consider this need.
- Second units: Marin and many other parts of the Bay Area would benefit from a more liberal and creative definition of second units. As it is, these are typically a battleground that pits small cities against HCD as to what does or does not qualify. The Plan does nothing to alleviate or clarify or help promote the construction of this critical category.

## Conclusion:

The Plan, as written, with its single minded obsession with questionable high density multifamily housing as the only solution to the requirements of SB375 is both short-sighted and detrimental to promoting the types of affordable housing that are in critical need in Marin County and similar suburban and rural communities in the Bay Area. In fact the types of housing needs noted above would also apply to most ex-urban communities as well. The Plan seems to only be suited to urban areas, while ignoring feasibility in other areas impacted. How can the Plan justify its conclusions and proposals in light of the need for the many types of housing and affordable housing that it fails to consider or at all analyze?

Public Comment on Draft Bay Area Plan (State Clearinghouse No. 2012062029): submitted May 10, 2013 by Robert Silvestri, [REDACTED]. Mill Valley, CA 9494: Needs Not Addressed by Plan Bay Area

## 2 - The Unintended Consequences of Plan Bay Area

Because the Plan only emphasizes programs and investments that promote high density residential development, more creative mixed use and adaptive reuse, locally based solutions are essentially “crowded out” of the market. With local zoning and planning tools (zoning bonuses, density bonuses, site designation lists, fast track processing, etc.) and the present Low Income Housing Tax Credit allocation system being dramatically skewed to only support over-sized, high density, low income or in-lieu low income schemes in Marin, affordable housing development has become a game where those are the only projects that get considered by local planning departments, whether or not they make financial sense, community sense, common sense or there’s any real market demand for them. Note that “in lieu” housing projects typically have a mix of 80 percent high end, market rate housing, 10 percent “80 percent median income” housing, and 10 percent low and very low income housing. These are the only types of projects that can be profitable with our high land costs in Marin.

As it is, creative capital investors have little incentive to even try to fill our real housing needs (as listed above) and even if we could get these kinds of projects built, most wouldn’t be counted against our RHNA quota requirements. The Plan only makes all of this worse. The Plan is a disincentive to private investment in affordable housing and other types of needed market rate housing.

The Plan ignores many unintended consequences of its policies and programs. The problem is that the Plan, as written, only promotes one interpretation of SB375 and the Housing Law: the one that most benefits big, nonprofit developer driven, urban development projects which are inappropriate and impossible to build in Marin and other counties and cities like it. Marin has many more opportunities for infill, mixed-use renovation projects with affordable units included than for “high density housing near public transportation.”



Public Comment on Draft Bay Area Plan (State Clearinghouse No. 2012062029): submitted May 10, 2013 by Robert Silvestri, [REDACTED]. Mill Valley, CA 9494: Needs Not Addressed by Plan Bay Area

239 Question:

240 How can the Plan justify its methods and goals in light of the fact presented  
241 above? If its charge is to create more affordable housing, how can it fail to  
242 acknowledge that its approach essentially excludes success in more than two  
243 thirds of the Bay Area impacted by the Plan? How can the Plan claim to have  
244 adequately analyzed and considered the actual housing needs and growth  
245 opportunities in Marin County or similar Bay Area communities, and arrived at the  
246 Plan in its present form?

247 **3 – Citations of SB375 Where the Plan Is Not In Conformance.**

248 The Plan and the Plan Alternatives are not in uniform compliance with the  
249 requirements of SB375.

250 Consider the following:

251 SB375 Citation: Section 4 (b)(2)(B) of SB375 states: *“Each metropolitan*  
252 *planning organization shall prepare a sustainable communities strategy, subject*  
253 *to the requirements of Part 450 of Title 23 of, and Part 93 of Title 40 of, the Code*  
254 *of Federal Regulations, including the requirement to utilize the most recent*  
255 *planning assumptions considering local general plans and other factors. The*  
256 *sustainable communities strategy shall (i) identify the general location of uses,*  
257 *residential densities, and building intensities within the region;”*

258 Comment: The analysis presented above (item #1) indicates that the Plan has  
259 failed to accurately identify the general location of uses, residential densities and  
260 building intensities with regard to the actual needs and housing opportunities  
261 Marin County and other similar Bay Area locations. How can the Plan justify its  
262 claim to have adequately identified the general location of uses, residential  
263 densities and building intensities within Marin County and arrived at proposals

Public Comment on Draft Bay Area Plan (State Clearinghouse No. 2012062029): submitted May 10, 2013 by Robert Silvestri, [REDACTED] Mill Valley, CA 9494: Needs Not Addressed by Plan Bay Area

264 that do not include so many types of housing actually needed in our  
265 communities?

266 SB375 Citation: Section 4(b)(1)(J) of SB375 states: *“Neither a sustainable*  
267 *communities strategy nor an alternative planning strategy regulates the use of*  
268 *land, nor, except as provided by subparagraph (I), shall either one be subject to*  
269 *any state approval; Nothing in a sustainable communities strategy shall be*  
270 *interpreted as superseding the exercise of the land use authority of cities and*  
271 *counties within the region; Nothing in this section shall require a city's or county's*  
272 *land use policies and regulations, including its general plan, to be consistent with*  
273 *the regional transportation plan or an alternative planning strategy.”*

274 Comment: As demonstrated in the analysis presented above (item #1), the  
275 Plan’s single-minded adherence to proposing high density, multifamily  
276 development forces cities and counties in Marin, for all practical purposes (by way  
277 of the Housing Element certification process at HCD), to rezone and adjust their  
278 planning to conform with the development of housing types that do not address  
279 their actual affordable or market rate housing needs, or reflect the realities of the  
280 opportunities available to do so.

281 SB375 Citation: Section (b)(2)(E)(i) of SB375 states that the MPO shall  
282 conduct: *“Outreach efforts to encourage the active participation of a broad range*  
283 *of stakeholder groups in the planning process, consistent with the agency's*  
284 *adopted Federal Public Participation Plan, including, but not limited to, affordable*  
285 *housing advocates, transportation advocates, neighborhood and community*  
286 *groups, environmental advocates, home builder representatives, broad-based*  
287 *business organizations, landowners, commercial property interests, and*  
288 *homeowner associations.”*

289 Comment: Based on the analysis presented above (item #1), it is clear that in  
290 arriving at its conclusions the drafters of the Plan either did not adequately

C156-1.3

C156-1.5

Public Comment on Draft Bay Area Plan (State Clearinghouse No. 2012062029): submitted May 10, 2013 by Robert Silvestri, [REDACTED]. Mill Valley, CA 9494: Needs Not Addressed by Plan Bay Area

research or reach out to local landowners and property owners, smaller commercial property interests (which make up the vast majority of this group in Marin County) or homeowner associations in Marin County cities in developing the Plan, or chose to ignore the needs of these groups in favor of the needs or agendas of other groups such as affordable housing advocates, transportation advocates and development interests, the needs of which the Plan better addresses. However, as demonstrated in Item #1 above, if the needs of all impacted groups had been properly assessed and reflected, the Plan would have to have included all the actual opportunities and housing needs in Marin County, which it fails to do.

Question: In light of the lack of acknowledgment of the needs of all stakeholder groups noted in this comment and analysis, how does the Plan justify its conclusions, proposals and choices of Alternatives and options?

SB375 Citation: Section 5(b)(2) of SB375 defines terms for the regulation and adds definitions to Section 65080.01 of the Government Code, such as: “(c) *“Feasible” means capable of being accomplished in a successful manner within a reasonable period of time, taking into account economic, environmental, legal, social, and technological factors.*”

Comment: Based on the analysis presented above (item #1), it is clear that the Plan failed to adequately assess what kinds of housing solutions are or are not feasible in locations such as Marin County.

Question: How can the Plan justify its conclusions and bias toward transit oriented development based on a reasonable and complete assessment of the actual affordable and market rate housing opportunities and needs in Marin, as noted in Item #1 above?

C156-1.7

Public Comment on Draft Bay Area Plan (State Clearinghouse No. 2012062029): submitted May 10, 2013 by Robert Silvestri, [REDACTED]. Mill Valley, CA 9494: Needs Not Addressed by Plan Bay Area

C156-1.9

SB375 Citation: Section 7 amends Section 65583 of the Government Code is amended to read: *“The housing element shall consist of an identification and analysis of existing and projected housing needs and a statement of goals, policies, quantified objectives, financial resources, and scheduled programs for the preservation, improvement, and development of housing. The housing element shall identify adequate sites for housing, including rental housing, factory-built housing, mobile homes, and emergency shelters, and shall make adequate provision for the existing and projected needs of all economic segments of the community. The element shall contain all of the following: (a) An assessment of housing needs and an inventory of resources and constraints relevant to the meeting of these needs.”*

Comment: Based on the analysis presented above (item #1), it is clear that the Plan failed to adequately inventory the resources and constraints relevant to meeting the needs for affordable and market rate housing in locations such as Marin County. Further, a reasonable assessment of the opportunities for preservation and improvement of existing housing (public and privately owned), and any reasonable assessment of Marin’s actual housing needs (noted in Item #1 above) and an inventory of its resources and constraints would have produced a greater variety of solutions to Marin’s housing needs than just high density, multifamily, transit oriented development. Therefore, because the Plan is lacking this required assessment and analysis that is demonstrated in Item #1 of this comment, the Plan fails to be in conformance with either SB375 or the Housing Element law.

SB375 Citation: Section 7 (a)(6) of SB375 requires: *“An analysis of potential and actual nongovernmental constraints upon the maintenance, improvement, or development of housing for all income levels, including the availability of financing, the price of land, and the cost of construction; and (7) An analysis of any special housing needs, such as those of the elderly, persons with disabilities,*

Public Comment on Draft Bay Area Plan (State Clearinghouse No. 2012062029): submitted May 10, 2013 by Robert Silvestri, [REDACTED]. Mill Valley, CA 9494: Needs Not Addressed by Plan Bay Area

344 *large families, farmworkers, families with female heads of households, and*  
345 *families and persons in need of emergency shelter.”*

346 Comment: Based on the analysis presented above (item #1), it is clear that the  
347 Plan failed to adequately analyze the potential and actual nongovernmental  
348 constraints upon the maintenance, improvement, or development of housing to  
349 meet the actual needs for affordable and market rate housing in locations such as  
350 Marin County, or properly analyze the special housing needs of the groups noted  
351 in Section 7(a)(7) above. If it had done so, with its full knowledge of how the  
352 RHNA housing quota system “counts” qualifying housing units, it could not have  
353 possibly come up with the proposals contained in the Plan that ignore and  
354 exclude consideration of so many types of needed affordable housing (e.g.  
355 housing for the elderly, persons with disabilities, large families, farmworkers,  
356 families with female heads of households, and families and persons in need of  
357 emergency shelter). Further, the land cost and construction costs in Marin are  
358 some of the highest in the Bay Area yet they do not appear to have been factored  
359 into any reasonable analysis of feasibility, as required by law. Therefore, for the  
360 reasons cited here, the Plan is not in conformance with either SB375 or the  
361 Housing Element law.

362 SB375 Citation: Section 7 (a)9)(B) of SB375 reads: “*The analysis shall estimate*  
363 *the total cost of producing new rental housing that is comparable in size and rent*  
364 *levels, to replace the units that could change from low-income use, and an*  
365 *estimated cost of preserving the assisted housing developments.”* In addition  
366 Section 7 (4) directs the SCS and Housing Element law to: “*Conserve and improve*  
367 *the condition of the existing affordable housing stock, which may include*  
368 *addressing ways to mitigate the loss of dwelling units demolished by public or*  
369 *private action.”*

Public Comment on Draft Bay Area Plan (State Clearinghouse No. 2012062029): submitted May 10, 2013 by Robert Silvestri, [REDACTED]. Mill Valley, CA 9494: Needs Not Addressed by Plan Bay Area

Comment: Based on the analysis and commentary presented above (item #1), it is clear that the Plan fails to adequately analyze or compare the relative costs or opportunities to preserve existing assisted housing developments in locations such as Marin County. If it had, it would have concluded that renovation and rehabilitation of existing affordable housing in Marin is of paramount importance and it financially more economical and socially equitable than building new, high density, multifamily development. In addition the Plan completely ignores this practical and economical solution and does not in any way address ways to mitigate the loss of dwelling units demolished, or lost from service. Therefore, the Plan is not in conformance with either SB375 or the Housing Element law.

#### **4 – The Plan Fails To Resolves Its “Known Controversies.”**

On page ES-11, the Plan acknowledges unresolved controversies, and continuing on page ES-12 it further acknowledges that only some of these are addressed in the Draft Environmental Impact Report (DEIR) for the Plan.

Among those not addressed in the DEIR are:

*“(1) Whether the proposed Plan’s assumptions of future land use development patterns are feasible given that MTC and ABAG cannot regulate land uses at a regional or local level. ”*

Comment: Based on the analysis and commentary presented above, the Plan fails to adequately assess whether or not the Plan’s assumptions of future land use development patterns are feasible in Marin County and other similar locations. If the Plan had considered all factors, it would have to have concluded that it single-minded promotion of high density, multifamily development would not adequately address the actual and critical affordable housing needs in Marin or similar locations, and that the development of large, high density, multifamily housing projects in Marin would be in conflict with many of the existing plans and

C156-2

Public Comment on Draft Bay Area Plan (State Clearinghouse No. 2012062029): submitted May 10, 2013 by Robert Silvestri, [REDACTED]. Mill Valley, CA 9494: Needs Not Addressed by Plan Bay Area

regulations of Marin's local jurisdiction with regard to high limits, parking requirements, zoning density regulations and local general plans. An example of this kind of "conflict" with local regulations would be the proposed Planned Development Area (PDA) in San Rafael at the Civic Center where the Plan's proposed housing density is greatly in excess of the city's general plan proposed densities. The city's general plan calls for a maximum development density of 620 units in that location that are two to three stories in height. MTC, in its grant agreement with the City of San Rafael, requires the recipient to "maximize housing," which resulted in a study by the city concluding that the general plan maximum could be raised to over 1,100 units in the PDA, despite providing no evidence of how the potential impacts would be mitigated and over the vociferous objections of the majority of residents who commented on the proposal. All public input suggests that this kind of proposed density is not economically, social or environmentally feasible, sustainable or desirable in Marin, yet there is no evidence of responsiveness to that in the Plan.

*"(2) Concerns about whether the degree and scale of growth proposed within existing communities would alter their appearance, quality of life, and affordability, and whether it would conflict with the existing plans and regulations of the local jurisdiction."*

Comment: Based on the analysis and commentary presented above, and the preponderance of public comment on the Plan, locally, it is clear that the Plan fails to adequately assess its assumptions about the impacts of the degree and scale of growth it proposes on existing communities in Marin County and other similar locations. The Plan's single-minded promotion of large scaled, high density, multifamily development will dramatically alter the appearance, quality of life, and by the Plan's own admission, the affordability of housing in all Marin communities that are typically one to three story development and generally suburban or rural in nature. In addition, the scale of development being proposed

C156-3

Public Comment on Draft Bay Area Plan (State Clearinghouse No. 2012062029): submitted May 10, 2013 by Robert Silvestri, [REDACTED] Mill Valley, CA 9494: Needs Not Addressed by Plan Bay Area

would be detrimental to the quality of life, contradicting and ignoring the requirements of SB375 to be sensitive to this outcome.

*“(3) Concerns that increased concentrations of population in focused areas would overwhelm existing public services and utilities such as parks, police and fire services, water supply, etc.”*

Comment: The types of large scaled, high density, multifamily, low income projects that are proposed and analyzed in the Plan are inconsistent with the way sustainable planning and growth can succeed in Marin County, and since low income housing projects do not pay property taxes for vital city services, the Plan places an unsustainable financial burden on Marin’s financially stretched small cities and unincorporated areas. The Plan offers no comment or solutions or financial mechanisms to assist small Marin County cities in dealing with these fiscal challenges and is therefore infeasible, as defined in SB375, and not in compliance with SB375’s requirements for an accurate assessment of these impacts, or the California State Constitution’s ban on unfunded mandates that can unfairly and without adequate compensation, financially burden cities. For example, as a result of the RHNA quota system and SB375, and as endorsed by the Plan, a proposed PDA development in the Marinwood neighborhood in San Rafael would increase primary school and middle school enrollment by more than 40 percent. This places an impossible financial burden on one community that will ultimately be detrimental to all its residents of all income levels. These types of outcomes are evidence that the Plan fails to adequately resolve or consider development impacts that will overwhelm existing public services and utilities such as parks, police and fire services, water supply, etc., as required by SB375.

#### CONCLUSIONS:

The Plan and the Plan Alternatives are not in compliance or conformance with many of the requirements of SB375 or the State Housing Element Law. Building

C156-4

C156-5



Public Comment on Draft Bay Area Plan (State Clearinghouse No. 2012062029): submitted May 10, 2013 by Robert Silvestri, [REDACTED]. Mill Valley, CA 9494: Needs Not Addressed by Plan Bay Area

more and more housing without commensurate jobs growth first, places and unsustainable financial burden on Marin County cities and unincorporated areas which can lead to potential bankruptcy for small cities (e.g. Vallejo, Modesto and San Bernadino). The Plan ignores the local land use and social, economic and physical / natural constraints in Marin County and similar locations, as required under SB375. The Plan's planning approach and skewed incentives toward large scaled TOD will contradict local efforts to promote the development of the types of affordable housing actually needed in Marin County and similar locations. If the goal of our housing laws is to provide adequate affordable housing opportunities for all income groups and particularly for those most in need (as defined in each particular location) then the Plan, as written, fails in every way to achieve that.

Examination of the Bay Area Plan and the DEIR shows that the Plan fails to satisfy the requirements of SB375 because it fails to prove that the Plan or any of the Alternatives will actually achieve the goals of providing a significant amount of housing and affordable housing for future demographic needs. The analysis presented by the Plan is neither feasible nor reasonable to achieve Marin's future housing needs, and therefore fails to conform to the requirements of SB375 and state Housing Law.

The over-riding question is why have so many mandatory provisions of SB375 and the State Housing Law, and so many considerations for feasibility, local quality of life, land constraints, economic realities and actual housing needs, been summarily ignored in the Plan's analysis and its proposals? In light of the comments and analysis noted herein, on what basis can the Plan justify its conclusions and proposals?

## **Final Comments**

Although SB375 clearly separates its requirements from mandatory conformance by local governments in creating their general plans and making

Public Comment on Draft Bay Area Plan (State Clearinghouse No. 2012062029): submitted May 10, 2013 by Robert Silvestri, [REDACTED]. Mill Valley, CA 9494: Needs Not Addressed by Plan Bay Area

local land use decisions, there is a stark difference between what is technically required and the reality created by the nexus of Housing Element Law, SB375's Sustainable Communities Strategy, the Plan, the RHNA quota process and the MTC / OBAG grant and transportation process. The Regional Transportation Plan (RTP) ("Transportation 2035" is the Bay Area's RTP and allocates funding to regional transportation) contains an internal consistency requirement. This consistency requirement impacts cities and counties because the "Metropolitan Planning Organization" (MPO – MTC and ABAG) only award funding to projects that are consistent with the "Sustainable Communities Strategy" (SCS). Therefore, the incentive for cities to receive funding - or rather the threat of being denied funding - gives local governments a good reason to draft their general plans and zoning ordinances and land use regulations in ways that are consistent with the Plan and the SCS. Combine this with the fact that under the Regional Housing Needs Allocation (RHNA), state law and the process of certification from HCD, a local government is required to amend its Housing Element and rezone its land in order to accommodate the quantity of housing it is assigned under the RHNA. So in effect local government is being required to implement major aspects of the SCS, whether or not they want to or it makes any economic sense or addresses their actual affordable housing needs, and thereby losing local control of their planning and zoning despite the provisions of SB375 that disclaim that responsibility. With this being the case, the Plan's strict conformance with all the provisions and requirements of SB375 and state Housing Law, as discussed in this comment, become even more critical.

As indicated in this comment letter, the Plan fails to conform to the requirements of SB375 in numerous areas, making its proposals and programs unsuitable for achieving the goals of that legislation for most ex-urban, suburban and rural communities impacted by the Plan in the Bay Area.

## Plan Bay Area 2040 Final Environmental Impact Report

**From:** Athena McEwan <[REDACTED]>  
**To:** "ksears@marincounty.org" <ksears@marincounty.org>, "skinsey@marincounty.org" <skinsey@marincounty.org>, "jarnold@marincounty.org" <jarnold@marincounty.org>, "info@OneBayArea.org" <info@OneBayArea.org>, "eircomments@mtc.ca.gov" <eircomments@mtc.ca.gov>, "krice@marincounty.org" <krice@marincounty.org>, "novatocouncil@cityofnovato.com" <novatocouncil@cityofnovato.com>  
**CC:** Brad Breithaupt <bbreithaupt@marinij.com>  
**Date:** 5/11/2013 4:24 PM  
**Subject:** ABAG/MTC/County-Wide Plan totally debunked

This has been widely disseminated in Mill Valley, and has received strong citizen support, including me. From comments made publicly by Marin County Supervisors, it is clear that some, if not all, are not familiar with the proposed One Bay Area Plan in detail. With all due respect, many of us think it's time you started reading and analyzing.

Athena McEwan

> The Bay Area Plan Fails to Solve Our Affordable Housing Needs In Marin County

> By Bob Silvestri

> Posted on May 11, 2013 at 10:07 am

>

> The following letter was submitted to the Metropolitan Transportation Commission as a public comment on the Draft Bay Area Plan and its Alternatives. Please note that public comments must be submitted by no later than 4:00 PM, May 16th.

> .....

>

> INTRODUCTION

>

> Per Senate Bill 375 ("SB375"), a statutory requirement of the Sustainable Communities Strategy ("SCS") and Plan Bay Area and its Alternatives is to "house the region's projected growth by income level (very-low, low, moderate, above-moderate) without displacing current low-income residents in addition to providing adequate housing for anticipated regional growth." The Sustainable Communities Strategy requires all Metropolitan Planning Organizations (MPOs) to create transportation oriented development plans as a means of achieving those goals.

>

C157-1

> However, a review of the Draft Bay Area Plan and the Plan Alternatives (the "Plan") and the Draft Environmental Impact Report (the "DEIR") for the proposed Plan indicates that the Plan fails to adequately establish reasonably proof of its efficacy in encouraging the development of affordable housing, and in particular the types of affordable housing and community development most needed in Marin County and other similar areas in the region covered by the Plan. In fact the Plan's proposals and implementation, as conceived, will work against achieving the goals of SB375.

>

> 1 – The Plan Will Not Address Our Actual Affordable Housing Needs in Marin County or Similar Bay Area Cities and Counties.

>

> As written, the Plan will contribute to the continuing loss of existing affordable housing and it will discourage and possibly preclude the types of affordable housing and community development that are actually most needed in Marin County and by most of the Bay Area cities and counties outside of the urban core areas (San Francisco, San Jose, Oakland). Please note the following comments to support this conclusion:

>

> The Plan essentially promotes only one affordable housing and growth solution: high density, transit oriented, multifamily development. However, the Plan fails to address, consider or even acknowledge other types of housing or our real affordable housing needs in areas like Marin. Because of this, the Plan is likely to have a counterproductive effect on that type of development needed most in most ex-urban, suburban and rural communities covered by the Bay Area Plan.

>

> The analysis that follows will show that rather than simply counting units, as the RHNA does, the Plan needs to analyze and facilitate the types of housing that are actually needed in each prototypical community in order to achieve its goals. For the purposes of this comment "prototypical community" is defined as each different type of community development pattern that is found in the nine county Bay Area, which will be impacted by the Plan.

>

> Definitions used in this analysis:

>

> "Urban" (San Francisco, San Jose, Oakland): Areas that have fully developed high density housing and public transportation systems in place.

>

> "Ex-urban" (Walnut Creek, Burlingame, Berkeley): Areas that have a mix of developed high density housing and some significant public transportation systems in place (e.g. BART).

>

> "Suburban" (Marin County cities, Danville, Saratoga): Areas that do not have significant high density housing development or significant public transportation systems in place and are unlikely to have significant public transportation systems in place in the foreseeable future.

>

> "Rural" (West Marin and many parts of Napa and Sonoma counties): Areas that have no high density housing development or significant public transportation systems in place and will not have significant public transportation systems in place in the foreseeable future.

>

> Marin County Suburban / Rural Example:

>

> Examination of the affordable housing needs of Marin County cities and its unincorporated areas results in a list of housing types that are not recognized or acknowledged by the Plan. Most of the actual affordable housing "opportunity sites" in small Marin communities are found in smaller, infill locations and not in larger land parcels located near our major freeway, Route 101 (the only actual transportation corridor in Marin

## Plan Bay Area 2040 Final Environmental Impact Report

County). This creates a disconnect between the solutions envisioned by the Plan and the reality that our county and cities have to work with when addressing the Regional Housing Needs Assessment quotas as prescribed in their Housing Elements.

>

> Infill and mixed-use, infill development opportunities will not benefit in any way from the methods or transportation oriented investments prescribed by the Plan.

>

> Furthermore, in most Marin communities, social, economic and demographic trends show that there are significant under-served populations that need different types of affordable housing than the high density, multifamily housing contemplated by the Plan. However, every one of the types of housing described hereunder and the low income residents who need them will not benefit from any types of support, subsidy or investment noted in the Plan.

>

> The types of housing needed in Marin County that are not supported or promoted by the Plan include:

>

> Low income housing integrated into existing communities: These would predominately include, small scaled, low density, mixed use, retail and residential, and stand-alone duplex, triplex and fourplex housing. These represent the vast majority of housing growth opportunity sites in Marin.

>

> Housing for the elderly and assisted living facilities: A rapidly growing need, these would include a variety of types that are either not addressed by the Plan or not recognized by RHNA as qualifying units.

>

> Housing for people with disabilities and special medical needs: This is a growing need that remains under-served. In light of well accepted data on health and pollution, it is not recommended that this demographic group live in proximity to major highways or other sources of air pollution. So even if multifamily housing was developed according to the guidelines on the Plan, it would be putting this population in harm's way. Please also note that this correlation between proximity to freeways or major rails lines (e.g. Marin's SMART train) also applies to anyone suffering from emphysema, asthma, heart conditions, cancer or other serious illnesses, and there is growing evidence that there is also a correlation with instances of autism.

>

> Homeless shelters and abused women's safe houses: This is another area where housing need is increasing that is under-served and largely unrecognized by the RHNA quota system since almost all shelters are communal living. This is an instance where Housing Element law and the RHNA quota system are in conflict with SB375, a conflict that remains unresolved in the Plan. In addition, shelters and safe house facilities are most advantageously located within existing communities, which in the case of Marin means they will not be in direct proximity to Highway 101 or significant public transportation, and not best suited for transportation oriented development.

>

> Live/work opportunities such as lofts and cooperative housing: There is an increasing demand and need for live / work housing opportunities and housing for those choosing or requiring alternative lifestyles. These units are typically only partially or sparsely finished and therefore by definition generally more affordable. The opportunities for these types of projects are typically on marginal land near suburban downtowns where there is little public transportation besides occasional bus routes.

>

> Co-housing: Co-housing may be one of the biggest emerging trends in housing that is likely to impact the types of housing built over the next 20 years, particularly in places like Marin County. In these situations residents design and/or operate their own housing solutions (typically a hybrid of multifamily, townhome and zero lot, single family homes) and share common grounds, supporting recreational facilities or gardens, and often communal cooking / kitchens and dining areas. It is also typically moderate density development. Ownership is either fee simple or a form of condominium or both. This very important housing type has significant advantages because it frees up larger existing housing (as older residents downsize and move to smaller co-housing), it conserves land use, reducing auto use for socializing, and is generally less energy intensive. However, under RHNA and therefore the Plan, the way units are "counted" against the RHNA quota, a 35 unit project with a communal kitchen would be counted as one living unit of housing. This would discourage any city from assisting in this type of development. In addition, these kinds of projects are almost always in suburban or rural locations which are preferred by the owner/developers. The Plan, as it is written, with its emphasis on transit oriented development, actually discourages this important housing trend. Some examples of co-housing applications include communities for active seniors, migrant and seasonal worker housing, homeless and family transition housing, young singles housing and micro unit complexes.

>

> Apartment building preservation, reconfiguration and substantial rehabilitation: Renovation and rehabilitation of existing market rate, affordable housing projects is probably the biggest need and the biggest impact opportunity in Marin County in terms of preserving communities, allowing existing affordable housing residents to remain in place, and improving the lives of those most in need of assistance (a required criteria under SB375). This is in evidence in areas such as the Canal District in San Rafael and Marin City. However, as written, the Plan does not in any way acknowledge or encourage this need. To continue to promote the construction of new, highly impactful, high density projects while allowing existing affordable housing to fall into disrepair or worse, disuse, makes no social or economic sense whatsoever.

>

> Prevent the Loss of existing public affordable housing: A related category of affordable housing need would include existing public housing units that are falling out of service due to the expiration of Housing Assistance Payments (HAP) Contracts, loss of economic use due to aging structures and too much deferred maintenance, or the voluntary withdrawal from the Section 8 program by the landlords. This is true throughout Marin and is evidenced by Marin County Housing Authority historical records. The annual loss of units in this category is a significant public housing problem in Marin and other Bay Area counties that the Plan does not address or acknowledge. The lack of federal or state funding (subsidies, tax credits or other financial incentives) to support the preservation of this essential affordable housing stock adds to the problem. Again, for the Plan to promote the construction of new, high impactful, high density projects while allowing existing affordable housing to fall into disrepair or worse, disuse, is a waste of public funds and makes no social or economic sense whatsoever.

>

> Building conversions from commercial to mixed use residential: Another major affordable housing opportunity throughout Marin, and places like it, are existing structures that lend themselves to conversion to residential and residential mixed use (commercial or retail) redevelopment. The Plan's single minded proposal to support only the development of new, high density, transit oriented development, ignores more economical and socially beneficial solutions.

>

> Sweat equity opportunities: The implementation of deed restricted, for sale housing as a sustainable affordable housing solution has been discredited over the past decades in many cities where it's been attempted (e.g. San Francisco). Deed restriction on for sale housing amounts to nothing more than a form of indentured servitude that is contrary to why anyone buys a home (for equity appreciation). Similar to the "live / work" opportunities described above, a better solution is "sweat equity" opportunities where low income owners can attain ownership or co-ownership with an equity partner, who they will share the appreciation upside with, or have the opportunity to pay off their equity partner / lender (equity plus interest) upon resale. However, they still get to directly benefit from the rewards of ownership and their hard work to improve and maintain their home. This method is effective for either new housing or existing housing purchase programs. However, because it does not generally create new housing units, it is ignored by RHNA and consequently ignored by the Plan.

>

> Very small starter rental and condo units: These include housing for singles, single parent households and young couples, often called "micro units," and is another emerging housing type. However, in Marin, this again lends itself more to smaller scaled, infill, mixed use development that is atypical, both in location and proximity to significant public transportation options, than what is supported, analyzed and promoted by the Plan.

## Plan Bay Area 2040 Final Environmental Impact Report

**From:** barbara brookins [REDACTED] m>  
**To:** <info@OneBayArea.org>  
**CC:** <skinsey@marincounty.org>, <krice@co.marin.ca.us>, <peklund@novato.org>  
**Date:** 5/16/2013 4:50 PM  
**Subject:** concerns on One Bay Area....DEIR comments

Dear County Advisors....I have great concerns about issues that are not being discussed or allowed to be discussed in public forums.

They are:

C158-1

- Unrealistic job and housing numbers
- Inadequate evidence that high density housing near transit reduces green house gases (GHG)
- Inadequate evidence that the transportation plan reduces GHG
- Evidence that this plan increases costs for housing and transportation among low-income households
- Inadequate information re: water supply, sea level rise, and support for infrastructure
- 5 significant, irreversible environmental changes and 39 significant unavoidable impacts of the plan, identified in the EIR, should not be dismissed with findings of "overriding consideration."

I would appreciate a response and inclusion of this comment e-mail in your staff summary report

Thank you, B Brookins

# Plan Bay Area 2040 Final Environmental Impact Report

**From:** James Campbell [REDACTED] m>  
**To:** barbara brookins <[REDACTED]>  
**CC:** <info@onebayarea.org>, <skinsey@marincounty.org>, <krice@co.marin.ca.us>, <peklund@novato.org>  
**Date:** 5/17/2013 7:31 AM  
**Subject:** Re: concerns on One Bay Area....DEIR comments

Hi Barbara,

Thank you for your interest in this issue. I wish you had come and spoke at City Council like some other members of the public. We made some comments on the draft EIR that are being presented from the city. I have attended two public hearings and the TAM meeting for Plan Bay Area ( seven hours almost as long as the longest planning commission meeting I attended) as well as the sustainable communities sub committee for Marin that I am a member of. I can tell you by and large no body is supporting this plan as is. All those comments will need to be addressed before anything moves forward. Some very basic and real issues have not been touched on, like the planned development in flood plains, the unrealistic growth projections, as well as the issue I raised, which is our limited water resources in Marin, we hardly have enough for our current population let alone and increase of 700,000, the current size of San Francisco.

I am very impressed you were able to get all of the EIR read in such a short time, I did not get through it, and have had to rely on many people smarter than me to explain what is going on so your input is greatly appreciated

Very Best,

James

On Thu, May 16, 2013 at 4:49 PM, barbara brookins <[REDACTED]> wrote:

> Dear County Advisors....I have great concerns about issues that are not  
> being discussed or allowed to be discussed in public forums.  
>  
> They are:  
>  
> · Unrealistic job and housing numbers\*\*\*\*  
> · Inadequate evidence that high density housing near transit  
> reduces green house gases (GHG)\*\*\*\*  
> · Inadequate evidence that the transportation plan reduces GHG\*\*\*\*  
> · Evidence that this plan \*increases\* costs for housing and  
> transportation among low-income households\*\*\*\*  
> · Inadequate information re: water supply, sea level rise, and  
> support for infrastructure\*\*\*\*  
> · 5 significant, irreversible environmental changes and 39  
> significant unavoidable impacts of the plan, identified in the EIR, should  
> not be dismissed with findings of "overriding consideration."  
>  
> I would appreciate a response and inclusion of this comment e-mail in your  
> staff summary report  
>  
> Thank you, B Brookins  
>

--  
James Campbell  
[REDACTED]

\*  
\*

## Plan Bay Area 2040 Final Environmental Impact Report

**From:** Kathi Ellick <[REDACTED]>  
**To:** <info@OneBayArea.org>  
**Date:** 5/17/2013 8:11 AM  
**Subject:** DEIR

I have just heard about the possible planning changes for the Los Ranchitos Area.  
I would like to submit my comments regarding this proposal

**C160-1** First of all, I would like to request an extension of the deadline for comments. I live in NY and depend on email contact. I didn't have time to respond until now.

The following points are important to review when presenting this proposal for Los Ranchitos:

There will be significant environmental changes and significant impacts that the EIR points out.

**C160-2** The proposal doesn't have a realistic job and housing numbers..These numbers that are imposed by the state , show inadequate evidence that high density housing near transit reduces green house gases.

**C160-3** There is inadequate evidence that the transportation plan reduces Green House Gases.

**C160-4** This plan increases costs for housing and transportation among low income households.

**C160-5** There is inadequate information about the water supply and how that will be impacted.

I'm sorry that I wasn't able to attend any meetings.

Kathi Ellick

[REDACTED]  
San Rafael

Think Green! Please do not print this e-mail unless necessary



## Plan Bay Area 2040 Final Environmental Impact Report

**From:** Ronette King [REDACTED] >  
**To:** <info@onebayarea.org>  
**CC:** <sadams@marincounty.org>, <leyla.hill@gmail.com>, <skinssey@marincounty.org>, <krice@co.marin.ca.us>, <und@novato.org>  
**Date:** 5/16/2013 3:24 PM  
**Subject:** DEIR and SEIR

Dear Sirs,

I am a resident of Los Ranchitos .

Please see my comments below for both the DEIR and the SEIR .

**C161-1** Both of these reports are dense and enormous reading requiring far more time than the county has given us to understand them. In both cases I believe we need an adequate extension on there deadline.

**C161-1.5** It is very upsetting that no residents of Los Ranchitos were given any notice that their neighborhood was being considered for rezoning. Any densification of part of it affects all of it.

This is a peaceful, natural setting that was designed to offer a unique country setting free of the problems of dense housing. It's country way of life is one of a kind in Marin and is exactly what attracted us to buying here twenty years ago. Densifying los Ranchitos would destroy the last vestiges of what Marin County was meant to be.

As a former Design Review Board member for Larkspur, I am well aware of what the 30 units of housing per acre can look like...the opposite of our open, and natural setting! It will be a physical closure along Los Ranchitos facing the railroad tracks. The environmental impacts are a huge concern and will be for this entire neighborhood. This is to say nothing of the unpleasant bicycling, walking, and driving experience that los Ranchitos will provide..

**C161-2** Re the Plan Bay Area : The job and housing numbers imposed by California are unrealistic for our area. There is no huge jump in job growth here and hypothetical job growth is contingent on a wide variety of factors. There also is no adequate evidence that high density housing near public transit reduces greenhouse gasses.

**C161-3** This plan may increase costs for housing and transportation among low-income housing and there is insufficient information on environmental issues such as water supply and general support for infrastructure.

**C161-4** In all, there are significant environmental changes and unavoidable impacts of the plan identified in the EIR, that should be addressed regardless of findings of overriding considerations. With these proposals for such heavy density there is a lot to be damaged and irreversibly spoiled for us all.

Sincerely,

Ronette King

[REDACTED]

San Rafael, Ca.

## Plan Bay Area 2040 Final Environmental Impact Report

**From:** <JLucas1099[REDACTED]>  
**To:** <info@OneBayArea.org>  
**Date:** 5/21/2013 12:01 PM  
**Subject:** Draft EIR Plan Bay Area -April 2013 - SCH #2012062029

Association of Bay Area Governments  
Metropolitan Transportation Commission  
May 21, 2013

RE: SCH #2012062029 DEIR Plan Bay Area

Dear Commissioners,

Afraid I am no longer as adept at bean counting as I once was. In short am having trouble coordinating all the prospective project RTP ID contract numbers with affected locales, streams, wetlands and physical features.

**C162-1** My rough estimate is that affected streams, Waters of the US and wetlands constitute double the acreage allotted in this DEIR, though am still struggling to cite chapter and verse, and that there is no way ABAG and MTC can find commensurate mitigation habitat to compensate loss for Santa Clara County species affected.

Over past decades have witnessed irreversible impacts that your projects have had on anadromous fisheries and wetlands and ultimately have observed that mitigation sites have fallen into degraded, dysfunctional plots. Phone call queries to VTA and CalTrans are absorbed into the ether.

**C162-2** However, more basic still to Plan Bay Area is the vague or overblown assessment of water resources that are now or that will be available to Bay Area populations. Most of region's water supply lines and reservoirs are either adjacent to or on earthquake faults, and underground aquifers are equally susceptible to quake alteration along extensive foothills of the Santa Cruz Mountain Range.

PUC has attempted to place realistic caps on amounts of water supply that their customers can expect to receive and believe your plan needs to reflect such constraints. Calaveras Dam upgrade has encountered a problem with landslides so its ultimate capacity may fall short of expectations. San Francisco's reservoir system along San Andreas fault stood up admirably in Loma Prieta quake but quakes do differ dramatically.

**C162-3** In regards the diminished Sierra snow pack, this year may be only the forerunner of a drought cycle. Birds of the Pacific Flyway may be able to alter their migratory routes somewhat to survive unfavorable conditions in their food supply grasslands and marshes, but to move Bay Area human populations east to Missouri for a summer is not really an option. In short, do believe your population projections are overloading the camel.

**C162-4** At other end of the water issue is global warming with its attendant rise in ocean levels and storm intensity. Do not feel this element of inherent constraints of our San Francisco Bay Estuary is incorporated in highway upgrade priorities or in protection of future resident population densities. Where are updated FEMA maps? Shouldn't Highways #237 and #37 be upgraded as causeways above inevitable floodplains?

**C162-5** Considering the two dozen streams that your projects intercept in Santa Clara County, believe any increase in storm intensity and stream flows must alter hydrology, setback levees and the depth of riparian corridors. As believe may have stated earlier, you should be considering canals not clover leaves. Source of this thought is that when breached Guadalupe River levee emptied into underpass of #87 it saved downtown San Jose from more severe flooding. These contingencies are hard to plan for but should be at least a consideration.

In short, guess can only say that believe this plan is focused on retro housekeeping rather than realistically planning for future. Might add that extent of limits of our society in keeping up infrastructure is commented on in recent news items in SF Chronicle "tawdry ruination of terminals that make up New York's LaGuardia...and then to drive into Manhattan over

potholed highways, past shoulders cluttered with trash and weeds, under bridges  
bristling with tangles of rusty rebar protruding from crumbling concrete  
hardly inspires confidence in our ongoing prowess." and "Bits of the old  
"Medea" cling to the rising waters of a climate change challenged new  
world"...Believe this is not just literary hyperbole but public consciousness of  
reality.

C162-6

And then, in Palo Alto's Daily Post yesterday's headline reports 'Traffic  
mayhem' showdown in City Council meeting as 'Residents fight project that  
they fear will make streets even more unsafe'. With this in mind I would  
question wisdom of Project #240506 which widens El Camino Real adjacent to Palo  
Alto High School where countless students cross over to Town & Country  
Village for lunch and residents to Stanford athletic events and #21787 that  
enlarges CalTrain/Bus Transit Center at expense of parkland and Sequoia  
grove.

C162-7

Quality of life, and neighborhoods with safe walking and cycling streets  
are of equal importance as regional concerns for commute traffic gridlock,  
if not more so. One Bay Area Plan needs consider that bigger is not better  
and certainly is not cheaper. (ie.HOV lanes are more democratic than pay as  
you go express lanes?)

Will transmit this now and hopefully appendices charts and comments will  
follow by regular mail today.

Libby Lucas

Los Altos, CA 94022

PS: Might mention that once was sent to interview Robert Moses on what  
happened to 16 golf courses that used to be found in and around Manhattan and  
he described how each was needed for highways, shopping centers etc. Believe  
was supposed to generate a humorous piece but was never able to put pen to  
paper, as it made me so sad. This is why hope you can appreciate Chronicle  
article on defunct Long Island highways.

San Jose, CA

May 16, 2013

MTC

Carolyn Clevenger

101 Eighth Street

Oakland, California 94607

Dear Ms. Clevenger:

I am writing in regards to the Plan Bay Area Draft EIR, specifically on air quality impacts.

I have the following questions:

- C163-1 1. Where in the air quality analysis does the DEIR include Children's Environmental Health Protection Act (Senate Bill 25, Escutia, Chapter 731, Statutes of 1999, Health and Safety Code Sections 39669.5 et seq.)?
- C163-2 2. In the DEIR, page 2.2-82: "According to BAAQMD, the dispersion modeling for San José is anticipated to be completed in spring 2013. ..."Where a proposed project is consistent with an adopted CRRP, the impact would be less than significant (LS)."
  - a. Please provide an updated timeline for the City of San Jose's CRRP?
  - b. In addition, can you please provide impact analysis if the City of San Jose does not complete the CRRP or approved by decision-makers. What would be the significance levels without a CRRP?
- C163-3 3. Can the DEIR include a detailed environmental air quality setting for each county or at least for cities requiring a CRRP? Does this include the various topographical regions and microclimates? Many local jurisdictions lack the technical expertise in air quality to adequately review the magnitude of change from the existing environmental setting.
- C163-4 4. Can the DEIR include a summary table of health outcome from various air pollutants and sources such as shown on CA Air Resources Board's website <http://www.arb.ca.gov/research/health/fs/fs1/fs1.htm> ?
- C163-5 5. Where and to whom can the public contact with air quality and health questions for proposed projects? Which public health departments or other responsible agencies?
- C163-6 6. Can you please provide an impact analysis and explanation for **each** of the "Figures 2.2-4 through 2.2-21 which show GIS spatial analysis (p. 2.2-40). "In general, the figures show that areas over the threshold tend to occur along high traffic....." One sentence is inadequate to explain 17 maps and lacks rigor.
- C163-7 7. Appendix E: Air Quality Analysis Methodology: GIS Cumulative Analysis p. E-11. Can you please provide a full disclosure instead of only providing two paragraphs? Please document the rigor of the scientific methods: the factors, years, where the data was obtained, etc..

- C163-8 8. Why did the DIER not include a Health Impact Assessment? Can you include the California Communities Environmental Health Screening Tool  
<http://oehha.ca.gov/ej/ces042313.html>?
- C163-9 9. Can you please include “**Environmental Justice at the Local and Regional Level Legal Background**” and how these laws are applicable to this DEIR?  
<http://oag.ca.gov/environment/ceqa/planning>  
[http://oag.ca.gov/sites/all/files/agweb/pdfs/environment/ej\\_fact\\_sheet.pdf](http://oag.ca.gov/sites/all/files/agweb/pdfs/environment/ej_fact_sheet.pdf)
- C163-10 10. Can you please include climate change’s unequal impacts applicable to this DEIR?  
<http://oag.ca.gov/environment/climate-change/unequal-impacts>

Thank you,

Ada E. Márquez

## One Bay Area Plan - Comments on the Draft EIR

To all concerned

Did you know that the City of Berkeley had only a compact disk and no hard copy of the Plan Bay Areaa draft EIR in its Main Library for the people of Berkeley

The disk it difficult to read for this huge EIR as most readers would need to look back and forth at charts, maps, legal concepts, and definitions of the many uncommon acronyms.

I only heard about this PBA EIR document “through the grapevine” from an Albany resident last Thursday! .Since then I have talked to some 20 Berkeley activists, most who knew nothing about this very important subject. Some residents agreed to look at this (draft) EIR and try to comment on a topic. But most of these people, possibly all, have given up, confused by the all strange acrnymys, concepts, and the volume of this 1300 page report on line! This project need to be recirculated,advertised and comment period extended for avery reasonablelength of ltime.

My question to you is - How come not one of those community leaders mentioned above, and from all over Berkeley - East, West- North, South and Central, had a clue about this Plan and deadline?

Berkeley is known all over the world as a city that cares and we certainly care about the environment and protection of our planet from Global Warming.

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## Comments on the EIR

- 1.) I have a concern re your definition ( in your draft EIR Glossary) and your strategy for taxing VMT (Vehicle Miles Traveled) in Berkeley and other similar cities.

The glossary definition -

says essentially that the VMT tax on Berkeley’s taxpayers will include charges for ALL cars entering and exiting the City of Berkeley. This therefore means the VMT tax will count cars that enter and exit Berkeley to visit, work at, or attend the University and The LABS, although the University will NOT be responsible for their share of this bill because the University is considered separate from Berkeley proper! So Berkeleyans will pay for the University and LABS share of cars entering and exiting Berkeley. And think about it, we do that already for road maintenance and more, much of the time.

And this tax on Berkeley citizens will continue to grow as UC and The Labs grow in population of commuters and visitors.

Furthermore, because Berkeley taxpayers have been steadily losing their parking lots and spaces in the city under city policies for the last 10 years, and often residents are ticketed with steep fines, those that must or choose to drive are being discouraged from shopping in Berkeley and are therefore encouraged to drive elsewhere where parking is easier for

shopping. But this increases driving and GHG and therefore the VMT taxes. as residents must drive in and out of Berkeley. This is not helping the GHG situation but making it ridiculous and worse.

Berkeley's parking strategy for residents (TDM— another little known acronym) deliberately eliminates resident parking and or makes it difficult for residents. But the TDM strategies remove resident parking while letting UC Berkeley which has over 6000 –some parking spaces of their own and yet is taking over and using more and more city of Berkeley parking, land, and buildings. This encourages UC vehicles to commute or visit UC via driving into Berkeley, and this encourages GHG and pollution, traffic jams and accidents in Berkeley. including danger to pedestrians, bikers.

Furthermore UC businesses rarely use restaurants, theaters, music and arts venue that residents patronize as UC has their own food services and entertainment. So as residents parking is steadily decreased and UCB is taking much of it (see CCTimes April 18 2013) residents will lose their movie theaters and favorite places, and quality of life. Already the promised Library Parking, validated parking for residents who pay a huge library tax every year, has been “forgotten”. The strategy we see here taxes residents increasingly while taking pools (2), schools (many), senior centers ((2), and so on, cumulatively and lets the University off the hook.

Meanwhile the walkability of our walkable green city is being increasingly paved and degraded, which causes Global Warming, but the paving over, cutting trees, shadowing and blocking cooling winds from existing buildings causes need for more heating and cooling causing more GHG from increased use of gas and electric.

C164-3

2.) The Transportation strategy that concentrates big buses on main corridors.

and to be used for transportation for “the historically disadvantaged”. Buses on smaller streets will be eliminated. This will hurt hill residents and folks like seniors and disabled students and those who do not live near bus stops. Those who are forced or encouraged to drive will increase our GHG. They exit and reenter the city and increase our Carbon Tax. “The historically disadvantaged”. will live, work, and wait for buses on diesel polluted corridors getting disproportionately very high rates of asthma and illness.

C164-4

3.) PCD

Have been refused in Berkeley because Developers want the land-

A.) Strawberry Canyon ecol Study Area wildlife riparian Lenert A corridor between parks trees and grasslands sucking C and GHG etc from air fresh ox cooling planet providing habitat for endangered species. UCB wants to develop huge energy consuming polluting where they

--B.)

Berkeley Waterfront Fishing Peer oysters burrowing owls bird flyway gentle nonpolluting water activities like wind surfing, sail boating Shorebird Park, his Lordship

City wants polluting diesel ferry which triggers cars galore huge parking paving, eliminating landscaping. If we are serious about preventing Global Warming we need to protect the Bay and landscaping. SF Bay is one of 5 huge estuaries on earth that have shallow sunlit water so when healthy the plankton are sucking Carbon from the air and releasing pure oxygen. The oysters the birds the gentle uses are good. Paving the earth and construction for diesel ferries and LBNL and other labs harm We can have a solar hydroplane ferry docking at existing facilities that will minimize damage to the environment.

Why has ABAG etc refused PCA and bay protection

Deals for developers: the University and the LBNL have huge earth paving water polluting Labs housing and office they are no invested in saving the earth the Bay and our Planet. Marshland healthy estuary prevents sea level rising. Transit Village

C164-5

3.) Priority Conservation Areas: Berkeley's Avenues such as main corridors like S P, U Ave Shattuck are all designated PDA which allows for massive development and Streamlining CEQA—under this Plan (SB 375-) this will potentially and incrementally destroy our beautiful historical landmarks as well as beautiful mature trees , which actually suck CO2 , methane and pollutants out of the polluted air an thy release pure fresh oxygen.

Since 35% of global warming gases are created by new construction—making cement , alumni windows etc

The demo and const causes badly polluted air

The tall buildings block sunshine and cooling breezes causing people to use more energy (natural gas and electricity with Gigs) to warm and cool their homes

What is gained green money in the pockets of developer, kickbacks to powers-that-be. Big Corp, Big buildings, Big buses, and a ruined planet Earth.




## COMMENTS ON THE PLAN BAY AREA (SCS) DEIR, May 2013

- C165-1** | Some results in the Plan Bay Area DEIR are implausible. For example, it predicts a drop of over 90% in the growth rate of bicycling that we currently observe. This and other anomalies undermine confidence in the DEIR results and conclusions.
- C165-2** | The San Francisco MTA (Metropolitan Transportation Agency) reports a 71% increase in bicycling over the last five years, a growth rate well over 10% per year. The DEIR (Table 2.1-13) forecasts that, commencing in 2010, bicycle trips would increase only 60% over 30 years. Half of that increase can be ascribed to a greater population. Absent the effect of population, the growth rate would be about 1%. The DEIR does not address the sudden collapse in cycling growth rate. Similarly, despite the observed decrease in driving by millennials and the SCS emphasis on PDAs, walking trips would only grow at 1%.
- C165-3** | SB 375 anticipates that the SCS would shift trips from carbon-powered vehicles to modes that produce little or no GHG. Yet, under the proposed plan, observed shifts from driving to pedestrian and bicycle modes would practically cease, and would not resume. These are not credible outcomes. Perhaps the PDAs do not perform as hoped or the model is flawed. Whatever the case, we are prompted to ask what other DEIR results are questionable. In particular, are the carbon-dependent, driving numbers credible?
- C165-4** | The proposed plan includes numerous highway capacity expansions (Table 2.1-11). The text implies that these are inconsequential. The numbers tell a different story. Enough pavement would be laid to construct a two-lane highway from San Jose to Los Angeles. This would be a significant investment in travel by automobile.
- C165-5** | The increased capacity would invite more driving. Peer-reviewed studies show that capacity expansion facilitates land development and induces new traffic (latent demand). The pattern is consistent among metropolitan areas. The induced traffic means more VMT and more GHG. If the DEIR neglects induced traffic, its results for *Drive Alone* and *Carpooling* are not credible. They underestimate generation of GHG.
- C165-6** | The impact on VMT and GHG of each highway expansion project should be scrutinized with a focus on induced traffic. Since environmental consequences are independent of traffic origins, the scrutiny must extend beyond the Bay Area counties. According to the DEIR, the current model does not do so. Nor does it take into account the recently observed flat or downward trend of driving throughout the United States.

If re-examination of the highway projects confirms excessive GHG growth, designation of the proposed plan as the preferred alternative should be reconsidered.

Respectfully submitted,

Robert R. Piper, PhD

 Berkeley, CA 94703.

**THOMAS A. RUBIN, CPA, CMA, CMC, CIA, CGFM, CFM**

**Oakland, California 94602-1937**

e-mail: [tarubin@earthlink.net](mailto:tarubin@earthlink.net)

Metropolitan Transportation Commission  
Public Information Office  
101 Eighth St.  
Oakland, California 94607

May 16, 2013

*Re: Comments on ABAG's and MTC's Draft Plan Bay Area and Environmental Impact Report Plan Bay Area Draft*

Dear Sirs:

On behalf of Bay Area Citizens, I am pleased to submit: *A Population Forecast – The San Francisco Bay Area*, May 2013, prepared by Beacon Economics, attached.

This letter, and the Beacon Economics report, shall be included as comments on the Association of Bay Area Governments' (ABAG) and the Metropolitan Transportation Commission's (MTC) *Draft Plan Bay Area (Plan)*, March 2013, and *Environmental Impact Report Plan Bay Area Draft* (DEIR), April 2013, State Clearinghouse No. 2012062029.

C166-1

We at Bay Area Citizens have been concerned that population projections of the *Plan* and DEIR for 2040 appeared quite high to us. Since population projections have very significant impacts on many important elements of the *Plan* and DEIR, we asked Beacon Economics (Beacon) to perform an independent, unbiased analysis of the methodology utilized by the demographic consultant to ABAG who prepared the projection, with particular attention devoted to the projection of Bay Area jobs, which is one of the key drivers of such projections, particularly in the case of the projection utilized by ABAG's consultant in its 2040 projection. We also tasked Beacon with developing its own Bay Area 2040 population projection and with collecting and reporting projections made by other reputable entities that have prepared Bay Area population projections for 2040.

As documented in their report, Beacon does not concur with important aspects of the methodology utilized by ABAG's consultant. Its own 2040 population projection was significantly lower than that utilized by ABAG and MTC in the *Plan* and DEIR.

What is perhaps the most important finding of the report for the current purposes is that four entities, very experienced in making such projections, Beacon, the State of California Department of Finance, Caltrans, and IHS Global Insight, have projected Bay Area population growth to 2040 between 1.283 and 1.695 million, while the ABAG projection is growth of 2.077

**Comments on ABAG's and MTC's Draft Plan Bay Area and Environmental Impact Report**  
**Plan Bay Area Draft** **Page 2**

million to that date – 39% higher than the simple average of the four other projections, 1.499 million. The ABAG consultant's projection is the outlier, and by a considerable margin

From the Beacon report, and the other population projections prepared by other independent experts, we conclude:

- C166-2 1. The ABAG jobs and population projection are significantly higher than the range of estimates from well-recognized authorities.
- C166-3 2. Projecting significantly more jobs, and more people, than is likely to actually occur means more travel, than is likely to occur – and the vast majority of this extra travel will be taken on non-transit motor vehicles (expressed in Vehicle Miles Travelled [VMT]), resulting in a significant over-projection of the likely level of VMT in the Bay Area in 2040.
- C166-4 3. This resulting unwarranted over-projection of VMT will cause CO<sub>2</sub> and other emissions to appear to increase more than proportionally than the over-projected VMT because, as VMT increases and approaches and exceed road capacity, congestion increases rapidly, which significantly increases energy usage and all emissions per VMT.
- C166-5 4. Therefore, the over-projection of job and population growth in the *Plan* and DEIR results in significantly over-stated CO<sub>2</sub> and other emissions in the 2040 projection year. Since this outcome is not based on the best scientific knowledge and analysis, it must be rejected, and replaced by projections based on mainstream consensus.
- C166-6 5. Further, by overestimating population growth, the *Plan* and DEIR over-estimate household formation and the demand for new residences; this in turn means that the requirement for 80% of new residential units to be in PDA's will mean more PDA housing units being created and more people living in them, this will further detract from the utility of the outcomes of the land use and transportation model runs created as part of the preparation of the *Plan* and DEIR.

I have reviewed "Overview of the Regional Housing Need Determination, DOF Population Projections and Plan Bay Area Forecast," prepared by the California Housing and Community Development Department (HCD), the California Department of Finance (DOF), and the Association of Bay Area Governments (ABAG). This is a most strange document and includes a number of statements I find objectionable, including (my comments in ***bold italics***):

1. "HCD, DOF and ABAG agree that economic trends need to be addressed in Plan Bay Area. ABAG's 2.1 million population growth projection is directly tied to employment growth."

C166-7 ***Agreed that ABAG's projection is directly tied to employment growth, and that is our major concern, as it appears that ABAG's projection is tied to an over-projection of such employment growth that we believe is very unlikely to occur.***

2. "DOF's 2013 projections do not take into account the high job, migration, and population growth from 2010 to 2012."

C166-8

*Two years a long-term trend do not make – particularly as these two years can be very fairly considered, in large part, as a recovery from a long period of very slow growth, and as largely a sharp, though only partial, rebound from the 290,000 jobs lost in the Bay Area in the preceding three years from 2008-2010. Proper economic projection procedure is to consider the 2010-2012 period, but as part of the longer term context. No competent economist or demographer would ever base a 27-year (2013 to 2040) projection on two years of history – it should be a factor, of course, but not a controlling one. Short-term trends can change very quickly – such as how the trend from 2008 to 2010 changed radically to that from 2010 to 2012. Any projection that assumes that a short-term trend will continue forever into the long-term should be discarded as flawed on its face.*

C166-9

3. "The DOF population projections depict only one possible course of future population change, i.e., the one reflecting assumed trends in fertility, mortality, and migration. The model does not consider employment, which is a major driver of migration. Thus, it is not a forecast of the most likely outcome. These projections do not necessarily show what is most desirable but rather what can be reasonably expected if recent historical trends continue until the year 2060."

*While it is certainly agreed that employment is a factor, the ABAG assumptions, including that the Bay Area has a permanent and inviolate advantage in technology that will assure that it always will have job growth higher than the national average, is highly questionable, for the following reasons:*

- *First, such advantages are fleeting, as plants, offices, and laboratories can and do relocate over time – including as new businesses in new areas learn to compete – and often win – over established technologies and companies and as newer technologies, and entire industries, move to the forefront.*
- *Second, California and the Bay Area are very vulnerable to loss of jobs, as we are consistently rated as one of, if not the, least business friendly states and regions in the nation.*
- *Third, we have very high taxes on both businesses and individuals, which tends to drive both established businesses and the start-ups that are so critical to job growth to places with lower taxes.*
- *Fourth, our cost of living is very high, which makes it more difficult for businesses to attract the high-quality people they need because the recruits find the cost of housing so high they cannot afford the type of housing they, and their family members, prefer (and the concept that this will be addressed by forcing the production of less preferred types of housing and changing consumer demand should not be accepted without significant reflection on the ability of governments to change consumer behavior by fiat).*

- *And Fifth, and perhaps most tellingly, the ABAG population forecast is based upon the subsidiary assumption that jobs will grow in the Bay Area at much faster rates over the next three decades than jobs have grown in the Bay Area over the past two decades because the Bay Area will take share of national jobs because of its comparative advantage in technology relative to the rest of the country. But ABAG cannot satisfactorily explain how the next three decades will be so different than the past two decades—a period in which the Bay Area indisputably had the comparative advantage in technology that ABAG projects will persist over the next three decades, and yet job growth was sluggish and the Bay Area lost share of national jobs during the past two decades.*

*The one explanation we've heard for why "this time it's different" and why the sluggish job growth over the past two decades is not predictive of the future is that the Bay Area saw three recessions over the past two decades. Recessions of course are an inevitable part of the economic cycle, but this rationale is perhaps why the Plan itself states on p. 31 as the first, and presumably most important of its economic assumptions that [t]he Bay Area and national economies will be healthy, with an average unemployment rate of 5 percent or less. A thirty year economic forecast without any major recessions is an appealing and hopeful outlook indeed, and certainly supportive of ABAG's population model which assumes outsized growth in jobs over the next thirty years, much greater than that over the past twenty years, but perhaps such an assumption may be a bit untethered to historical experience to underlie the population and economic forecasts of a regional plan with as many consequences and implications as Plan Bay Area.*

*While the DOF population projection may not be "the most likely outcome," there is no reason to believe that the ABAG projection will prove superior; in fact, it appears to be an outlier from the economic/demographic mainstream. We have not noted that DOF has admitted that its projection is incorrect and will be revised. Although it is highly unlikely we will ever get an answer to this question, we do wonder how much of this document was the outcome of professional discussion and how much was the result of political pressure.*

4. "Job growth is the main determinant of population growth in the ABAG regional growth forecast as in all major regional forecast modeling in California and around the nation. ABAG job growth to 2040 is estimated as a share of U.S. projected job growth, based on an assessment of regional competitiveness by major industry sectors."

C166-10

*While we do agree that "job growth is the main determinant of population growth in the ABAG regional growth forecast," we do not agree that it is the same "in all major regional forecast modeling in California and around the nation." Yes, it is almost always a major factor, but there are many other major factors commonly utilized, including "natural" population change (births and deaths). In California over the past few decades, the major*



*reduction in birth rates, particularly for Hispanic females, has been a very major factor; arguably, the most important. Not all migration is based on job prospects, including the large number of immigrants to California from certain Central and South American and Asian nations that are political refugees. However, even if it is agreed that job growth is the most important factor, it is still vital to make a projection of job growth based on proper analysis – and we find that ABAG's controlling assumption that the Bay Area will maintain a permanent advantage over the rest of the U.S., and the world, in technology jobs to be highly questionable – and not concurred with in the projections made by other respected economists and demographers, as included in the Beacon report.*

Sincerely,

*Tom Rubin*

Thomas A. Rubin  
Advisory Board  
Bay Area Citizens

Attachment (*A Population Forecast – The San Francisco Bay Area*)

## Plan Bay Area 2040 Final Environmental Impact Report

**From:** susan k <[REDACTED]>  
**To:** "info@OneBayArea.org" <info@onebayarea.org>  
**Date:** 5/16/2013 3:01 PM  
**Subject:** RE: Plan Bay Area

From: [REDACTED]  
To: apolitzer@ci.sausalito.ca.us; jgraves@ci.sausalito.ca.us; hweiner@ci.sausalito.ca.us  
CC: ttheodores@ci.sausalito.ca.us; lpfeifer@ci.sausalito.ca.us; jleone@ci.sausalito.ca.us; rwithy@ci.sausalito.ca.us  
Subject: Plan Bay Area  
Date: Thu, 16 May 2013 21:58:23 +0000

- C167-1** I find the Plan Bay Area to be a disturbing and ill defined project based on obvious false projections. The job projections for Sausalito relative to the rest of Marin is especially hard to believe. I request that the jobs and housing growth projections be reconciled with the Department of Finance projections.
- C167-2** Any projects should be under the authority of local jurisdictions and not be 'streamlined' through state law. Marin and the bay area is a collection of individual communities and uniformity should not be assumed or encouraged.
- C167-3** I recommend increased focus on alternative methods of reducing green house gases such as Marin Clean Energy, electric vehicles etc. The reduced environmental impact relative to high density building seems obvious however a more detailed analysis would be appreciated.
- C167-4** Many of the conclusions of the EIR suggest considerable environmental damage and I would advocate to discourage growth in Marin county and the bay area as a result.
- C167-5** The No Project alternative has been largely ignored however I would like to see this more thoroughly explored rather than automatically rejected. Susan Samols [REDACTED] Avenue Sausalito, CA 94965

## Plan Bay Area 2040 Final Environmental Impact Report

**From:** Judy Schriebman <[REDACTED]>  
**To:** <info@OneBayArea.org>  
**CC:** Steve Kinsey <skinsey@marincounty.org>, <krice@co.marin.ca.us>, <peklund@novato.org>, Susan Adams <SAdams@marincounty.org>, Leyla Hill <[REDACTED]>  
**Date:** 5/16/2013 3:57 PM  
**Subject:** Comments on DEIR for Plan Bay Area

C168-1

I respectfully request more time and an official extension of 6 months. There are numerous inadequacies, oversights, incorrect assumptions and lack of true public engagement in the plan. It doesn't even meet its goal of reducing greenhouse gases. While I applaud its goals of increasing affordable housing and transportation alternatives and reducing sprawl, I believe you have it backwards.

Reliable, good public transportation that easily gets people to their destination is needed first. Right now, and still in the plan, there is NO good way to get to the East Bay from Marin and vice versa. The one bus per hour that leaves Richmond BART occasionally leave ahead of schedule, stranding passengers who expect it to be there. The lack of integrated bus passes, getting better w/the Clipper card but still woefully inadequate, HAS to be addressed. The buses HAVE to go to more places where people want to go. I cannot get to Steinhart Aquarium or Golden Gate Park in any convenient fashion from Marin. This integration needs to be developed first, before loading up housing near the SMART train station which will serve only a very small proportion of just commuters.

The lack of transparency and inability for public comment and legitimate questions to actually be incorporated in this plan makes it a farce. This is a done deal, and that is what people are reacting to. There has been no real outreach, with the goal of addresses concerns. This plan is a first draft. Treat it as such, bring it back with good changes, and the scenery could shift.

Marin is also rural/suburban, and any housing numbers should be based on that designation.

Sincerely,

Judy Schriebman  
San Rafael, CA 94903



May 15, 2013

MTC, Plan Bay Area Public Comment  
101 Eighth Street  
Oakland Ca 94607

C169-1 I would like you to VOTE for the "No Project" Alternative because of the many flaws in the DEIR.

C169-2 The DEIR is in error in its projection about future Green House Gases (GHS) and job growth. The DEIR is using data from 2005!

The DEIR must be brought up to date and a revised DEIR needs to be completed.

As a voter in Novato, I request this aspect of the DEIR be revised and those results be publicly vetted before any voting can take place.

Sincerely,



Jim Shroyer

[REDACTED]  
Novato Ca 94947  
[REDACTED]

Thomas J. & Christine B. Smith

[REDACTED]  
Orinda, CA 94563

May 12, 2013

MTC-ABAG

Plan Bay Area Public Comment

101 8<sup>th</sup> Street

Oakland, California 94607

Re: Opposition to Draft Bay Area Plan and DEIR affecting Orinda

Ladies and Gentlemen:

The purpose of this letter is to plead wholeheartedly with you, as we are doing with the Orinda City Council, to carefully consider our opposition to the Draft Bay Area Plan and Draft Environmental Impact Report promulgated by the Association of Bay Area Governments (ABAG) and the Metropolitan Transportation Commission (MTC), as well as to the procedures surrounding public comments and voting on the drafts. We will both be out of town on May 13, 2013, and are thus submitting our comments in writing.

We moved to Orinda from Southern California in 1997 and have lived in Sleepy Hollow for 16 years. One of us is a former Realtor and retired attorney who practiced with a large, respected law firm, representing clients including The Irvine Company and other real estate developers and litigating matters of property tax law, foreclosures, and partnership law. The other began his career as a builder and real estate developer, then became involved in city planning and redevelopment for a Rouse Company subsidiary, large-scale residential development and finance in Southern California, ran several small operating businesses, and currently is a principal in a successful San Francisco-based private equity firm. We raised two children in Orinda, investing a great deal of effort not only in fundraising for the Orinda schools but also in advocating for students with special educational needs. We have been active with Orinda Newcomers, an Orinda swim team, an Orinda church, OYA and traveling soccer and lacrosse, and Miramonte sports. We have always paid far above average property taxes here, and now the state has imposed new taxes on "the rich," which of course hits Orinda disproportionately because of its above average income levels -- at the same time as there are proposals pending to reduce the state's per pupil funding for Orinda schools. And then this Plan comes along, with huge costs and likely tax breaks and/or subsidies for some. Ironically,

our now adult children (who are teachers) can't afford to live in either San Francisco or in Orinda, but would not be the least interested in living in low- or moderate-income housing in a suburban Orinda downtown as they are nature lovers and they'd feel out of place in a largely affluent community. So, despite the inferior school system our grandson is in, they live in Oakland and Berkeley where they have lots of socioeconomic peers, gardens, chickens, and a yard.

C170-1

In 2012, we both attended an open Orinda City Council meeting because we heard that the council was considering adopting a new master plan that would have allowed 5-story buildings in the village and downtown. The public was allowed a few minutes per person to address a vaguely outlined zoning proposal, and we did not hear anything about ABAG or MTC or about Orinda's plan being part of a regional plan with a low-cost housing component or transit village or carbon reduction. In fact, we were baffled at why this was being presented and who the parties of interest were, especially since we didn't hear of any pending submittals for development approval or any customary drawings one would expect as part of a master plan amendment. The city advanced an argument involving retail sales tax, but it was apparently all a ruse. Someone suggested that the town commission an EIR and/or retail feasibility study, and the city refused on a budgetary excuse. The tone of the meeting was that the Council was annoyed at the public expressing their concerns. Only this year did we hear from Orinda Watch about ABAG, MTC, and the proposed plan. We then realized that's what had been behind the earlier discussion at the City Council meeting, and we felt we'd been intentionally misled, the Council having purposely omitted crucial background information as to why 5-story buildings in downtown Orinda were even being discussed.

We aren't allowed to so much as cut down one of the many oaks in our yard without getting Orinda's approval; so how can Orinda revise its master plan, change its downtown with potentially significant effects on our roads, traffic, environment, and schools, and yield to regional agencies' asserted authority or control without getting informed input and approval from a majority or at least a broad consensus of Orinda's and other affected cities' voters?

C170-2

Today, the threshold substantive question is: Is the overall ABAG/MTC proposal the most efficient, most predictable, and least intrusive way of achieving the primary goal, which we understand to be reducing greenhouse gases to meet the state's target? However, apparently you are more concerned with form and procedures than with substance, and these, too, are amiss.

It would seem highly unlikely to us, as professionals, that a plan as complex as proposed--involving extensive changes in property rights and expenditures approaching many billions of dollars over several decades--would produce the intended result without creating a staggering assortment of unintended consequences and unforeseen costs. At best, this is a risky venture capital deal at public expense!

Moreover, it would seem that the greenhouse gas reduction goals can be achieved simply by addressing auto emissions, mileage ratings, animal husbandry practices, and increased use of electric buses or other such innovations, without entering into massively complex and disruptive rezoning, subsidizing, and behavioral modification programs that compromise private property rights, require the use of eminent domain and/or massive public subsidy. Indeed, we just reduced our family's greenhouse gas emissions by roughly 80% by trading in a big SUV for a smaller, more efficient vehicle. This involved no subsidy, and we are saving money on gas as well as improving the environment!

When we were professionally involved in the various aspects of real estate, especially development and finance, we would never have presented or financed a project based on assumptions that human behavior would change in certain desired ways, nor would we have presented misleading descriptions distorting the differences between alternative development options by using a scale that didn't begin at zero in order to portray a tiny difference as if it were a huge difference (see Orinda Watch letter to Mayor Amy Worth and the Orinda City Council, dated May 10, 2013, at pp. 15-16). Nor would we have compared alternatives where in one case we assumed whatever zoning changes advanced our agenda against the existing (or "No Project") scenario where we assumed no zoning changes for the next 30 years. How can these manipulations be tolerated? Has there ever been a historical period in which the Bay Area's 101 cities and towns made no zoning changes and/or granted no zoning variances over a 30-year period? Have these cities and towns ever accurately predicted their housing demands, not only in numbers but in desired locations and price ranges, over a period of a decade, let alone three decades? If not, then ABAG/MTC's assumptions are unsupportable. Have statistical regression analyses been run to see how various economic and social factors correlate with housing demand, city by city, income level by income level? That is how we are accustomed to strategic planning in the corporate and financial worlds. And in law, we are accustomed to supporting our arguments with proven facts, not assumptions. Have the ABAG/MTC Plan and DEIR met with any such level of objective scrutiny and due diligence?

C170-3 Moreover, in the business world we are prepared to take the risk of being wrong and having to pay for the consequences of our mistakes and seek other solutions. What will you do if this plan is adopted and then doesn't work? What will you do if greenhouse gas issues are resolved another way, making this plan unnecessary or obsolete? Will the ABAG/MTC plan then be unwound? What if we, the City and its taxpayers, can't afford it? What if demographics change?

C170-4 If reducing greenhouse gases is the desired end, then what does it even matter what the income levels are of the residents in the closer-to-transit housing units? Indeed, the higher the income, the more likely the cars they drive would be newer and therefore more fuel efficient, or they might be retired and not working, thus expending fewer emissions on commuting to a job.

C170-5 We are not able to address the Draft Plan and Draft EIR point by point, due to time constraints and complexity. We assert, rather, that the Draft Plan and DEIR have not been properly communicated to the public, so the public has not yet had the opportunity to let the City Council members know how to best represent their constituency. Therefore, Orinda should strongly advocate for an extension of the deadline for commentary (both to Orinda itself and to ABAG/MTC) while the City Council solicits broader public "informed consent" and at the same time inquires objectively into whether the Plan and the EIR have valid factual and analytic support. By "informed consent" we mean that the city council should take action to disseminate the facts, not as a policy or foregone conclusion, but as a proposal that likely to affect the city, for better or worse, in ways one may or may not anticipate. For example, we have heard that low-income housing in Dublin resulted in adding 3.7 children per unit to the local public schools, though the city had only anticipated about 2 children per unit. What assumptions have been made that might be equally unpredictable or wrong concerning Orinda? Does the plan take into account the greenhouse gas effect of a downtown with restricted automobiles and more people moving to downtown Orinda who will have to find jobs outside Orinda? Orinda is not now a hub of employment, and with some of its businesses being closed to make way for redevelopment of the downtown, and some of the convenience services like dry cleaners perhaps not located in the future where one could just drive up, run in and out, many may not come back -- and Orindans may have to drive -- more miles -- to Lafayette for these services now purchased in Orinda. New downtown residents may have to drive or take BART to a job outside Orinda (perhaps a job closer to where they now live). If they drive, that is added vehicle miles. BART is already overcrowded. It's impossible to get a seat during commuting hours between Orinda and San Francisco's

Embarcadero station, so more people who now ride BART may decide to drive, adding vehicle miles. Yes, we know that some of the ABAG allocations will be met with senior housing, and that's good, but let's let Orinda decide what Orinda wants and needs, not unelected regional agencies.

We assert that the leadership of Orinda's Mayor on the MTC board is in itself an unacceptable conflict of interest that taints the Orinda City Council's whole approach to this matter. It appears unlikely that Ms. Worth can serve two masters well -- an unelected agency as well as Orinda citizens who elected her to preserve and protect the character of Orinda, its city plan, the property rights, property values, and lifestyle of its residents.

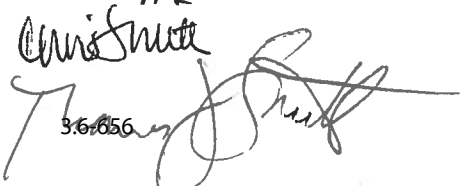
Coupled with previous public discussions that have not been forthright in letting Orindans know what its council was considering (as we described our own experience, above), council members seem to have been purposely misleading -- or at least obfuscating or dissembling -- and this requires rectification through a longer comment period and more honest communications going forward.

C170-6

Are the Plan and the DEIR supported by valid facts, assumptions, projections, charts, and analysis? They have not been before the public with sufficient time for the public (who have families and jobs) to be able to read the full draft plan, the complete draft EIR, the supporting documents and analysis, as well as time to digest what they mean, do additional research or analysis as the individual citizens may deem necessary in order to then prepare a reasonable written commentary to submit on time to ABAG, the MTC, as well as to the Orinda City Council. We submit that the 1,460 pages of the Plan and EIR and huge number of supported or referenced documents can't possibly be responded to fully by tomorrow or by May 16, 2013, especially when most Orindans don't even know there is a pending plan. We are certain that, with time, there could and should be more input on the impact of the draft Plan and DEIR on Orinda's schools and traffic circulation, and perhaps its property values, lifestyle, and its current business owners and customers who frequent those businesses, as well as clarifying MTC goals.

We urge you to grant an extension of time for the comment period for this monumental undertaking. We urge Amy Worth to select which she represents, MTC or the citizens of Orinda. And we urge you to vote no on the draft Plan and DEIR as we do not believe they are the least intrusive or best solution to the greenhouse gas emissions goals of the State.

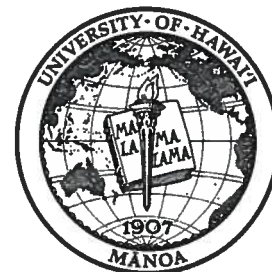
Sincerely, -

  
3.6.056



# UNIVERSITY OF HAWAII AT MĀNOA

Department of Civil and Environmental Engineering  
2540 Dole Street, Holmes Hall 383, Honolulu, Hawaii 96822-2382  
Telephone: (808) 956-7550, Facsimile: (808) 956-5014



May 7, 2013

Metropolitan Transportation Commission  
Public Information Office  
101 Eighth Street  
Oakland, California 94607

Re: Comments on Model One and UrbanSim utilized in the preparation of PLAN BAY AREA  
DRAFT ENVIRONMENTAL IMPACT REPORT—April 2013

Dear Sir/Madam:

This letter provides my comments on the models used in the Draft EIR referenced above.

My comments are summarized starting on page 2 and detailed justification is appended. My qualifications, in brief, are provided below.

Dr. Panos Prevedouros, author of this submission, is professor of transportation engineering at the University of Hawaii at Manoa. Dr. Prevedouros earned his PhD in 1990 and his M.S. in 1987, both in Civil Engineering from Northwestern University, Evanston, IL (1987), and his Diploma in Engineering from Aristotle University, Greece (1986.) He is a registered Professional Engineer in the European Union.

Dr. Prevedouros is subcommittee chair of TRB in the area of traffic simulation (freeway operations) since 2006. Dr. Prevedouros was member of Oahu MPO Technical Advisory Committee in the late-1990s and is the principal investigator of several transportation research projects funded by Hawaii DOT, US DOT, OMPO and DOI.

Dr. Prevedouros has expertise in urban planning, traffic flow analysis and optimization, ITS, demand forecasting and evaluation of transportation alternatives, and sustainable infrastructure with emphasis on energy and impacts.

Dr. Prevedouros has published over 100 technical articles and reports, and co-authored the 2nd and 3rd editions of internationally adopted textbook Transportation Engineering and Planning (Prentice Hall, 1993 and 2001.)

Dr. Prevedouros has received several awards including Best Paper award on transportation noise, TRB, 1995 • Outstanding Faculty award, ASCE-Hawaii, 1996 • Van Wagoner award, ITE, 2005 • Freeway Operations Service award, TRB in 2009. • Honolulu Star Bulletin's one of the "10 People Who Made a Difference in Hawaii in 2008" • 2011 Sustainability Paper award, World Road Association • 2012 Honor Certificate for Public Service, Council of the City and County of Honolulu.

## Summary of comments

The state of the art in modeling in urban planning is lagging the state of the art in traffic engineering. The lesson learned from traffic simulation is that high-fidelity traffic simulation models are wonderful at the local level but ungainly and impractical for regional scenario analysis. Worse yet, their errors become intractable and the uncertainty (confidence intervals) of mean estimates are too large. As a result, since the turn of the millennium there has been a stronger emphasis on mesoscopic models that preserve critical micro-level mechanisms and simplify the processing of transportation flows on large and complex networks.

MPOs need to learn from this experience from traffic engineering and apply microsimulation for useful case studies such as SF-CHAMP [42]. For their long large regional plans, they need to develop more robust mesoscopic models. Very few, if any of the UrbanSim/Model One outputs for 2040 are reliable or significantly different from each other among alternatives. If properly applied, statistical tests would not allow for the identification of the locally preferred plan at a reasonable level of confidence. For example, the minutes from the Bay Area Regional Modeling Working Group meeting on October 3, 2012 reveal that “There was considerable interest in model calibration and validation issues. Chris asked about the model’s margin of error, which David [Ory] indicated was large at this point.”

Given that MTC and ABAG chose to base multibillion dollar public expenditures on the long range application of the microsimulation model UrbanSim, my UrbanSim-specific comments are as follows.

All my comments are based on literature published in 2010 or later that directly cites the software UrbanSim as a reference or basis of comparison of the work presented. Only recent works were reviewed to minimize old criticisms that have potentially been rectified in recent versions of the model.

UrbanSim is complex multi-component land use and transportation software that needs to be operated by a team of analysts over a period of years in order to provide estimates for a large metropolitan area. The workings of UrbanSim, as described by experts including its developers, are summarized in [Appendix A](#). It is clear to me that each application of UrbanSim in a specific urban area requires customization and enormous data sets. UrbanSim has six main models (not counting Model One that provides transportation input.) In the words of a user: “For example, the Household Location Choice Model of the application described here has more than 50 setting options, with a similar number for other models.” [22]

In their 2007 Assessment of Integrated Land Use/Transportation Models for the Southern California Association of Governments, Fehr & Peers observe that “UrbanSim integrates with a



travel demand model at the input and output level. Current users of UrbanSim include the MPOs for Salt Lake City, Houston, Seattle, Detroit, and Honolulu<sup>1</sup>.” [61]

Many published uses of UrbanSim are exploratory research, case studies or incomplete applications given that the model has been available in a comprehensive form for less than 10 years. Several sample applications of UrbanSim since 2010 are summarized in [Appendix B](#). The limitations of UrbanSim applications and testing are clear; Many of the published works simply try to establish a base case or address one aspect of land use. Zurich is a telling case: “Within the project, the land use model UrbanSim were adapted and implemented for the Greater Zürich area. However, validation work revealed that there is more need for calibration.” [17] The subject of calibration and validation is critical; it is discussed later on. “At present a first running environment that forms a very basic ‘super simplified’ simulation environment [of Zurich] has been realised. This includes very reduced household location choice and employment location choice models.”[68]

An evaluation at the Department of Geography, University of Potsdam, Germany [34] assessed model suitability to geosimulate housing market conditions. “...45 points is the highest possible score, meaning that a simulation system is perfectly suitable for the suggested simulation framework. UrbanSim received the highest score (33).” In other words, in just one examined dimension out of six dimensions involved in urban area modeling, UrbanSim scored comparatively well, but its ability to cover this dimension is only about 73%. This is part of the positive assessments of UrbanSim summarized in [Appendix C](#).

[Appendix D](#) lists a number of weaknesses of UrbanSim identified in recent publications. In recent years several jurisdictions and researchers evaluated UrbanSim and chose not to use it for their planning needs (e.g., [7, 16, 63]) mostly on the grounds of complexity and data requirements. However, once UrbanSim is chosen, there are several specific concerns such as:

- “The insignificance of the public transport accessibility coefficient creates a major limitation of the model.” [17]
- “Even drastic accessibility changes have little impact on construction activity or population growth.”[19]
- “Inertia in income distribution and prices seems to be strong, with little variation in an eight year simulation period.” [22]
- “Current practice in UrbanSim modeling treats developer behavior and the emergence of land prices as independent processes. This assumes that land prices are exogenous to the interaction between buyers and sellers—an assumption hard to sustain in urban economics and real estate research.” [59]
- Large models are “vulnerable to the trends contained in the historical data they use, especially recent trends.” [63]

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<sup>1</sup> Oahu MPO informed me that the Honolulu Department of Planning and Permitting is working towards some deployment of UrbanSim and when DPP is finished with its geographic representation, OMPO plans to adopt it into their TransCAD based modeling framework. OMPO does not use UrbanSim currently for its routine tasks.

- “As there are multiple secondary reasons that might obfuscate the model estimation process, it is recommended that UrbanSim model estimation results are compared against standard econometric software to make sure that the data and underlying assumptions made by UrbanSim are indeed understood correctly.” [26]

It should be made clear that the concerns above are mostly out of case study or research applications. These substantial weaknesses are not based on model outputs that are subsequently used to approve hundreds of billions of dollars in public expenditures.

Calibration of UrbanSim is a difficult process. Some have deployed “response surfaces and metamodels to mathematically approximate intractable, simulation-based processes.” [03] The uncertainty involved in these processes notwithstanding, there is no good reason why the parameters calibrated to match 2005 or 2010 conditions are applicable in 2035 or 2040.

Dr. Paul Waddell, chief modeler of UrbanSim stated that “Computational performance and inability to validate integrated microsimulation models due to stochastic variation and instability, were raised as very legitimate concerns. We need to take uncertainty in models seriously.” [37] Yet the application of UrbanSim in this EIR clearly did not involve a validation and uncertainly analysis effort commensurate to the public policy implications of the model's results.

Critical assumptions in the model's logic are violated, such as this major conclusion from a Purdue University study for the Indiana DOT: “Based on a review of the research literature, **transportation infrastructure appears to be a necessary, but not sufficient, condition for generating economic development.**” [63] Plan Bay Area heavily relies on the false hypothesis that the development of PDAs and TODs bestowed with good transit access generates economic development.

Furthermore, “MTC and ABAG also have a large body of detailed published documentation regarding the integrated travel demand and land use model. This data and other documents can be obtained from the Plan Bay Area website at [www.onebayarea.org](http://www.onebayarea.org).” [EIR, Page 1.2-18]

However, searching for UrbanSim finds the chapters and appendices of the EIR but no detailed documents that address the integration of UrbanSim and Model One. MTC's David Ory responded to an inquiry by Peter Singleton as follows: **The integration is straightforward: UrbanSim passes TAZ data<sup>2</sup> to the travel model and the travel model passes accessibility data to UrbanSim (see \accessibility in the scenario folders). This is discussed on page 9 of the Predicted Land Use Appendix<sup>3</sup>.** In fact Mr. Ory is pointing to one half page of “explanations” titled Travel Model Interaction on “page 9”:

<sup>2</sup> <http://analytics.mtc.ca.gov/foswiki/Main/TazData>

<sup>3</sup> [http://onebayarea.org/pdf/Draft\\_Plan\\_Bay\\_Area/Draft\\_PBA\\_Summary\\_of\\_Predicted\\_Land\\_Use\\_Responses.pdf](http://onebayarea.org/pdf/Draft_Plan_Bay_Area/Draft_PBA_Summary_of_Predicted_Land_Use_Responses.pdf)

“Bay Area UrbanSim and the Travel Model work as a system to capture the interaction between transportation and land use. **Accessibility to a variety of urban features is a key driver in both household and business location choice.** For instance, households often prefer locations near employment, retail, and similar households but avoid other features such as industrial land use. Business preferences vary by sector with some firms looking for locations popular with similar firms (e.g. Silicon Valley) while others desire locations near an airport or university. In all cases, the accessibility between a given location in the region (defined as a Transportation Analysis Zone or TAZ) and all other locations/TAZs is provided to UrbanSim by the Travel Model. These files represent overall regional accessibility for future years considering changing infrastructure. Updated skims were provided to UrbanSim in the projection years 2018 and 2025 based on projects expected to be in place in 2020 and 2035, respectively.

Moving in the other direction, UrbanSim provides the Travel Model with a projected land use pattern and spatial distribution of activities for each year into the future. This pattern includes the location of housing, jobs, and other activities that serve as the start and end locations for trips predicted by the Travel Model. This information was provided to the Travel Model at a TAZ level aggregation for each future year examined. Overall, the linkages between the two models allow land use patterns to evolve in relation to changes in the transportation system and for future travel patterns to reflect dynamic shifts in land use.”

The skimpy information above reveals that a major assumption in the model does not hold water: “A general critique of integrated land use and transport simulations is that often the notion of integration is reduced to the principle that the calculated accessibility or travel time measures serve as one of the explanatory variables of the residential choice module.

Timmermans states that **“the literature on residential location choice behavior has systematically shown that accessibility plays a marginal role in the residential choice decision.** According to him, structural attributes of the house and physical and social characteristics of the neighborhood are more important.” [17]

Another likely weakness on Model One affects UrbanSim and is not addressed in the EIR: “Travel models, including activity-based travel models developed in recent years, still generally use traffic analysis zones and ignore local streets in their network representation. In short, they ignore walking scale access and movements. This is a well-known and very problematic limitation in current travel models, and by extension, in integrated land use and transportation models, even if the land use models are at a parcel level.” [04]

UrbanSim's intended use, assumptions and limitations in its application for this EIR are described by the model's developer and consultant to MTC and ABAG in Appendix E. A basic critique of these assumptions is as follows. Numbering corresponds to the list in the EIR which is also copied in Appendix E:

- C171-3** 1. **"Interactions with adjacent areas are ignored."** It is unclear how this limitation affects Alternative 4 which has interactions with the counties surrounding the 9-county area of the Plan.
- C171-4** 2. **"A project that is inconsistent with current land use regulations cannot get a waiver."** This assumption is both impractical and unsupportable over 30 years.
- C171-5** 3. **"...needs to be determined by a combination of sensitivity testing, experience from use, and common sense."** However, none of these are applicable to a 30 year horizon given that the model is barely 10 years old. There are barely any sensitivity and uncertainty studies available, let alone proof that sensitivity and uncertainty ranges are small.
- C171-6** 4. **"...there was not sufficient time or resources to thoroughly address all data problems encountered, including some extreme values, missing values, and inconsistencies within and among data sources."** Indeed this appears to be a rushed application on a very large area. The amount of built-in errors is likely substantial.
- C171-7** 5. **"One of the most common assumptions in models, and one rarely acknowledged, is that behavioral patterns will not change dramatically over time."** A look in the 30 years between 1980 and 2010 suggests that this assumption will certainly be violated. For instance HOT lanes, cordon pricing, and telecommuting (now accounting for more trips than all forms of rail in the US) were basically unknown in 1980. (Starting at 2010 and looking back 30 years takes us to 1980; looking forward takes us to 2040.) Assuming technological and behavioral stagnation between 2010 and 2040 is necessary and convenient for the modelers, but it is not defensible.

My conclusion below is in accord with experts in the field, as highlighted by the excerpts in Appendix F. It should be clear that the activity and land use modeling frameworks are far from being mature and are not reliable for long range forecasts. The result of all this modeling sophistication applied over huge dimensions such as a time horizon of 30 years, a geographic area of nine counties and covering the activities of seven to nine million people is sky-high uncertainty that is never revealed but renders all 2040 results practically useless.

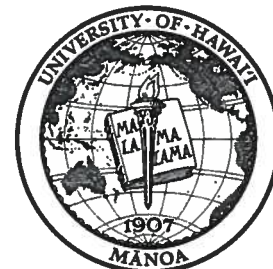
Sincerely,



**Panos D. Prevedouros, PhD**  
Professor of Civil Engineering

# UNIVERSITY OF HAWAII AT MĀNOA

Department of Civil and Environmental Engineering  
2540 Dole Street, Holmes Hall 383, Honolulu, Hawaii 96822-2382  
Telephone: (808) 956-7550, Facsimile: (808) 956-5014



May 13, 2013

Metropolitan Transportation Commission  
Public Information Office  
101 Eighth Street  
Oakland, California 94607

Re: Comments on Transportation Related Analysis and Results of PLAN BAY AREA  
DRAFT ENVIRONMENTAL IMPACT REPORT—April 2013

Dear Sir/Madam:

This letter provides my comments on the transportation options and results presented in the Draft EIR referenced above. My comments are summarized starting on page 2. My qualifications, in brief, are provided below.

Dr. Panos Prevedouros, author of this submission, is professor of transportation engineering at the University of Hawaii at Manoa. Dr. Prevedouros earned his PhD in 1990 and his M.S. in 1987, both in Civil Engineering from Northwestern University, Evanston, IL (1987), and his Diploma in Engineering from Aristotle University, Greece (1986.) He is a registered Professional Engineer in the European Union.

Dr. Prevedouros is subcommittee chair of TRB in the area of traffic simulation (freeway operations) since 2006. Dr. Prevedouros was member of Oahu MPO Technical Advisory Committee in the late-1990s and is the principal investigator of several transportation research projects funded by Hawaii DOT, US DOT, OMPO and DOI.

Dr. Prevedouros has expertise in urban planning, traffic flow analysis and optimization, ITS, demand forecasting and evaluation of transportation alternatives, and sustainable infrastructure with emphasis on energy and impacts.

Dr. Prevedouros has published over 100 technical articles and reports, and co-authored the 2nd and 3rd editions of internationally adopted textbook Transportation Engineering and Planning (Prentice Hall, 1993 and 2001.)

Dr. Prevedouros has received several awards including Best Paper award on transportation noise, TRB, 1995 • Outstanding Faculty award, ASCE-Hawaii, 1996 • Van Wagoner award, ITE, 2005 • Freeway Operations Service award, TRB in 2009. • Honolulu Star Bulletin's one of the "10 People Who Made a Difference in Hawaii in 2008" • 2011 Sustainability Paper award, World Road Association • 2012 Honor Certificate for Public Service, Council of the City and County of Honolulu.



The Executive Summary of the Draft EIR states that “... the land use strategy is to enhance mobility and economic growth by linking housing/jobs with **transit**, thus offering a more efficient land use pattern around **transit** and a great return on existing and planned **transit** investments.”

C172-1

Based on this the reader should understand that this planning effort sought to establish a transit-based “environmentally superior” alternative instead of seeking the most cost-effective alternative or the alternative providing the fastest, most-economically productive set of systems that meet environmental limits. As a result, **Plan Bay Area** is the **10% Plan**.

The plan’s disproportional reliance on transit has predictable consequences; it is expected to yield many significant and unavoidable impacts such as substantial increase on roadway facilities already operating at the worst level of service (LOS=F)<sup>1</sup> as in conclusion 2.1-3; loss of forest land to non-forest use, conversion of substantial amounts of important agricultural lands and open space to non-agricultural use as in conclusions 2.3-4 and 2.3-5; increase in the number of people residing within areas regularly inundated by sea level rise by mid-century, as in conclusion 2.5-6; noise levels from transit sources that exceed FTA exposure thresholds as in conclusion 2.6-3, etc.

In the following pages I highlight passages and exhibits in the Draft EIR that are cause for major concern. All text in “quotes” is excerpted from the EIR. **Bolded** words in the quotes are mine.

C172-2

Table 1.2-1: The population and employment projections are likely overstated. Such demand balloons are common in pro-transit and pro-rail plans as various analyses by Oxford University professor Bent Flyvbjerg have discovered in the last two decades of his investigation of mega-project planning studies.<sup>2</sup> In addition Dr. Flyvbjerg’s recent work has discovered the inertia of the US planning profession to acknowledge these biases and exaggerations. His data-supported criticisms are summarized in Appendix A.

In addition, the current enabling environment is much different than the past 30 years due to persistent low growth, large unemployment and huge city, state and national debts that will undoubtedly manifest themselves in increasingly heavier taxation. Indeed, Yogi Berra’s “the future isn’t what it used to be” must be the guiding principle for planners, executives and

<sup>1</sup> The quality of traffic flow on freeway, highways and other roadways is determined used the 2010 edition of the Highway Capacity Manual published by the Transportation Research Board (TRB). Based on scientific estimates of delay, density and other properties, the quality of traffic flow is ranked from A to F which, similar to school grades, depict excellent flow conditions at LOS=A and unacceptably poor flow conditions at LOS=F. For most US counties, the lowest acceptable LOS for permitting new development and similar purposes is D or E.

<sup>2</sup> Bent Flyvbjerg, Nils Bruzelius and Werner Rothengatter, Megaprojects and Risk: An Anatomy of Ambition, Cambridge University Press, 2003. [“Megaprojects” are infrastructure projects costing over one billion dollars.]

decision makers. However, this study does not even provide lip service to these important population and employment retardants.

C172-3

Page 1.2-9: “The analysis for the most recent regional transportation plan, Transportation 2035, suggested that the region’s transit system is not sustainable based on current projections of transit costs and reasonably anticipated revenues. **Transportation 2035 identified a region-wide transit capital deficit of \$17 billion and operating budget deficits of \$8 billion over the next 25 years.**”

These are staggering deficits for a transportation mode used by 10% of commuters and less than that by non-commuters. Planners acknowledge that these deficits are not sustainable for the community. Yet Plan Bay Area calls for more deficit-making transit. Of all transportation expenditures in the plan, 62% is allocated to fund the mode that provides 10% or less of the transportation in the area.

C172-4

Page 1.2-17: “The MTC travel demand model, Travel Model One, is a regional activity-based travel model for the San Francisco Bay Area. This model is actually a set of individual models that perform different functions, leading to projections of future Bay Area travel. The models were developed from a database that consists of the MTC 2000 Bay Area Household Travel Survey (BATS 2000) and traffic and transit counts that are used to validate the model results. The model was re-validated using available American Community Survey 2005 data to reflect updated demographics; **since 2010 Census data was not yet available at the beginning of this planning and modeling cycle**, the model was used to forecast transportation trends to the baseline year of 2010.”

There have been several concerns with ACS and its limited sampling nature to such extent that Hawaii paid for this data but does not use it. Not using Census 2010 data is a major missed opportunity. Nowhere in this report is clearly stated whether actual, finalized U.S. Census 2010 population, employment and related data by tract or block were used in the projections and the models. It is my understanding that the analysts of the EIR developed projections to 2010. Then these projections were used as the basis to develop projections to 2040. One of the results of this projection-upon-projection methodology is that error propagation renders long term projections practically useless. It comes as no surprise that the EIR does not provide variances and confidence intervals for the forecast outputs.

C172-5

Page 2.1-1: “Together, these roadway facilities accommodate nearly **17 million vehicle trips** a day.” At a typical occupancy of about 1.2, this translates into 20.4 people trips. Page 2.1-5: “Transit in the Bay Area accommodates almost **1.6 million boardings** a day, primarily through

four major operators (Muni, BART, AC Transit, and VTA).” Putting these two together allow for some informative comparisons, as follows.

- 1.6 million boardings are about 1.23 million person trips assuming that one transit trip needs 1.3 transit boardings.<sup>3</sup>
- The **road-to-transit** ratio of person trips is 20.4 to 1.23 or approximately **17:1**. In other words for every **18** trips made in the 9-county Bay Area only 1 is by transit. Based on the plan’s allocation, “1” or “transit” gets 62% of the funds, and “17” or “the roads” gets 38% of the funds and shoulders the burden of accommodating road-going transit such as bus, express bus, BRT and streetcars!
- This ratio, 17:1, is flattering to transit because the length of transit trips is shorter than the length of road trips. On a passenger-mile basis this ratio is over 20:1.
- The roads also carry all the freight, services and emergency response. Therefore this proposed allocation causes roadway overburdening which delays people, goods, services and emergency response.
- In general the report is ignorant of freight flows, emergency response and other non-commuter uses of roadways.

C172-6

Page 2.1-10, Table 2.1-3: The table calculates delays thanks to well established highway flow models that keep highway performance accountable. Nothing similar is attempted for transit. A trip that is 40 minutes long by transit is delay-free. A similar trip by car is 20 minutes long (including all congestion delays) and it is recorded as delayed by 4.6 minutes. (Approximate travel times quoted from Table 2.1-14.) Apparently transit travels on ether and its users experience no delays. The table is oblivious to the fact that people not vehicles suffer the delays.

C172-7

Page 2.1-15, Table 2.1-6: The manifested travel behavior is that between 1970 and 2010 the transit share has been stuck at 10% despite the dozens of billions of dollars invested in Bay Area transit. This suggests that many more billions will be needed just to maintain the 10% share in commuting trips, and that there is no basis for expecting any growth.

C172-8

Page 2.1-21: “Senate Bill 375 (SB 375) requires MPOs to prepare a Sustainable Communities Strategy (SCS) that demonstrates how the region will meet its greenhouse gas (GHG) reduction targets through integrated land use, housing and transportation planning.” Unlike Plan Bay

<sup>3</sup> Unlinked Passenger Trips is the number of times passengers board public transportation vehicles. Passengers are counted each time they board vehicles no matter how many vehicles they use to travel from their origin to their destination and regardless of whether they pay a fare, use a pass or transfer, ride for free, or pay in some other way. Also called boardings. [<http://www.apta.com/resources/statistics/Pages/glossary.aspx>]



Area, SB 375 does not have a pro-transit bias. The specific pollution reductions can be achieved with technological improvements<sup>4</sup> rather than mode shifts<sup>5</sup>.

**C172-9** Page 2.1-21: “Each of the nine Bay Area counties has a Congestion Management Agency (CMA) designated to manage traffic congestion through implementation of multimodal transportation projects.” While this sounds reasonable, the intent of Plan Bay Area is to offer longer, less convenient trips by investing heavily in transit. How does heavy investment in transit mitigate congestion given a track record of failure to deliver?

**C172-10** Page 2.1-22: “This EIR does not explicitly identify localized traffic issues that might be the focus of a city’s general plan; rather, it will deal with issues of overall system performance from a regional perspective.” Given the size of the 9-county area one may safely assume that there were several dozen intersections operating at or near LOS=F in 2010. The plan adds significantly to the number of LOS=F intersections, but this impact is largely absent in the EIR. The type of modeling involved may not control for overly congested intersections. For example, by 2020 a critical intersection in the area becomes overly congested, i.e., its average delay is about two minutes per vehicle. However, the models may continue to route traffic and transit through this intersection to 2040, although real world motorists will likely be avoiding the route.

**C172-11** Page 2.1-23: The plan includes a criterion that makes transit look busy and in need for more funding: For roads it uses a criterion that demand is well over 100% of the capacity, but the transit criterion is that demand is barely over 80% of capacity. This is contrary to the typical operation of large metro systems which are designed for and allowed to operate at the so called “crash load.” This allows for the loading of trains with very little personal space for each rider and is necessary because of the disproportionately high loads of passengers in the peak hours compared to the rest of the day. Defining transit capacity at 80% is quite odd. By doing so, this criterion provides estimates of “very busy transit conditions” when the actual conditions are roughly half of the crash load conditions.

**C172-12** Page 2.1-25 and Table 2.1-11: “This investment strategy reflects the relatively mature state of the Bay Area’s roadway and transit systems. The proposed Plan also includes a set of major transit capital improvements, including BART to San José, Caltrain electrification, and bus rapid transit lines in the region’s urban core. These transit investments were identified as a result of a rigorous performance assessment process and align closely with the proposed land use pattern

<sup>4</sup> Many technological changes were observed since the turn of the century such as the demise of guzzling SUVs, common rail and direct fuel injection for gasoline engines, hybrids and plug-in hybrids, EVs, diesel hypermilers, etc. The very recent headline that *Consumer Reports* believes that the EV Tesla S may be the best vehicle they ever tested may have significant impacts in the future popularity of vehicles of this type.

<sup>5</sup> MTC’s regional statistics indicate that unlinked passenger trips changed from 504,442,000 in 2000 to 484,202,000 in 2010, a decline of 4%.

emphasizing focused growth in the region's locally-identified Priority Development Areas. Finally, the proposed Plan includes a limited amount of funding for targeted roadway capacity increases, including bottleneck relief at congested interchanges and the development of a Regional Express Lane Network."

Clearly this is a biased pro-transit plan to expend billions on the mode of transportation used by 10% of the commuters. On page 4, I provided estimations that in terms of trips the road-to-transit ratio is 17 to 1. The proposed investment strategy improves "17" by 3% and "1" by 27%. In other words, the Plan provides generous funding to Transit (that serves 1 out of 18 trips) and a disproportionately low funding allocation to Road (that serves 17 out of 18 trips.) As a result: "Overall, total vehicle hours of delay are forecasted to increase through year 2040 under the proposed Plan. Arterials and expressways will experience a larger increase in recurrent vehicle hours of delay relative to freeways (79 percent increase compared to a 48 percent increase). Non-recurrent delay on freeways will increase by 36 percent over existing conditions assuming implementation of the proposed Plan." (Page 2.1-27)

C172-13

The plan's data in Table 2.1-16 allow me to estimate that congestion on the area's roadways will worsen by 20%. I based this by looking at all trips in a day conducted under LOS=D,E,F which may be expressed as road conditions ranging from "very busy to very congested." Roads do most of the transportation work in the Bay Area but receive only 38% of the funding, so they will operate poorly, and worsen over time.

C172-14

Page 2.1-28, Table 2.1-12 is a quantified manifestation of the plan's both pro-transit bias and wishful expectations:

- For 2010 the vehicle trips are 16.9 million and the transit boardings are 1.6 million. When converted to person trips they have a ratio of 17:1.
- For 2040 the vehicle trips are 20.7 million and the transit boardings are 3.05 million. When converted to person trips they have a ratio of 11:1.
- Table 2.1-6 indicates that transit trips to work increased from 294,000 in 1990 to 333,000 in 2010, a 13.3% gain over 20 years or **less than 7% per decade**. This is a historical fact. This also agrees with the trend for transit usage in the LA metropolitan area. Based on 2011 to 2013 statistics, LA's projected growth of transit usage over a decade is 8.8%.<sup>6</sup>
- Table 2.1-12 indicates that transit boardings will increase by 93% in the 30 years from 2010 to 2040, or **31% per decade**. This is clearly a pro-transit exaggeration.
- This expectation for transit substitution is behaviorally and historically unsupportable.
- The fantasy of transit ridership continues in Table 2.1-18. Heavy rail utilization: 40% in 2010, 57% in 2040. Light rail utilization: 35% in 2010, also 57% in 2040.

<sup>6</sup> <http://www.metro.net/news/ridership-statistics/>

- Are these science-based estimations or faith-based guesses? Is there any evidence that any large metro area in the US had any appreciable increase in transit mode share? Is there any evidence that any large metro area in the US had a decadal increase in transit mode ridership of over 10% in the last 20 years, let alone 31%?

The result of the transit bias of the Plan is predictable, as follows.

Page 2.1-29: “Of the five significance criteria considered, **significant impacts are only forecast for one criterion: per capita vehicle miles traveled in extremely congested conditions**. The four other criteria—commute travel times, non-commute travel times, per capita vehicle miles traveled, and transit utilization—all have impacts that are forecasted to be less than significant.” Clearly the plan fails to add transportation capacity to the roadway system where it is needed the most.

Despite the plan’s best intentions for transit and providing it with a 62% share of the transportation funds, transit fails to deliver competitive travel times, as follows.

C172-15

Page 2.1-31, Table 2.1-14: **Drive alone** time per trip changes from 18.7 minutes in 2010 to 18.0 minutes in 2040. **Carpool** time per trip changes from 14.2 minutes in 2010 to 13.7 minutes in 2040. Both largely due to the HOT lanes. **Bike and walk** trips remain largely the same at 13 and 19 minutes, respectively. However, **transit** travel time remains stagnant at an uncompetitive 44 minutes. Despite being disproportionally over-funded, **transit delivers double the travel time** of any other mode, or worse during commute times when roadways are congested. Table 2.1-15 displays the non-commute travel times. According to those, **transit delivers triple the travel time of any mode other than walking**.

C172-16

Page 2.1-31: “Cleaner fuels and improved emission controls have substantially reduced emissions from mobile sources in recent decades. However, growth in motor vehicle use (as measured in VMT on both a per capita and an absolute basis) has offset some of the benefit of the improved emission controls.”

The authors have ignored the fact that national VMT has been flat since 2005 and gasoline consumption was down 8% in 2012 from the high of 2005 as shown clearly in this EIA trend.<sup>7</sup> EPA’s 2012 report Light-Duty Automotive Technology, Carbon Dioxide Emissions, and Fuel Economy Trends: 1975 Through 2012<sup>8</sup> states “Highlight #1: CO<sub>2</sub> emission rates and fuel economy values reflect a very favorable multi-year trend, beginning with MY 2005.” And “Using a 5-year timeframe (2006 and 2007 are good base years since there was little market volatility), CO<sub>2</sub> emission rates have decreased by 10% and fuel economy values have increased by 11% from MY 2006-2011. Based on preliminary estimates, CO<sub>2</sub> emission rates have decreased by

<sup>7</sup> <http://www.eia.gov/dnav/pet/hist/LeafHandler.ashx?n=PET&s=C100000001&f=M>

<sup>8</sup> <http://www.epa.gov/otaq/fetrends.htm>

13% and fuel economy values have increased by 16% from MY 2007-2012. The improvements have been even greater since the ‘inflection point’ year in 2004.”

There is little reason to believe that this trend is not applicable in California which is well known for its high fuel pricing, heavy taxation and debt, all of which weigh heavily on VMT growth. Therefore one may argue that strict future targets for emissions will be easily attained in 2040 with technological innovation and fleet renewal alone. All of section 2.5 on air quality reads like much ado about very little indeed.

**C172-17** Section 2.6 on noise leaves a lot to be desired. It has a somewhat detailed but flawed analysis of highway noise and no analysis whatsoever of Fixed Guideway transit. The EIR gives FG transit a pass card because most of it is “electrified.” This is contrary to local evidence as this quote from the Sept. 8, 2010 San Francisco Chronicle article suggests: “The Chronicle surveyed the BART system, sending a reporter on all 208 miles of rails - 104 in each direction - accompanied by a handheld sound-level meter. The survey found that noise levels can reach 100 decibels - the equivalent of a jackhammer - at points in the Transbay Tube. But the tube is not the only noisy part of the system, as many riders can attest. Trains produced noise levels of 90 decibels - as loud as a diesel truck - or higher at 23 locations.”<sup>9</sup>

**C172-18** Page 2.6-13 and 14: “Figure 2.6-6 is a graphical representation of the FTA noise impact criteria. Please note that Categories 1 and 3 apply the  $L_{eq}$  for the noisiest hour of transit-related activity during hours of noise sensitivity. Category 2 applies the  $L_{dn}$  since these receivers may be impacted by nighttime (10 p.m.-7 a.m.) transit related events.” The text and the actual figure are not in agreement regarding the metrics used for categories 1, 2 and 3.

**C172-19** Page 2.6-20: “Where such barriers exist, a **6 dB noise level reduction** can be assumed at receivers along those roadway segments.” If the TNM software was actually used to model roadway segments, why weren’t existing barriers with the correct height inserted to receive the correct noise level estimates? As the author of the State of Hawaii’s current FHWA-compliant Highway Noise Policy I can attest to the fact that a 10 ft. concrete noise barrier at an expressway cross-section that produces 77 dB(A) without the barrier will reduce the noise level to about 66 dB(A); a 12 ft. barrier will reduce the noise level to 64 dB(A). The 6 dB(A) noise reduction assumed in the EIR is low and produces results that overstate the noise impact of expressways with noise barriers.

**C172-20** Section 3.1 is the Alternatives Analysis. It is quite clear that (1) the Plan was favored with special treatment, (2) Alt. 4 is superior to the Plan, in my view, (3) alternatives 3, 4 and 5 are penalized with a \$8 toll on the Bay Bridge but the Plan is not, and (4) given the large uncertainty of model forecasts even for a 10 year horizon, let alone a 30 year horizon, largely no outcome

<sup>9</sup> <http://www.sfgate.com/bayarea/article/Noise-on-BART-How-bad-is-it-and-is-it-harmful-3175757.php>

of any of the examined alternatives is significantly superior or inferior to the Plan. **Also, none of the alternatives address mobility challenges and traffic congestion head-on.**

For example statements like “... Alternative 3 would have approximately **0.2 to 0.3 percent fewer vehicles in use**, VMT and engine starts compared to the proposed Plan” are scientifically absurd because in 2040 the variance of these estimates for each of these alternatives is at least one order of magnitude larger than the differences stated in the quoted text.

I assumed that business people who favor Alt. 4 know more about jobs and employment than planners, so I focused on Alt. 4 to develop some comparisons with the EIR’s preferred Alt.

**C172-21** I observed that Alt. 4 was marginally inferior only on outputs that come with large forecasting uncertainties such as congestion, emissions and noise. When it comes to more controllable factors such as future land allocations, many of which were made at the present time, Alt. 4 does better than the chosen alternative, as summarized in Appendix B.

**C172-22** Furthermore, the list of limitations of UrbanSim as applied to the Plan includes this: “Boundary effects are ignored. Interactions with adjacent metropolitan areas are ignored.” It is unclear how this limitation affects Alt. 4 which has interactions with the counties surrounding the 9-county area of the Plan.

**C172-23** The Plan provides a detailed breakdown of utilization of Transit (10% share) by Technology in 2040, Table 3.1-13; local bus, express bus, heavy rail, light rail, commuter rail, etc. However, the much needed table of highway transportation (over 70% share) for 2040 technology is absent. The missing table would include motorcycles, electric mopeds, light duty diesel vehicles, hybrids, EVs, plug-in hybrids, hypermilers (over 100 mpg vehicles), Euro 6<sup>10</sup> or lower truck emissions, etc. Projections of these technologies in the fleet are also critical for emissions and noise estimates. The 2040 plan is deficient in the important realm of highway vehicle technology and largely ignores the substantial changes that are likely by 2040.

**C172-24** On page 3.1-62 the EIR points the finger at the EMFAC emissions estimation model and says that it does not account for 2017-2025 manufacturer efficiency standards dictated by the EPA. The EIR needs to be updated and include technology forecasts for 2040 and emission estimates with EPA’s MOVES emissions estimation program. This modeling limitation generates an additional penalty for Alt. 4 because it has a higher population and employment thus higher cumulative VMT.

<sup>10</sup> [http://www.mantruckandbus.com/com/en/products\\_\\_\\_solutions/current\\_topics/euro\\_6/EURO\\_6.html](http://www.mantruckandbus.com/com/en/products___solutions/current_topics/euro_6/EURO_6.html)



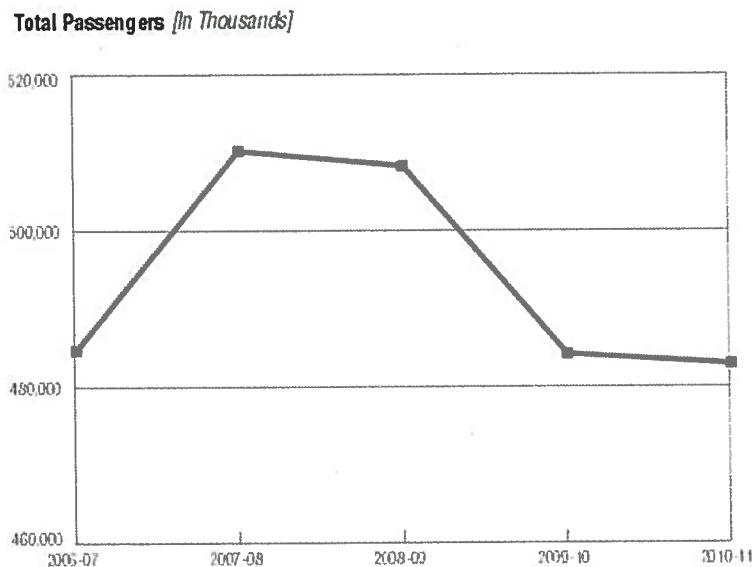
C172-25

Overall, it is worth repeating that this EIR appears to be ignorant of momentous negative (-) and some positive (+) underlying trends such as:

- (-) persistent high unemployment
- (-) lower birth rate
- (-) increasingly expensive food and energy
- (-) higher state and federal taxes, and poised to grow more to cover debts and liabilities
- (-) higher health care cost, and poised to grow due to baby boomers and Obamacare
- (-) forced spending in infrastructure which is now too far from a state of good repair
- (+) low cost of capital
- (+) growing share of work-at-home and car-sharing schemes

Most of the trends listed above were absent in 1990 and 2000. So, this time around, truly “the future isn’t what it used to be” (Yogi Berra.)

The transit ridership predictions of the Plan are in conflict with recent system performance as indicated in the figure below; the figure was extracted from the most recent report of the MTC.<sup>11</sup> Downturns in economy combined with high fuel prices are allegedly incentives for switching to transit. Clearly this was not the case in the Bay Area during the 2008-2009 recession. Annual transit trips are at a 500 million plateau.



MTC Statistical Summary of Bay Area Transit Operators 7

<sup>11</sup> [http://www.mtc.ca.gov/library/statsum/StatSumm\\_2011.pdf](http://www.mtc.ca.gov/library/statsum/StatSumm_2011.pdf)

This plan ignores that transit is not cost effective and provides only marginal relief to traffic congestion and pollution because of the small portion of the population that chooses it. The plan allocates over 60% of future transportation resources to transit to boost its capacity by 27% whereas roads used by over 80% of the commuters, including bus riders, are granted only a 3% capacity improvement. This plan assumes that past trends will continue into the future and its budget is boundless in terms of subsidies for TODs and other preferential development.

Both of these are fatal errors that ably represent both the disconnect of planning from reality and the mission of transit and planning agencies as government arms for effecting political priorities that have little intention to materially improve the quality of life of the citizens that they represent. None of the alternatives examined address mobility challenges and traffic congestion head-on, therefore none are acceptable.

C172-26

Sincerely,

A handwritten signature in blue ink, appearing to read 'Panos D. Prevedouros', with a stylized flourish extending to the right.

**Panos D. Prevedouros, PhD**  
Professor of Civil Engineering



**TO: JPC, ABAG and MTC May 16, 2013**

EIR and Draft Plan Comments

C173-1

**I. Problem:** the plan requires greater #s of in-commuters from outside the region:

**A. How:**

1. By assuming same ratio of in-commuters, a # that will be larger in absolute #s than now (source: query of authority in MTC);
2. By using Cal HCD 'housing need' that derives from Existing Households but not from the Missing Households that for years have been exported to San Benito, Stanislaus, San Joaquin and Santa Cruz;
3. OneBayArea to spend land for jobs but not for housing that will be supplied outside the region

**B. Consequences:**

1. Housing will be more unaffordable than now because prices will be bid up by workers whose demand by design of OneBayArea exceeds housing and land supply;
2. Planning for increased #s of into-region commuters congests roads & contaminates air;
3. Long-distance commuters across air basins may avoid regulatory monitoring that is predicated on individual regions for both air quality and transportation

**C. Remedy**

Voluntarily raise OneBayArea's in-region Housing Need Total to include that share of housing currently exported outside the region:: Best would be to plan for that housing already exported, plus its future Cohort needs; Minimum would be to plan at least for that Future Need for the existing export

**II. Problem:** HCD Under-determined ABAG Regional Housing Need because it makes reasoning and market errors.

**A. How:**

1. Vacant Unit Need miscalculated: :
  - a. HCD admits role of Vacant-Other housing stock but fails to plan for future such need in the housing stock: see its Adjustment #9 in its RHND letter of 2-24-12 corrects for Vacant Other for current
  - b. Furthermore, all categories of Vacancy must be planned in future housing needs because Seasonal & 2<sup>nd</sup> Home stock has proven robust in strong & weak housing markets (study I did for HCD for SanDag)
2. HCD claims 'natural' a 1.5 vacancy rate for owners, a rate untenable in all markets. Instead use vacancy rate correlating to 0 change in CPI-Shelter, **Owner** for this region.
3. HCD calculates 'need' from existing households, not from those households whose need is NOT being met, those who must commute from outside.

**B. Consequences:** Price inflation, long commutes.

**C. Remedies:** in II 1. B and in I.C

**III. Jobs-Housing Balance is Worsened in many counties and for the Region overall: were house prices the target of policy, this ratio would be lessened, not aggravated:**

**Ratio of Jobs-to-Housing, planned to change by 2040**

Source: Jobs-Housing Connection Strategy, Revised May 16, 2012 Bay Area Plan (note: #s from these pages incorrectly summed in those pages)  
 Page 49

|               | 2010 | 2040 |                       |
|---------------|------|------|-----------------------|
| Alameda       | 1.19 | 1.30 | more jobs/hsg         |
| contra costa  | 0.86 | 0.97 | more jobs/hsg         |
| marin         | 1.00 | 1.09 | more jobs/hsg         |
| napa          | 1.29 | 1.47 | more jobs/hsg         |
| san francisco | 1.51 | 1.62 | more jobs/hsg         |
| san mateo     | 1.27 | 1.39 | more jobs/housing     |
| santa clara   | 1.47 | 1.46 | fewer jobs/hsg barely |
| solano        | 0.87 | 1.02 | more jobs/hsg         |
| sonoma        | 0.94 | 1.09 | more jobs/hsg         |
| REGION        | 1.22 | 1.31 | more jobs/hsg         |

**IV.** The Housing Distribution by Income within each county should go beyond what recent law changes require to instead distribute to the Regional Median not each county's median; done the way you have, you've allowed Marin to maintain its high-income privilege.



## Plan Bay Area 2040 Final Environmental Impact Report

**From:** Beverly Wood <[REDACTED]>  
**To:** "info@OneBayArea.org" <info@OneBayArea.org>  
**Date:** 5/16/2013 3:21 PM  
**Subject:** Plan Bay Area DEIR

C174-1

I am a resident of the Los Ranchitos area in San Rafael and am very concerned about the speed with which the DEIR is being handled. I am writing to request an extension on the deadline for comments so that cogent, thoughtful responses can be made and the assumptions upon which the plan rests can be evaluated. There are serious, significant environmental changes and impacts of this plan on what is really a rural neighborhood.

Thank you for your consideration,

Beverly Kleinbrodt

## Plan Bay Area 2040 Final Environmental Impact Report

**From:** Carol Brandt <[REDACTED]>  
**To:** <ljackson@tam.ca.gov>, <kathleenc@abag.ca.gov>, <kroselius@baaqmd.gov>, <andrewc@bcdca.gov>, <info@onebayarea.org>, <anguyen@mtc.ca.gov>  
**Date:** 3/4/2013 8:26 AM  
**Subject:** Concerned about the time of the Plan Bay Area DEIR Hearing - San Rafael April 16 10am

To: Linda Jackson, TAM

Kathleen Cha - ABAG

Kristine Roselius - BAAQMD

Andrew Chin - BCDC

Ellen Griffin - MTC

Ashley Nguyen - MTC; EIR Project Mgr.

From: Carol Brandt - San Rafael Resident

Date: March 4, 2013

Re: Public Hearings for Plan Bay Area DEIR scheduled for April 2013

C175-1

I am writing to request that the Public Hearing scheduled for April 16, 2013 in San Rafael, CA be rescheduled to an evening time. It is not a fair public process to hold hearings as important as this one, during the work day when most of the public is working and can't take time off for a 10AM meeting. I also do not think it is fair that you are allowing the hearing scheduled in Oakland to be in the evening but the one in San Rafael during the morning hours.

If you have some rationale as to why you are holding a day time meeting instead of an evening one, please let me know but this is ridiculous and will exclude a lot of people who wish to attend. I understand we can email or snail mail comments on the DEIR but the most important thing in the EIR process is to get full public participation and show the public that you really do want to listen to their comments and it is also important for us to feel like we are being included and for a lot of people, especially regarding this issue, that means attending public hearings, not just emailing or mailing in comments.

Thank you.

## Plan Bay Area 2040 Final Environmental Impact Report

**From:** Margery Entwisle <n[REDACTED]>  
**To:** <info@onebayarea.org>  
**CC:** <krice@co.marin.ca.us>, <skinsey@marincounty.org>, <peklund@novato.org>  
**Date:** 5/13/2013 4:48 PM  
**Subject:** One Bay Area Plan

I've been reading about the One Bay Area Plan and attended the meeting at Dominican last Thursday evening. I admit to not reading all 1,300 pages of the EIR. However, I have two comments.

**C176-1** From what I've heard and read, it seems to me that this plan is not going to solve the problem that it purports to solve, green house gas emissions. Bob Silvestri had an excellent article in the Patch and I am sure you have all read it. If not, you can find it here: [http://millvalley.patch.com/blog\\_posts/plan-bay-areas-high-density-multifamily-transit-oriented-development-wont-reduce-greenhouse-gas-emissions](http://millvalley.patch.com/blog_posts/plan-bay-areas-high-density-multifamily-transit-oriented-development-wont-reduce-greenhouse-gas-emissions) For myself, I think that the planners are too optimistic regarding leaving cars at home no matter how close to services they put housing. The reality is, I live three blocks and two traffic lights from Whole Foods and I don't walk, I drive. I do try to accumulate my to dos so I cover many stops on one trip out in the car. And, I try to stop at Whole Foods on my way home from someplace else, though I don't need to live near Whole Foods to do this.

**C176-2** Last, I can not believe that planners are planning for greater density in an area where development should be limited due to the frequent scarcity of that critical resource, water. How quickly we forget when there are abundant water years about the pain of rationing. Is it too much to ask for a plan that maintains and supports a status quo that is often on the edge due to the vagaries of nature?

Sincerely,

Margery Entwisle  
[REDACTED]  
Mill Valley

Devilla Ervin

[REDACTED]  
Oakland 94607  
[REDACTED]



My name is Devilla Ervin and I have been working with New Voices are Rising, for a more sustainable and resilient Oakland, since I was 14 years old. I am now 23.

C177-1

As a young man looking to live on his own I am deeply troubled by the threat of displacement in my community and other areas slated as Priority Development Areas. By underestimating the impact of displacement I feel we are doing a disservice to the entire purpose of the Plan Bay Area. Displacement needs to be at the forefront of this conversation not swept under the table, because we cannot cut down VMT and/or Green House Gas Emissions without dealing with this threat.

Living in Oakland I have known many people who find themselves being forced to leave their homes and communities that holds a sense of

history and family to find housing that is less expensive.

One example of this is my foster mother. My junior year of High School she found a place that was affordable but it was in Sacramento. She was still working in Hayward. She was commuting up to 5 hours a day just to get to and from work.

This is what I fear for thousands of other low-income families with the adoption of this proposed plan in the absence of additional mitigation. By increasing investment in public transportation, affordable housing, and strategies to retain and build businesses that serve the existing

C177-2

community. The Equity Environment and Jobs Alternative (Alternative 5) will go a long way towards addressing these concerns and mitigating the impacts of displacement.

Without careful, conscious, and deliberate planning, more low-income residents will be pushed out to less attractive and more polluted parts of the city while attracting persons who have not historically found these areas attractive. Plan Bay Area should not add to the list of issues

C177-3

residents already have to deal with. Plan Bay Area should be providing solutions and incorporating the strategies in Alternative 5 that makes it the Environmentally Superior Alternative, thus leading to a more sustainable and Resilient Bay Area

## Plan Bay Area 2040 Final Environmental Impact Report

**From:** [REDACTED]  
**To:** MTC info <info@mtc.ca.gov>  
**CC:** <library@mtc.ca.gov>, <bradp@abag.ca.gov>, <miriamc@abag.ca.gov>  
**Date:** 4/28/2013 12:56 PM  
**Subject:** Request Sue Hestor and DEIR on Plan Bay Area

IT HAS TAKEN A AWFUL LONG TIME TO GET A RESPONSE to my March 27 email on this.

Is there in between a flash-drive and 2 volumes of text? If there is, I think I want it. I have a sneaking suspicion that I have to have the printed version to have the graphics I need.

THIS IS A PROTEST:

**C178-1** You are putting the expense of printing out the DEIR index etc and relevant graphics onto people like myself. You are assuming that everyone has computers and printers able to do (assumed) color graphics at their home. Is my assumption incorrect?

**C178-2** I already know what I am going to look for. Assumptions on sea level rise, areas which were dry land in 1850, marsh locations, filled areas (THE ENTIRE BAY WATERFRONT) and comparison to maps in SF on where you think growth should go. The illustrations I have seen thus far show extensive development proposed in SF where there were historic marshes. And death in Loma Prieta - although people were more concerned about buildings in the Marina than about deaths or low-income people.

MIRIAM CHIONG - please send this to whoever collects COMMENTS. Do not let it sit in email hell.

If I have to choose between a flash-drive lugging 2 volumes up 4 flights of stairs, please send the flash-drive. I ASSUME THAT IT IS TOTALLY INDEXED SO THAT I DON'T HAVE TO WAIT AN EXTREMELY LONG TIME FOR THE ENTIRE DOCUMENT TO DOWNLOAD.

My mailing address for your record is:

Sue Hestor

[REDACTED]  
SF 94102

Because of the extraordinary delay in answering my last email - PLEASE ACKNOWLEDGE THAT THIS WAS RECEIVED.

Sue Hestor

-----Original Message-----

>From: MTC info <info@mtc.ca.gov>

>Sent: Apr 26, 2013 5:47 PM

>To: [REDACTED]

>Subject: Re: Sue Hestor and DEIR on Plan Bay Area

>

>If you would like to receive a flash drive with the DEIR, or still need to request that the two-volume DEIR be shipped to you, please contact our library at library@mtc.ca.gov.

>

>MTC Public Information

>

>>>> <[REDACTED]> 3/27/2013 1:36 PM >>>

>I am on the Planning Department (Env Rev) mailing list for ALL EIRs and have been so since CEQA started in SF. Am I on the mailing list to GET A COPY of your EIR?

>

>EIRs come to my office at [REDACTED] SF 94102

>

>Your SF meeting 4/11 counter-programs the SF Planning Commission. 4/11 is the day when both the REVISED CPMC hospitals PLUS the 706 Mission/Mexican Museum/increase shadow limit on Union Square issues are set. The meeting in SF is the ONLY Thursday meeting - Right up against the SF Planning Commission. Miriam Chiong knows that.

>

>The issues I want to raise are SAN FRANCISCO SPECIFIC and I have a feeling they will not be of interest to people in the other locations.

>

>

>Sue Hestor

[REDACTED]

>

>

>

>. .

## Plan Bay Area 2040 Final Environmental Impact Report

**From:** <[REDACTED]>  
**To:** <info@OneBayArea.org>  
**CC:** <peklund@novato.org>, <SKinsey@co.marin.ca.us>, [REDACTED]  
**Date:** 5/14/2013 1:37 PM  
**Subject:** Plan Bay Area Draft EIR Comments

**C179-1** Regarding projected future greenhouse gas emissions I believe it is artificial and unrealistic for you to ignore the adopted National Fuel Efficiency standards (see pages 2.5-23 and 3.1-62) for cars and light trucks beginning in 2017. According to the EPA and the White House, these requirements will result in about 50% lower greenhouse gas emissions from cars and light trucks in 2035 compared to 2005 (even with expected increase in car population and vehicle miles travelled). This reduction will far exceed relatively small GHG decrease from changes in land use and transit patterns in the proposed plan.

**C179-2** In contrast I note that you take credit for the impact of new automotive technology in projecting that most emissions which impact air quality will decrease by 2040 (see page 2.2-26).

For the sake of your credibility and the acceptance of Plan Bay Area, I hope you will recalculate GHG emissions taking into account the adopted standards.

Bill Long  
[REDACTED]  
Novato, CA 94949

## Plan Bay Area 2040 Final Environmental Impact Report

**From:** <JLucas1099@onebayarea.org>  
**To:** <info@onebayarea.org>  
**Date:** 5/14/2013 12:24 PM  
**Subject:** Draft EIR Plan Bay Area April 2013 - comments - SCH #2012062029

Association of Bay Area Governments  
May 14, 2013  
Metropolitan Transportation Commission  
Joseph P. Bort MetroCenter  
101 Eighth Street, Oakland, CA 94607

RE: SCH #2012062029 Plan Bay Area DEIR

Dear Sirs and Mesdames,

It is with some hesitation that I submit comment on your Draft EIR Plan Bay Area of April 2013 as with only a few days time for review, have not begun to properly read the fine print or understand all that is proposed.

**C180-1** Initially, it would seem that Alternative 4, Enhanced Network of Communities, contains the most promise for addressing the full spectrum of local land use protocols that distinguish various Bay Area towns and cities.

In consideration of State Assembly Bill 32 which Act, I believe, urges communities to seek climate change and global warming solutions, each city and town council has plans as to how best to accomplish this end. To lessen dependence on cars they hope to ensure safe walking and cycling access for children to schools, and for residents to neighborhood coffee houses, restaurants and stores. It is a simpler sustainable life style.

Along with reducing the community's carbon footprint there needs also be maximization of vegetation, tree canopy, parks and open fields and grasslands to sequester carbons in a natural, functional manner. Each community is responsible to endeavor to accomplish this with a formula suitable to their citizenry and locale.

**C180-2** With this basic premise, it is important that regional government regulatory agencies as ABAG and MTC do devise land use plans or impose a highway network that divide neighborhoods or overload a region with traffic to a degree which makes it impossible for that community to reach a sustainable balance of carbon footprint.

Likewise, in the democratic concept of responsible civic action it is essential that there be schools, libraries, police, fire and resource elements available in the existing and attainable infrastructure, before high density populations be allocated to a town or city. Water supply and sewer capacity rank foremost in this concern.

In short, I believe that there is a threshold that should not be exceeded in density of development, not only because it outstrips both available and conceivable resources, but it so drives up the cost of living in a region as to outclass many of its older residents who then have no place to go. In this regard please reference latest US Census for San Mateo County which shows rise of up to 12 percent from 2011 of people living in streets, vehicles or encampments. Think if you check Santa Clara County you will find conditions similar if not worse, to a degree which makes recreation trails and facilities unsafe from human health and safety standpoint.

But on to my intended comment on your Plan Bay Area DEIR and the base data that it references.

**C180-3** ~ P. 2.8-38 cites an absence of any history of tsunamis in San Francisco Bay but neglects to mention the San Francisco District, US Corps of Engineers' "San Francisco Bay Tidal Stage vs. Frequency Study of October 1984" which computes wave ride-up from the Golden Gate to South Bay as being 2 1/2 feet. As this is added to a 24 inch rise in Bay levels anticipated with global warming, believe you have a more significant high water condition threatening highway infrastructure of South Bay, as well as low lying communities.

**C180-4** ~ In implementation of AB 375 streamlining of public works projects I had



hoped MTC would have placed simple padding up of highways that run along San Francisco Bay as a top priority. This would include #101 especially near airport, and in Palo Alto where portions of bay were filled to accommodate roadway, #237, #37 in Marin/Sonoma and #12 in Napa, and #580/#80 along Berkeley shoreline. This is a deficiency in DEIR.

**C180-5** ~ Extensive proposed highway projects cited in document are growth inducing without appropriate support documentation regarding sustainability or capability to reduce carbon footprint. As latest reports that levels of carbon dioxide have reached an average daily level above 400 parts per million, an amount of gas in air that has not been this high for at least 3 million years, do not think this 'business as usual' plan is acceptable. The Bay Area has to entirely rethink its lifestyle and all modes of transportation not only for its own survival, above water, but as responsible member of the international community where millions of people are at risk. MTC needs to be looking at canals rather than highway overpasses, and extended marshes not clover leafs. Think all must go back to drawing board. What acreage of marsh is needed to satisfy carbon sequestration?

**C180-6** ~ Liquefaction needs to be more closely evaluated in baylands, in delta sediments between Guadalupe River and Coyote Creek, and particularly in Redwood City and at #92/#280 interchange which USGS rated high.

**C180-7** ~ Earthquake faults seem not sufficiently addressed with conservative design criteria. Have I missed this?

**C180-8** ~ FEMA has unaccountably not updated its old 100 year floodplain maps with global warming, high intensity storm criteria and for this not to be available for your Bay Area Plan documentation is a critical deficiency. In Santa Clara County there are at least 14 tributaries along #85 in South Bay that can impact stream levee freeboard and adjacent roadways. Mt. Umunhum and Mount Hamilton add a definite dynamic to storm flows.

**C180-9** ~ Please note that the Santa Clara County HCP did not include fisheries or Peninsula habitat conservation so your species lists are not as inclusive as they need to be. To project species and their habitat for the next forty years is a flawed concept in consideration of shifts in populations due to climate change. Also survival of certain species may be critically altered.

**C180-10** ~ Wildlife corridors need to be addressed in regards accommodation by highways. When #37 and #12 are padded up they should include undercrossings for wildlife and as #101 extends in south Santa Clara County to #192 it intercepts Diablo, Santa Cruz and Gabilan Mountain Ranges so needs elevated wildlife crossing. In this DEIR gene pool sustainability throughout Bay Area must be reviewed for flora, fauna and fisheries.

**C180-11** ~ In evaluation of highway upgrade impacts, air quality nitrogen deposition is paramount consideration in that it induces non-natives to intrude on serpentine grasslands and this impact is accounted for in your DEIR in regards integrity of habitat for local species of Bay Checkerspot Butterfly. However, do not believe increase in fuel load is addressed as fire hazard on open space lands and it needs inclusion as management concern.

**C180-12** ~ Chemical alteration in plants and creation of invasive hybrids due to automobile pollutants is exacerbated by road expansion in and adjacent to wetlands and marshes with phragmites and spartina high on list. This needs to be assessed in DEIR with recommended width for vegetated buffer lands management protocols. Highway earth moving equipment has contributed to transmittal of invasives, such as arundo, into stream ecosystems and this should be avoided if appropriate maintenance is specified.

**C180-13** ~ In assessing impacts on wetlands DEIR documentation does not specify as to linear impacts on riparian corridors, canopy and stream bank wetlands vegetation except to roughly mention overall mileage. Acreage seems to be criteria for marsh impacts but on that am unclear. Would like to get back to you later on this.

At this time will submit these comments of a more general nature. However, would appreciate an opportunity to comment with more substantive detail later in week. There is a great deal to absorb in this Plan Bay Area.

## Plan Bay Area 2040 Final Environmental Impact Report

Thank you for your kind consideration in forwarding this document and reviewing my comments.

Sincerely,

Libby Lucas

[REDACTED],  
Los Altos, CA 94022

## Plan Bay Area 2040 Final Environmental Impact Report

**From:** <JLucas109@onebayarea.org>  
**To:** <info@onebayarea.org>  
**Date:** 5/21/2013 4:23 PM  
**Subject:** Draft EIR Plan Bay Area SCH #2012062029

Association of Bay Area Governments  
Metropolitan Transportation Commission

Dear Commissioners and Staff,

Herewith is my last submittal on One Bay Area Plan, and hope these charts of collateral damage by project number are somewhat legible.

**C181-1** Have pleaded this extension due to lack of DEIR availability in neighborhood libraries - Palo Alto - Los Gatos as assured in public relations releases. Your staff kindly did mail me hard copy which received a week ago but it is sufficiently complex that still feel somewhat vague on future implications.

**C181-2** Major DEIR deficiency is in regards impacts to habitat of federally listed species and special status species in Santa Clara County is that only approved HCP did not cover north third of county or fisheries throughout county. In particular this DEIR neglects red-legged frog, tiger salamander and western pond turtle colonies and is light on cold water fishery streams.

**C181-3** Wetlands impacts are extremely hard to assess at this level as depth of riparian corridor or width of stream are not detailed, and they are critical factor especially in consideration of SRA needed for viable cold water fishery. Summation of impacts in acreage or miles seems underestimated and not sufficiently site specific..

**C181-4** Had thought that State policy was that wetlands impacts needed to be mitigated to level of 'no net loss' and as do not find this in main body of text or in Appendices, feel this too is a major deficiency in DEIR.

Thank you for consideration of my continuing concerns.

Libby Lucas  
[REDACTED]  
Los Altos, CA 94022

## Plan Bay Area 2040 Final Environmental Impact Report

**From:** Deirdre O'Brien <[REDACTED]>  
**To:** "eircomments@mtc.ca.gov" <eircomments@mtc.ca.gov>  
**Date:** 5/16/2013 2:21 PM  
**Subject:** Remove Marinwood/Lucas Valley as a PDA designation.

May 15, 2013

C182

Carolyn Clevenger, MTC EIR Project Manager,  
Metropolitan Transportation Commission  
MTC-ABAG Plan Bay Area Public Comment  
101 8th Street  
Oakland, California 94607  
eircomments@mtc.ca.gov  
Re: Public Comment on Draft Plan Bay Area and Draft Plan Bay Area Draft  
Environmental Impact Report

To Whom It May Concern,

My name is Deirdre O'Brien, I am a resident of Marinwood, located in unincorporated Marin County. I support and adopt a letter to you by a fellow member of my community, Lisa Culbertson as follows:

I am writing to comment on the Draft Plan Bay Area (The plan) and Draft Plan Bay Area Draft Environmental Impact Report (DEIR). I submitted a request for an extension of time to review the Plan and DEIR, which was not granted. These are complex and difficult documents for ordinary people to understand. The level of communication with the communities you are impacting by this plan is disgraceful. The plan includes a statement, "We reached out to the people who matter most – the 7 million people who live in the region." This is inaccurate as it pertains to my community, Marinwood, designated as a potential Planned Development Area (PDA). Many members of the Marinwood community do not know what Plan Bay Area is and for most that do, they have only heard about it in the past few weeks. I attended one of two planned meetings in my community where there was no verbal presentation or explanation of the plan, but rather boards and remarks from the public. I ask that you reconsider this fast track approach and take the time to educate the community on exactly what it is that you are proposing in this plan and why.

I support truly sustainable land use and development that preserves the qualities of existing neighborhoods. I support additional affordable public transportation that reaches a greater range of areas throughout the Bay Area and operates more frequently with longer hours. I also support a range of housing opportunities, integrated into existing communities that do not adversely affect those communities through expediting environmental and permit review and not contributing a fair share to the tax base. None of these things are supported by this plan and therefore you do not have my support. I vote for no plan and ask that you remove Marinwood as a potential PDA designation.

Although I am writing this letter representing myself, I have spent the past two weeks walking door to door gathering signatures against the proposed development plans affecting Marinwood and Lucas Valley. 90% of the homes visited by myself and fellow neighbors are NOT in support of this plan or the related Housing Element. Since this plan is voluntary and you do not have the support of the Marinwood/ Lucas Valley community I ask again that you remove Marinwood as a potential PDA designation.

I have grave concerns about the environmental, health and safety impacts that could result from the poor land use planning that I see presented in this plan as well as other related plans, such as the Marin County Housing Element. There are numerous holes and inconsistencies in the Plan Bay Area and DEIR which are the basis of my comments that follow:

Unrealistic employment growth

Projected employment growth in Marin County is half of what is being proposed for housing growth. The largest Bay Area job growth is assumed in major cities and areas such as Silicon Valley that have established industries such as technology. Marin County is not known for any specific industry. For its size, Marin County has very few large scale employers and a low number of high paying jobs compared to the number of residents and high cost of living. The potential growth in local employment projections are assumed to be coming from professional services and retail.

Marin had the largest job growth from 1980 to 1990. In 2011, employment levels were about the same as they were in 1990. There are documented studies that project a relatively flat growth in jobs in Marin County over the next 30 years. The lack of consistency and equality between the housing and job numbers projected in Marin County will lead to more commuters, thus increasing green house gas (GHG) emissions as there will not be enough jobs for the number of residents moving into the county. This will hurt the workforce that these plans aim to protect as there will be more competition for available jobs and low income earners will not have ample salaries to pay for the high price of transportation to travel to employment throughout the Bay Area.

The lack of continuous transportation will also affect quality of life for those depending on public transportation as it can take hours to get from point A to B if multiple modes of transportation are to be used. In addition, the Housing Element appears to designate almost every available parcel in Marin for housing, not leaving properties available for commercial development. Furthermore, the proposals for mixed use projects do not have an equal balance between jobs and housing.

The discussions around new jobs in Marin have been more focused on filling vacancies than creating new development. This does not leave opportunity for the creation of jobs in areas where housing is being considered. A perfect example of this is the Marinwood area, which has minimal jobs in the near vicinity and yet the projected housing number far exceeds any potential commercial development within the area. Due to the fact that job growth in Marin will likely remain flat and the available capacity for jobs to increase is unlikely, I ask that The Plan Bay Area be revised to include realistic employment projections by area and a specific plan for achieving those projections. I ask that the plan take into account not only the workforce commuting into Marin County for employment, but all commuters into, out of and through Marin County. The approach taken in this plan is shortsighted and not representative of all current commute patterns.

Unrealistic Housing numbers

Like the job numbers, the housing numbers also appear to be unrealistic. The January 2013 release of the State Department of Finance (DOF) projections of Marin County's population growth are 10% lower than the growth forecast used for Plan Bay Area. Plan Bay Area forecasts a 13% population growth to 2040 (32,914 more people) but DOF projects a 3% population growth (6,818 more people). This is a significant discrepancy. The Plan Bay Area and the DEIR should be revised to reflect population growth based on DOF projections, not that of an independent consultant hired by ABAG.

The plan needs to include an assessment of the total cost to the County and taxpayers incurred by adding housing. This assessment should include additional services (schools, water, fire, police, ambulance...) and the total cost of development including subsidies to developers and loss of tax base.

The housing assumptions do not reflect accurately the desire of a large group of people to maintain living in rural areas and in single family homes. It makes the assumption that the future housing preference is high density, mixed use housing, located in urban areas. While both are desirable to different groups of people, the plan is not representative of all type of housing desires. I request that the plan be modified to accurately represent the desires for all types of housing.

Inadequate evidence that high density housing near transit reduces green house gases (GHG)

Not only is there no evidence provided that proves placing housing near transit reduces GHG, there is also no analysis validating assumptions that people who move to high density housing near transit will be more likely to take public transit. These ideas or goals focus too much on strategies, which are not valid, and should be substantiated with factual information.

This plan does not take into consideration accurate travel needs, preferences and behaviors and the fact that for many people the preferred mode of travel is by car. The plan does not indicate what other studies have been put forward other than a "one size fits all" determination made by the authors of this plan stating how people are expected to travel. This makes grand assumptions that are unrealistic and should not be used as the basis of such a widespread and impactful plan.

I ask that you provide the analysis to prove that the housing near transit lowers GHG emissions, at what cost and what other options are available to achieve the same results.

Inadequate evidence that the transportation plan reduces GHG

It seems that there are other ways to reduce GHG emissions that should be analyzed as having a potentially more significant impact on reduction than what is being proposed in Plan Bay Area. These options include considering the future automobile technology and incentivizing individuals for the highest fuel efficient cars. Focus on creating a much higher number of localized jobs in Marin County to allow for more existing residents to work close to home rather than just focusing on housing for those commuting into Marin.

Further studies and factual information should be presented to substantiate that switching people from cars to public transit will in fact decrease CO2 emissions, rather than increase emissions. More information is needed on the types of transportation being proposed and a comparison between the emissions from the public transit vs. cars. The Plan focuses on GHG emissions from personal vehicles and light trucks and does not focus on technology improvements made to other forms of transportation including busses, ferries, trains, etc. An assessment should be performed on the potential for reductions by replacing fleets of other modes of transportation and the cost benefit should be analyzed against the plan as currently proposed.

The plan identifies that the "no project" alternative is projected to reduce passenger vehicles CO2 emissions by 23% by 2040 over the existing condition in 2010. The proposed alternative, which is costly and intrusive into basic economic and personal freedoms, is projected to reduce emissions by 25%. The plan does not consider if this extra 2% is worth the additional costs. I ask that a cost benefit analysis be prepared and incorporated into the findings, which includes other options to reach the additional 2% GHG emissions.

Inadequate evidence that placing high density housing next to major transportation corridors will not have significant adverse health effects on those residents.

The Plan proposes placement of housing along transportation corridors, where the objective is to locate jobs and housing in close proximity to each other, with the goal of reducing automobile trips and therefore mobile source emissions. However, in doing so sensitive receptors will be exposed to unhealthy levels of toxic air or particulate concentrations. The DEIR does not provide adequate mitigations to protect sensitive receptors, especially those spending time outdoors, such as children playing outside. The DEIR states: "New research on the health effects of TACs and PM2.5 reinforces earlier findings regarding adverse health impacts on both respiratory and cardiovascular health but also a wider range of potential effects, such as diabetes, autism, cognitive functions in older adults, and oxidative damage to DNA. In addition, US EPA has not identified a level of TAC/ PM2.5 concentration where no negative health effects are observed." There are

many reports not disclosed or discussed in the plan that identify causal links between proximity to freeways and highways, asthma, autism and cancer. This should be highlighted as a risk in the plan and study references included.

Implementation of Plan Bay Area would subject sensitive receptors to a significant increased risk of developing life-threatening illnesses from toxic air contaminants and particulate matter emissions. Furthermore, the measures listed to mitigate these significant impacts are inadequate to reduce them to less than significant levels, particularly in regard to protecting sensitive receptors that spend time outdoors. Plan Bay Area's proposal to target residential development in close proximity to highly travelled and congested roadways is irresponsible land use planning and conflicts with CEQA. Case law clearly shows that CEQA is intended "to compel government at all levels to make decisions with environmental consequences in mind." I ask that you revise Draft Plan Bay Area and remove all proposed residential development from areas that are located within the zone of influence of toxic air contaminants and/or fine particulate matter emission sources

and remove areas situated within the zone of influence of these emissions from Transit Priority Project corridors, Priority Development Areas and Potential Priority Development Areas.

Plan does not sufficiently consider that traffic congestion adds to CO2 emissions

The Plan Bay Area does not consider cumulative effects of increased localized traffic. The lack of expansion of the road network will cause an increase in traffic congestion as areas grow more dense. Instead the methodology of this Plan places an over-emphasis on public transit. In reality, congestion will increase, and the resulting standing or slow traffic will cause additional CO2 emissions per passenger mile for the most used form of transit cars and light trucks.

Furthermore the plan does not adequately take into consideration the impact of the time wasted from traffic congestion and the effects on quality of life. The Plan Bay Area does not account for typical family life, taking children to and from school, sports, errands, etc., it only focuses on trying to change the norm. Congested roadways will result in a reduction in the distance that most residents can effectively commute, due to time and family constraints. This in turn means that people are less able to find employment within an acceptable distance.

I ask that the Plan Bay Area be revised to take into consideration additional, localized traffic especially in areas where increases in housing are not balanced with job growth.

Plan fails to disclose subsidization required to encourage residents to move to high density development near transit

The Plan Bay Area fails to identify the true amount of subsidization required to encourage builders to develop high density housing. A survey by the National Association of Realtors in 2011 reveals that the vast majority of Americans prefer to live in single-family homes with privacy and yards.

Evidence exists that subsidies are required in order to encourage people to move to high density housing. There is no analysis included in the Plan to validate the amount of subsidization required to encourage developers to initiate and complete such projects and residents to move into them.

This lack of specificity means that an undefined amount of public money, via state, county or city, will be used to reach the goals of this plan.

## Plan Bay Area 2040 Final Environmental Impact Report

The plan does not alert readers to rising taxes needed to raise revenue to cover these subsidies. Alternatively the plan does not provide sufficient analysis of impacts to services such as police, fire and schools. In addition, there is no evidence that the expenditures covered by the plan will achieve the stated goals.

Inadequate information re: water supply, sea level rise, and support for infrastructure

There are 5 significant, irreversible environmental changes, and 39 significant unavoidable impacts of the plan, identified in the DEIR, that should be addressed and mitigated before this plan is accepted. They should not be dismissed with findings of "overriding consideration." If the organizations that are proposing to implement this plan cannot address these serious affects than perhaps that is a sign that this is not the right plan for the Bay Area. The impacts I am referring to include:

- Insufficient water supply;
- Exposure to hazardous materials;
- Inadequate wastewater treatment capacity;
- Net Increase in Sensitive Receptors located in Transit Priority Project corridors where there are high concentrations of cancer causing Toxic Air Contaminants and fine particulate matter emissions;
- Inundation from sea level rise;
- Direct removal, filling or hydrological interruption of habitat;
- Interference with the movement of native resident or migratory fish or wildlife species.

Plan Bay Area Approval

It is unclear to me how the Plan Bay Area ultimately gets approved and implemented. I request that this be clarified to the population impacted by the Plan. Is the plan subject to voter approval?

Conclusion

The Draft Plan Bay Area's DEIR is inadequate in numerous instances identified in this comment letter. ABAG must prepare an EIR that adequately analyzes the plans significant impact and meets CEQA guidelines. The conclusions are not supported by substantial evidence. The key assumption regarding population and job growth is inaccurate. A revised EIR should be prepared and circulated for public review and with ample time given to the public to comment.

Thank you,  
Deirdre O'Brien

San Rafael, CA 94903

Chia

Greg Schmid

Palo Alto CA 94303

May 9, 2013

Mr. Mark Luce, President  
Association of Bay Area Governments  
Joseph P. Bort Metro Center  
P.O. Box 2050  
Oakland, CA 94607-4756

**RECEIVED**  
**MAY 14 2013**  
EXECUTIVE DIRECTOR'S OFFICE

Re: Comment on Final Draft Plan Bay Area

Dear Mr. Luce:

C183-1

The ABAG Mission Statement states:

*ABAG is committed to enhancing the quality of life in the San Francisco Bay Area by leading the region in advocacy, collaboration, and excellence in planning, research, and member services.*

As local officials, we need to be able to think and talk through options that deal with the very real problems we face. California is in the midst of a sometimes troubling demographic transition and we look to ABAG to help local communities explore the consequences of these changes. As presented to us, Plan Bay Area does not allow us to discuss the most important of these issues.

The stated goal of the Plan is to help local communities chart a course to accommodate change while “fostering an innovative, prosperous and competitive economy; preserving a healthy and safe environment; and allowing all Bay Area residents to share the benefits of vibrant, sustainable communities.” (Draft Plan Bay Area, March 2013, Page 1). But the Plan presents and imposes on us only a single long-term demographic projection. This severely limits our ability to plan effectively for a changing future.

Plan Bay Area asserts a single demographic view of the future, a view that it calls the “the best picture we have of what the Bay Area may look like in 2040” (Page 5). It projects a population growth of 2.1 million people in the Bay Area in the period 2010-2040 (Page 6). This demographic assertion is the starting point for each and every public discussion of the Plan. But this ‘best picture’ projection is some 60% higher than the forecast of the State Department of Finance's Demographic Research Unit—a group set up “to serve as the single official source of demographic data for state planning and budgeting” (California Department of Finance website). That group projects a Bay Area population increase of only 1.3 million by 2040. (Population Projection P-1, Demographic Research Unit, California Department of Finance, January 2013).

Up until 2012, ABAG had relied on the Department of Finance's population projections as the basis of their own forecast. But ABAG moved away from that long-standing relationship when the 2010 Census showed a rather dramatic slowdown in California's, and the Bay Area's, population growth. In early 2012, a detailed analysis of California's population slowdown during the 2000's led the Department of Finance to revise its longer term projections in the areas of births, domestic migration and international migration. Instead of leading a public discussion of

the implications of these important demographic shifts, ABAG turned to an entirely new model based on a US Department of Labor forecast. The selected Labor Department forecast not only didn't show a decrease in projected population following the official Census Report, they instead posited a substantial increase (see the articles detailing the Department's long-term population and labor projections in US Department of Labor, *Monthly Labor Review*, November 2006 and October 2012). This was not just a phenomenon of ABAG's taking a national perspective rather than a local one. The US Census Bureau (which carries the federal responsibility for population estimates) made the same adjustments on birth rates and migration rates that California's Department of Finance did (reducing their national population projections for 2040 by some 34%). In fact, the Census Bureau actually published a short paper explaining why their longer term projection had changed so dramatically between 2008 and 2012, "What a Difference Four Years Make: US Population Projected to Grow at a Slower Pace" (US Census Bureau Blog, December 12, 2012)

In fact, most professional demographers are projecting a slower pace of population growth in coming decades at both the national and state level as they re-examine birth rates, domestic migration and international migration. Yet ABAG is ignoring the possibility of a downward change. While there is room for disagreement and alternate scenarios, it would certainly be helpful for ABAG in their role of fostering excellence in local planning to help local communities explore some of the reasoning behind those changed projections and the consequences for decisions local officials make.

Let me mention a few of the most important of those shifting trends that might have significant impact on the longer-term decisions local governments make:

- Over the last ten years, California has averaged a net domestic out-migration of over 150,000 people per year. That adds up to a loss of over a million and a half California residents over the decade. Who are these migrants? According to the Department of Finance, the largest outflows are those aged between 30 and 45; the next largest group is young kids under 10 years of age. These are young families leaving the state. About two-thirds of the adults leaving have gone to California colleges. These are middle class young families.
- Because of the dramatic loss of young families, California is the only state west of the Mississippi that has a declining number of children under the age of 10.
- San Francisco is a special case with the share of children between the ages of 5 and 17 the fastest declining age group.
- The high cost of property in California is certainly one key factor in these changes. It has not only contributed to the out-migration of young families but it has sharply curtailed international immigration to the state over the last decade. Demographers have noted that net migration from Mexico to California is now close to zero.
- The absolute number of California residents admitted to the UC system has been falling for the last two years.



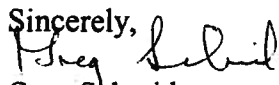
As elected officials, we are confronted with these indicators that point to a state that faces a shrinking young middle class. These are our kids, our grandkids, who are leaving.

Responding to demographic changes requires investment by local communities. We would like to create affordable housing and jobs that keep our young middle class families in the community. We need to invest in schools and day care centers and parks and recreation programs and libraries that form an affordable and attractive community. At the same time we have to maintain streets and sidewalks and our aging public buildings. Yet you are asking us to invest more of our funds in building homes in Priority Development Areas to meet a possible influx of new residents and jobs. While it makes sense to assure that our communities remain diverse and vibrant, speculating on possible rapid growth rates is expensive. Each 'affordable' house, for example, carries a substantial subsidy in our high priced communities. As an example, each new low income housing unit in Palo Alto carries a public subsidy of between \$100,000 and \$400,000. And this is without the additional public funds needed for infrastructure support for things like schools and parks and roads and security.

As Council Members we are facing severe demands on our existing budgets. We are willing to spend to build affordable housing. But we are struggling to pay rising benefits and pensions to our workers who provide basic services and it is difficult to find new funds to invest in our existing schools and child care facilities. At the same time we are confronted with a constrained tax system. Our main source of local revenue, property tax, grows slower than the California economy under Prop 13. A key element of that slower growth is the fact that each year businesses share of property tax payments declines because of a special Prop 13 exemption.

When we draw the 'best picture' of our demographic future, it is imperative that we make sure that we include the best thinking of the many professional demographers available to help us sort through our options and choices. It doesn't help us to be presented with only the most aggressive growth scenario and to hear at the beginning of each public meeting "By statute, the Regional Housing Needs Determination cannot be changed".

If existing statutes stand in the way of exploring realistic demographic change, please help us change the statutes. If Prop 13 constrains all the choices we have, identify it as a problem for us. Help us explore the full range of demographic changes we face and what options we have to use our scarce resources so that we can truly excel in "planning, research and services" to our constituents.

Sincerely,  
  
Greg Schmid  
Palo Alto Council Member  
[gregschmid@sbcglobal.net](mailto:gregschmid@sbcglobal.net)

Cc: Ezra Rapport, Association of Bay Area Governments  
William Schooling, Chief, Demographic Research Unit, Department of Finance  
Walter Schwarm, Demographic Research Unit, Department of Finance

Pamela Tapia

Berkeley, CA 94705



My name is Pamela Tapia.

C184-1

I'm a student at the Peralta Colleges. I write to urge you to modify the Proposed Plan to increase the level of funding for transit and for affordable housing to levels included in Alternative 5, and to also adopt the other anti-displacement measures in Alternative 5. Without more investment in affordable housing and other anti-displacement policies, displacement will occur, forcing longer, more expensive and more polluting commutes on low-income residents

In September of 2011, my mother lost her minimum-wage job. Her factory decided to pack up and move to South Carolina. As a single parent raising two kids, my mom depended on that \$280 a week to pay the \$700 rent on our apartment on the West Oakland-Emeryville border. She spent most of her check on housing and transportation.

She decided to move our family to the Central Valley where an apartment was half the price of our former home. But there are no jobs in the Central Valley—well, not any place where she was qualified to do the work. She had no option. She had to go back to do the same thing she had always been doing. After almost four months of desperate job-hunting, my mother found a job in a factory in Union City's industrial park.

My mom now lives in Manteca but has to commute to Union City for work. What used to be a 30-minute ride from our apartment near MacArthur BART turned into a 4-hour commute. Since she doesn't have a car, she must take the bus from Manteca to Stockton, from Stockton she must take a \$20 Amtrak train to Richmond, from Richmond must pay \$5 to get on BART to Union City, from Union City BART she must catch another bus to her workplace -- bringing the total to almost \$60 a day to just travel for work.

At a rate of \$8 an hour, working 8 hour shifts, she would make an approximate of \$64 a day, but would spend \$60 just on transportation A DAY.

She literally could not afford to get to work. To avoid spending so much money traveling, she determined that she would have to stop traveling. During weekdays, she would sleep in the BART trains, riding the train until the end of the line, getting off and riding it back on the opposite direction, even sleeping on her job's cafeteria floor or on someone's couch.

I felt awkward when I first wrote this. I am not asking for your pity. That is not my goal but these are the facts. This happens.

C184-2

The proposed Plan assumes that displacement will not result in increased rates of in commuting from outside the Bay Area or cross commuting between counties. This assumption is not supported by historical trends and does not agree with my own experience.

I urge you to increase funding for affordable housing and transit, and support other anti-displacement measures, to avoid placing more Bay Area residents in my mother's current position.

## Plan Bay Area 2040 Final Environmental Impact Report

**From:** Athena McEwan <[REDACTED]>  
**To:** "ksears@marincounty.org" <ksears@marincounty.org>, "skinsey@marincounty.org" <skinsey@marincounty.org>, "jarnold@marincounty.org" <jarnold@marincounty.org>, "krice@marincounty.org" <krice@marincounty.org>, "info@OneBayArea.org" <info@OneBayArea.org>, "eircomments@mtc.ca.gov" <eircomments@mtc.ca.gov>  
**Date:** 5/8/2013 9:00 PM  
**Subject:** Planning For Reality: Plan Bay Area – A Recipe for Transit Disaster

Esteemed Representatives, planners, politicians and bureaucrats,

The analyses below show that Plan Bay Area holds less water than a sieve. It is a travesty. I realize none if you is really interested in anything but pushing it through. At this stage, however, I suspect - and very much hope - you will fail because this Plan is fundamentally flawed and people are becoming more and more committed to making sure it does not go forward. And when all the facts are put on the table publicly, I would not like to be in your position of looking foolish, at best.

Cheers, A. McEwan

C185-1

Mill Valley Patch  
- Richard Hall | May 7, 2013

### PLANNING FOR REALITY: PLAN BAY AREA – A RECIPE FOR TRANSIT DISASTER

Plan Bay Area proposes laudable goals such as reducing CO2 and improving transportation across the entire region. However it places a great emphasis on switching people to using transit and makes leaps of logic that dissolve under scrutiny exposing that the plan may in fact increase greenhouse gas emissions.

#### False Goals: Reducing CO2 Emissions, But Only for Cars & Light Trucks

Climate change is happening, it's bad and we need to do something about it. As a former European I was dismayed that the Bush took no part in Kyoto, but thanks to Obama the US is board and no longer in a state of denial. But the execution to achieve greenhouse gas reduction is being broken by distorted goals.

The real goal should be to reduce CO2 emissions, period. But somehow the state of California, through Senate Bill 375, and as a consequence Plan Bay Area has instead focused only on the goal reducing CO2 emissions for cars and light trucks. Transit gets a free pass - based seemingly on the assumption that switching people from transit to cars will reduce CO2. This assumption does not stand up to scrutiny...

#### Spending Billions to Make Tiny Impacts (Even if Assumptions are Valid)

Assuming that this goal is valid here is how Plan Bay Area lines up:

##### CO2 Emissions

(Metric tons) Existing Conditions  
2010 Alternative 1

No Project

Alternative 2

Plan Bay Area

Alternative 5

"Equity, Environment and Jobs"

|                             |            |            |            |            |
|-----------------------------|------------|------------|------------|------------|
| Passenger Vehicle Emissions | 19,383,000 | 14,970,000 | 14,631,000 | 14,427,000 |
|-----------------------------|------------|------------|------------|------------|

|                          |      |      |      |  |
|--------------------------|------|------|------|--|
| %CO2 reduction from 2010 | -23% | -25% | -26% |  |
|--------------------------|------|------|------|--|

Remember transit and other CO2 emissions are not included in the stated goal. So even focusing on cars and light trucks Plan Bay Area achieves just a 2% reduction beyond inaction, and the so-called "Equity, Environment and Jobs" achieves only 3% reduction.

The reason for such tiny reductions is that cars have become increasingly greener, and Obama mandated mpg targets (which directly correlate to CO2 emissions) are making the vehicle fleet greener every year.

#### A Tiny Reduction in CO2 at Massive Cost

But what does this small incremental reduction of Plan Bay Area and Environment really cost:

a massive program of investment in transit costing billions of dollars

extensive development of high density housing near freeways and railway lines that assume that people will live there, or subsidies will be spent to make them sufficiently attractive (which will be very high in Marin due to cost of land)

significant increases in asthma and autism (including potentially deaths) cause by proximity of "sensitive receptors" (families) to diesel particulates, ozone and other pollutants

increases in property taxes to support the additional populations' needs around police, fire, water (in Marin this is likely to mean desalination plants) and schools

OR decreases in services levels

urbanizing swathes of Marin with 4-5 story buildings that turn otherwise suburban neighborhoods of single family homes into dark alleys

overlooked by tall buildings

What dismays the author the most is that so much effort is made to suggest that Plan Bay Area, or more so the "Equity, Environment and Jobs" alternative is best for the low income groups, when precisely the opposite seems to be the reality.

A quick Google reveals dozens of studies linking proximity to freeways (where the plan will place so many new high density homes) to adverse

health risks.

Here is one such study by the LA County and Southern California Medical Center, University of Southern California Keck School of Medicine: "Residential Proximity to Freeways is Associated with Uncontrolled Asthma in Inner-City Hispanic Children and Adolescents"

Myth: High Density Residents Will Take Transit

Then there is the other major leap of faith of Plan Bay Area: the residents of the new high density housing near transit will actually be more likely to take transit.

Only looking back in history a short amount of time and to nearby Portland exposes this as a myth.

The city of Portland has conducted just the same kind of highly aggressive "compact infill development" policies as Plan Bay Area, combined with significant transit investment. The transit cost \$3bn and the subsidies required to encourage building and habitation of this housing was another \$2bn (guess who paid for that). The results were that in downtown Portland the share of weekday commuting on transit actually fell from 46% of trips to 36% during the past decade (according to annual surveys done by the city auditor).

Review of Plan Bay Area presents no valid evidence of a causal link, or to use the technical term "sensitivity analysis".

Myth: Transit Produces Less CO2 than Cars

Despite what people would like to believe, transit, especially trains such as the SMART train, does not use less energy or produce less CO2 emissions than current generation automobiles, let alone the upcoming improved automobiles that are the more valid comparison. For instance a train bought today is likely to have a 30 year lifespan before replacement, so it must be compared to the likely emissions of a car or light truck of 15 years in the future.

Many of the myths around transit being "greener" than cars are built on misleading or false assumptions. For instance a full bus may well emit less CO2 per passenger mile than a car, but in the US in 2006 the average passenger load of a conventional bus was 9.2 passengers. Meanwhile while there may be many single occupant cars the average load of a car was 1.58 in 2006 (and HOV lanes since 2006 have encouraged this number to go up).

Another key consideration is that buses must drive from the depot to the start of the route and also return at the end of the route. Whereas car journeys do not have the same overhead – people drive from A to B.

Ultimately transit consultant Thomas Rubin concludes in his paper "Does Bus Transit Reduce Greenhouse Gas Emissions" that buses emit more CO2 per passenger mile than cars and light trucks.

Rail is even worse. Railway lines require sizable efforts around construction; they require feeder buses that tend to have low ridership. As a result Randal O'Toole of the think tank the Cato Institute concludes in his paper that most rail transit lines generate more greenhouse gases than the average passenger automobile.

Neglect of Highways will Cause Increased Congestion and CO2 Emissions

Finally Plan Bay Area places such a great emphasis on transit, and de-emphasizes highway investments that it will encourage congestion - and cars are at their worst emitting greenhouse gases in congestion. And it must not be forgotten that all the thousands of new residents that the plan anticipates will be adding cars to the freeway and not taking transit (see the Portland evidence referenced above).

So What is the Solution?

Living in the high tech Bay Area the visible strides in car technology are becoming self-evident. Cars can now park themselves, they keep you in lane when you drive on a freeway. Google has cars that have safely driven themselves over 700,000 miles (more than most people drive).

The answer is that we are fast approaching the day when you can drive onto a freeway, hit cruise, and your car can "chain up" to other cars that are being computer driven.

The consequences of chained, computer driven cars is that freeway capacities increase four-fold. So once again - is the massive cost of Bay Area, even if it achieves the stated benefits truly worthwhile?

Comments (11)

Stephen Nestel

10:03 am on Tuesday, May 7, 2013

Do planners understand that low income people need to get to work on time like everybody else? They often don't have the luxury of commuting to a dense commercial hub. They may be restaurant workers, landscapers and cleaners that need to arrive early on the job and at locations not easily served by public transit. This is the reality. Planners need to get real. The car is here to stay. With cleaner vehicles, it is far more "carbon neutral" and efficient than mass transit.

Rico

10:27 am on Tuesday, May 7, 2013

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And, how does cramming in more high density apartment buildings into an already built out section of Marin in the urban corridor help Marin? I totally believe all the statistics in this article, especially about the medical problems associated with living near freeways and busy downtown streets.

That is a way of life in most of the bay area now, but most of Marin is different and will always remain to be.

To me, this Plan is nothing more than a scam to build more apartments in the urban corridor of Marin. What will happen if it is implemented is the existing people who live far away from the urban corridor will simply avoid the new mess. That will hurt the existing already struggling businesses in the urban corridor, but may be a boon to all the other locally owned shops and stores located away from the shopping centers, like in downtown Mill Valley. They can't do to downtown Mill Valley like what they did to San Rafael.

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## Plan Bay Area 2040 Final Environmental Impact Report

ever).

I don't think that cybercars will ever become reality for the masses. To me it's just a science fiction pipedream, just like some science fiction writers predicted that someday SmartMeters will control all devices, not going to happen.

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The DEIR fails to acknowledge that in counties like Marin, Sonoma and Napa, almost 90 percent of the car and light truck use will not be effected by anything in the Plan (for a detailed explanation, please

see <http://millvalley.patch.com/articles/op-ed-the-truth-about-sb375-and-the-one-bay-area-plan>). So in Marin, those numbers are reduced by one decimal point, meaning they become -2.3%, -2.5% and -2.6%.

However, it gets worse. The data that the DEIR used was from an old study that ended in 2005. So the Plan's projections of GHGs after that date, which showed dramatic increases from cars, have already been proven false because GHGs from cars have been dropping since 2007. So their "savings" are compared against false assumptions about future GHG increases, not actual data.

Still worse, the DEIR by its own admission says that the data used to justify the benefits from the Plan (-23%, -25%, etc.) does not include the impacts of the newly passed CAFE standards of 54.5 mpg for all U.S. cars and light trucks. If you factor that in, or look at what the EPA says the impact of that will be going forward, the emissions reductions from cars and light trucks will be greater than the Plan projects even if we do nothing at all! The truth is that our GHG problems lie elsewhere.

John Parulis

10:56 am on Tuesday, May 7, 2013

Question. What is the true story behind 30 North San Pedro, a supposedly grand sample of transport aligned multi unit development? The 80 unit monster went bankrupt. Without a performance bond, the bankruptcy hurt many of the contractors who worked on it. Mechanics Liens don't really help contractors recover the full amount owed. (Though disgraced and bankrupt, the developer is now proposing yet another big box housing project in downtown San Rafael) The 80 unit complex passed without a traffic analysis, this thanks to San Rafael traffic engineer, Nader Mansourian who admitted in a public meeting that the oversight was intentional in order to advance the project along. If rented, you can be assured that the units will provide the current owners with high rental income. Is this the vision of "affordable" housing? High rent? Is it ethical to locate such housing next to a busy freeway? You'd think in "enlightened" Marin we'd know better. So who's agenda then really runs things?

Kevin Moore

1:06 pm on Wednesday, May 8, 2013

33 North San Pedro... Luxury Apartments.

<http://www.33north.com/>

33 North San Pedro... of 82 units, 16 must be "affordable housing" (20%)

[http://www.marini.com/business/ci\\_20912160/san-rafael-condo-project-33-north-sold-units](http://www.marini.com/business/ci_20912160/san-rafael-condo-project-33-north-sold-units)

One Bay Area Plan, "By 2020" page 57

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For Marin, the highest income level will get 40% more housing units than the lowest income level. (887 vs 617, round to 900 v 600 to easily see the numbers are close to 2:1)

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I can see wanting to live in the South Bay and Peninsula for the job opportunities and proximity to Stanford. They have more than their share of multi-billion dollar innovative corporations - and it shows. But Marin is not like that. We are small, still look like California (not suburban New Jersey!) and just don't see the draw making us into anything that is different. Why don't we leave Marin alone. If you want the overcrowded, high tech environment - move to Sunnyvale. All your neighbors can talk microchips and are packed in like sardines. And it is a very rare thing to get up to the 280 corridor - the only remaining part of that area.

To top that, Marin has less of a public infrastructure than all those areas. If the GG bridge went down in a quake, people would be swimming to work. Lets get real here!

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This proposal of a no plan as an alternative is an antidote to get rid of eating federal funds for useless bus stations in Novato and wasteful engineering of streets and highways.

Voting no rid this tapeworm Plan Bay Area from the local systems of healthy living. Plan Bay Area as a tapeworm is intent on destruction of a rural, workable, healthy, agricultural, watershed, and balanced equitable use of density and funds.

## Plan Bay Area 2040 Final Environmental Impact Report

Metropolitan areas of Richmond, San Jose, and Oakland need federal monies for educating their youth. Even Sonoma State needs more funding for classes for graduating seniors on time.

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Sent from my iPad



Chester E. Martine, Jr., [REDACTED]  
Orinda, CA 94563,  
May 16, 2013

To: MTC & ABAG, Plan Bay Area Public  
Comment, 101 8<sup>th</sup> Street, Oakland, CA  
94607

Re: Public Comment on Draft Plan Bay  
Area and Draft Bay Area Plan Draft  
Environmental Impact Report

This letter is submitted as public comment  
on the Draft Plan Bay Area and Draft Bay  
Area Plan Draft Environmental Impact  
Report (State Clearinghouse No.  
2012062029).

The undersigned submitter of these public  
comments identifies himself as follows:  
1958 BME degree from Rensselaer  
Polytechnic Institute, 1962 LLB degree from  
George Washington University Law School,  
& retired member of the Virginia &  
Colorado Bar Associations & The United  
States Patent & Trademark Office  
(registration 19,711 dated 1962). Resident  
of Orinda, CA since the year 2000.  
Employment experience is as a patent and  
technology licensing attorney for 46 years,  
including for corporations & law firms in  
the fields of telephone, medical devices,  
mainframe computers, solid state devices,  
Java technology, fiber optic com-

MAY 16 1:44 PM

Chester E. Martine, Jr., Public Comment on Draft Plan Bay Area  
and Environmental Impact Report Plan Bay Area Draft, page2

munications, aircraft navigation devices, semiconductor device manufacturing equipment, water purification equipment, & long-distance sensing of gases such as methane. Also taught physical science & physics at St. Paul's School for two years (1969-1971). Lastly, commuted by Prius car to & from Sunnyvale, CA for ten years working as a patent attorney. Retired in 2008, then for three years volunteered in two San Francisco Middle Schools, including mentoring 8<sup>th</sup> grade students in mock trials relating to Anthony Burns, a fugitive slave who was tried under the Fugitive Slave Act of 1850, & teaching small groups about the school desegregation cases: Brown vs. Board of Education. Interrupting such school volunteering, for the last two years have been a Trustee of a Trust for two settlors (deceased friends), including managing a Fremont, CA company owned by one of the deceased & selling its assets, managing medical care for one of the settlors, & distributing millions of dollars of Trust assets to nine beneficiaries. From the standpoints of legal, technical & complex document analysis, among other things, this legal education & work is pertinent to both the Draft Plan Bay Area and Draft Bay Area Plan Draft Environmental Impact Report, as well as to the hundreds of other documents that are cited in these Drafts or are attached as appendices.

**Comments on the Environmental Impact  
Report Plan Bay Area Draft (“DEIR”) of  
Draft Plan Bay Area (“DPBA”)**

C186-1

**Comment 1: This Comment identifies what CEQA Section 15126.6 (e) (2) defines, in terms of what the DEIR shall include for the No Project alternative 1 (referred to as “No Project”).**

**The required inclusions are an analysis that discusses:**

- (i) “existing conditions at the time the notice of preparation is published...”,**
- (ii) as well as: “what would be reasonably expected to occur in the foreseeable future if the project were not approved, based on current plans and consistent with available infra-structure and community services”.**

**(see CEQA Section 15126.6 (e) (2) which is attached as Item 1-1 of Appendix I).**

**Fact 1-1: Considering the initial aspect of that analysis, CEQA Section 15126.6 (e) (2) first refers to the analysis that discusses:**

**“the existing conditions at the time the notice of preparation is published....”.**

**Fact 1-2:** The notice of preparation (“NOP”) was published on June 11, 2012.

(see NOP pages 1-4, 10, & 11 which are attached as Item 1-2 of Appendix I).

**Fact 1-3:** Because the notice of preparation was published on June 11, 2012, June 11, 2012 is the reference date for those regulations that exist and are to be implemented by the No Project alternative if the Plan Bay Area is not approved.

**Query 1-1:** Having the date of the notice of preparation, does the DEIR discuss any conditions that were existing as of June 11, 2012?

C186-2

**Fact 1-4:** At page 3.1-3, in a DEIR Section entitled “Approach to Assessing Alternatives”, a review of Mitigation Measures expressly states:

“The No Project alternative is assumed to implement existing regulations”.

(see DEIR pages 3.1-3 through 3.1-5 which are attached as Item 1-4 of Appendix I).

**Query 1-2:** Given this “assumption”, does the DEIR discuss what it means to “implement” regulations that were existing as of June 11, 2012?

**Fact 1-5:** At DEIR page 3.1-4, a Section is entitled “Alternatives Analyzed in this EIR” (see attached Item 1-4 of Appendix I). Under

the “Alternatives Analyzed in this EIR” heading,  
on page 3.1-5 in Item 1-4, another heading  
entitled:

**“ALTERNATIVE 1: NO PROJECT”**

identifies the No Project alternative as the first  
alternative analyzed.

**Query 1-3:** What does the DEIR say on pages 3.1-4  
and 3.1-5 about what it means to “implement”  
regulations that were existing as of June 11, 2012?

**Fact 1-6:** Under the above “ALTERNATIVE  
1: NO PROJECT” heading, that Section on DEIR  
page 3.1-5 starts with a statement of what is *not* to  
be done by the No Project. That starting statement  
does not discuss what it means to “implement”  
regulations that were existing as of June 11, 2012.  
Rather, with respect to an introduction stating:

**“The No Project alternative represents  
the potential scenario of Plan bay Area  
is not implemented”,**

**that starting statement says:**

**“...no new regional policies would be  
implemented...and no uncommitted  
transportation investments would be made”.**

C186-3

**Query 1-4: Does the DEIR say anything about what it means to “implement” regulations that were existing as of June 11, 2012?**

**Fact 1-7: Under that “ALTERNATIVE 1: NO PROJECT” heading, that same Section on DEIR page 3.1-5 continues by stating a new subheading entitled “Land Use Policies:”**

**The “Land Use Policies” section states:**

**“...Urban growth boundaries would be assumed to expand at historic rates, allowing for additional development potential in greenfield locations.”**

**Query 1-5: In this “Land Use Policies” section does the DEIR discuss why urban growth boundaries are assumed to expand at historic rates in the implementation of regulations that were existing as of June 11, 2012?**

**Fact 1-8: No, this “Land Use Policies” section does not discuss why urban growth boundaries are assumed to expand at historic rates in the implementation of regulations that were existing as of June 11, 2012.**

**Fact 1-9: Rather, this section states more of what is not to be done by the No Project in the future, namely:**

**“Land Use Policies: No new regional land use plan would be developed and no new policies would be implemented to influence the locations of housing and employment centers in the region. No new fees, subsidies, or land development incentives would be provided on the regional level.”**

**C186-4**

**Fact 1-10: Immediately after this next-above quoted text, the text refers to those “urban growth boundaries” made, which is not explained.**

**Query 1-6: Recognizing that the above assumption about urban growth boundaries expanding at historic rates is not explained or discussed, the question is:**

**other than the above introduction stating that the No Project alternative represents the potential scenario if Plan Bay Area is not implemented, does the DEIR include any discussion of what it means to “implement” regulations that were existing as of June 11, 2012?**

**Fact 1-11: None has been found. Rather, at pages 3.1-8 to 3.1-10 of the DEIR, Table 3.1-1 charts various policy measures of the various alternatives. Instead of such a discussion of the required “existing conditions”, that Table with this chart includes one-line items, such as “Existing General Plans” that are identified with the No Project. These one-line items omit a discussion of the required “existing conditions”.**

(see DEIR pages 3.1-8 to 3.1-10 attached as Item 1-11 of Appendix I).

**Fact 1-12:** The same omission of a discussion of existing regulations of the required “existing conditions” applies to Table 3.1-2 (page 3.1-11 of the DEIR), which only lists 2010 population & other 2010 data.

(see DEIR page 3.1-11 attached as Item 1- 11 of Appendix I).

**Query 1-7:** Apart from the DEIR, but relating directly to the DEIR, is there a reference to what it means to “implement” regulations that were existing as of June 11, 2012?

**Fact 1-13:** The Notice of Preparation for the DEIR includes a document called “Attachment A, Project Description & Scope Of Environmental Analysis”. (see pages 4, 10, & 11 of attachment A, which are attached as part of Item 1-12 of Appendix I)

**Fact 1-14:** At pages 10 & 11 of that Attachment A it is noted that “more precise definition of the alternatives, or new alternatives, will likely emerge as the EIR scoping and preparation process evolves”.

**Fact 1-15:** At page 11, Attachment A of the NOP states:

“For purposes of this EIR, the No Project alternative consists of two elements:



**(a) the existing land uses plus continuation of existing land use policy as defined in adopted general plans, zoning ordinances, etc. from all jurisdictions in the region and**

**(b) the existing 2010 transportation network plus a set of highway, transit, local roadway, bicycle and pedestrian projects that have either already received funding or are scheduled for funding and have received environmental clearance by May 1, 2011.”**

**C186-5**

**Query 1-8: Does the NOP describe or discuss the existing land uses or the continuation of existing land use policy as defined in adopted general plans, zoning ordinances, etc. from all jurisdictions in the region?**

**Fact 1-16: No such description or discussion has been found in Attachment A of the NOP.**

**C186-6**

**Query 1-9: Does the NOP describe or discuss which “existing land uses” or which continued “existing land use policy as defined in adopted general plans, zoning ordinances, etc. from all jurisdictions in the region” provide, or foster, the assumption noted above in Fact 1.7, that:**

**“...Urban growth boundaries would ...expand at historic rates, allowing for additional development potential in greenfield locations.”**

**Fact 1-17:** No such description or discussion has been found in Attachment A of the NOP.

C186-7

**Query 1-10:** Other than in the “ALTERNATIVE 1: NO PROJECT” section noted above in Facts 1-5 & 1-6, does the DEIR include any discussion of existing land use policy as defined in general plans, zoning ordinances from any jurisdictions in the region?

**Fact 1-18:** No such description or discussion has been found in the DEIR in terms of what it means to “implement” regulations that were existing as of June 11, 2012.

C186-8

**Query 1-11:** Does the DEIR refer to any regulation impacting existing land use policy as defined in general plans, zoning ordinances in any jurisdictions in the region, and if so, is that reference included in the subheading entitled “Land Use Policies:” under the description of the “ALTERNATIVE 1: NO PROJECT” heading?

**Fact 1-19:** Yes, the DEIR recognizes that the CA Clean Air Act existed as of June 11, 2012. However, that reference is not included in the subheading entitled “Land Use Policies:” under the description of the “ALTERNATIVE 1: NO PROJECT” heading. In detail, on page 2.2-1 the DEIR includes a main section “2.2” entitled “Air Quality”. In that main section, on page 2.2-12 under a heading entitled: “State Regulations”, the DEIR refers to that Clean Air Act. Also, the most recent update to that Clean Air Act is there called “*The Bay Area*

***2010 Clean Air Program***” (herein 2010 CAP). See Item 1-19 of Appendix I, which is DEIR pages 2.2-1 & 2.2-12. The context of this reference to 2010 CAP related to duties of nonattainment areas and local air districts under the 2010 CAP.

**Fact 1-20:** In terms of an “Impact” 2.2-1(a) described on DEIR page 2.2-27, the DEIR noted that the 2010 CAP:

“...recognizes the need to encourage future population and job growth in areas that are well served by transit and where mixed-use communities provide jobs, housing, and retail in close proximity.”

Also, the DEIR there stated that:

“Key themes embedded in the 2010 CAP include:

...

“Ensuring that focused growth in priority areas is planned and designed so as to protect people from both existing sources and new sources of emissions.”

(see Item I-20 of Appendix I, which is DEIR page 2.2-27).

**Query 1-12:** In that page 2.2-27 reference to 2010 CAP, did the DEIR note that any existing land use regulation or existing land use policy (e.g., as defined in general plans, zoning ordinances in any

jurisdictions in the region) was consistent with 2010 CAP?

**Fact 1-21:** No, there the DEIR only stated that:

**“Consistent with the 2010 CAP, the proposed Plan is based on the goals of ...focusing growth in areas that are well-served by transit and existing infrastructure.”**

C186-9

**Query 1-13:** As of June 11, 2012, other than 2012 CAP, were there any existing land use regulations or existing land use policies (e.g., as defined in general plans, zoning ordinances in any jurisdictions in the region, or any other land use regulations) having an effect on land use?

**Fact 1-22:** Yes, the State Housing Element Law (the SHEL) is a regulation existing as of June 11, 2012. This existing regulation is summarized in a document entitled “State Housing Element Law”, which is attached Item 1-22 of Appendix I. In essence, under SHEL each California city & county must adopt a General Plan (GP). A mandatory element of every GP is a housing element (HE). (see pages 1-3 of the SHEL attached as Item 1-22 of Appendix I)

**Query 1-14:** In re June 11, 2012, what is the effect of the State Housing Element Law existing as of June 11, 2012 on whether the DEIR must discuss the SHEL and the HE as part of the CEQA-required discussion of “the existing conditions at the time the

**notice of preparation was published” with respect to the No Project?**

**Fact 1-23: Because the existing SHEL is a regulation existing as of June 11, 2012, the DEIR must discuss the SHEL and the HE as part of the CEQA-required discussion of “the existing conditions at the time the notice of preparation was published” with respect to the No Project.**

**Query 1-15: Are there other parts of SHEL or the HE having a bearing on the CEQA-required discussion of “the existing conditions at the time the notice of preparation was published” with respect to the No Project?**

**Fact 1-24: Yes.**

**Fact 1-25: See page 1 of 2 of a document entitled “Final Regional Housing Need Allocation to be Released Summer 2013”, attached as Item 1-25 of Appendix I. In view of the mandate in the SHEL that cities must revise their respective HE’s every eight years, this SHEL regulation, and the resulting currently-effective Housing Elements mandated under SHEL, are part of the “existing conditions at the time the notice of preparation was published” and are part of the CEQA-required discussion of “the existing conditions at the time the notice of preparation was published” with respect to the No Project.**

C186-10

**Query 1-16:** Are there other regulations as of June 11, 2012, having a bearing on the CEQA-required discussion of “the existing conditions at the time the notice of preparation was published” with respect to the No Project?

**Fact 1-26:** Yes, the next Facts 1- 27 through 1-44 discuss other existing regulations related to No Project (which the DEIR assumes are to be implemented by No Project). This discussion sets forth results of years of implementing all such other existing regulations. These Facts 1-27 through 1-44 both:

(i) define “existing conditions at the time the environmental analysis is published...”, & assist in determining

(ii) assist in determining “what would be reasonably expected to occur in the foreseeable future if the project were not approved, based on current plans and consistent with available infrastructure”.

**Fact 1-27:** The State Housing Element Law existing as of June 11, 2012, as summarized in that document entitled “State Housing Element Law” (see Item 1-22, Appendix I), refers to what each Council of Governments must do, which is to prepare a Regional Housing Need Plan (RHNP). The RHNP is to promote many objectives, including:

**“Increase the housing supply and the mix of housing types, tenure, and affordability in all cities...in an equitable manner”; & “Promote infill development and socioeconomic equity...”.**

C186-11

**Fact 1-28: As noted in Fact 1-19, the DEIR recognizes that the 2010 CAP:**

**“...recognizes the need to encourage future population and job growth in areas that are well served by transit and where mixed-use communities provide jobs, housing, and retail in close proximity.” .”**

**Fact 1-29: Referring to (DEIR page 3.1-3, Item 1-4 of Appendix I), the “Alternatives Analyzed in this EIR” section for the No Project alternative is the appropriate place for the CEQA discussion based on Section 15126.6 (e) (2). That section omitted those above details of the 2010 CAP. Thus, that section omitted the details above about the 2010 CAP recognizing:**

**“... the need to encourage future population and job growth in areas that are well served by transit and where mixed-use communities provide jobs, housing, and retail in close proximity.”**

C186-12

**Fact 1-30: An October 2002 Smart Growth Strategy is an “existing condition” as of June**

**11, 2012. This Strategy shows the 2010 CAP was preceded by one of numerous existing Bay Area regulations that encourage future population and job growth in areas that are well-served by and were in close proximity to Transit. The movement toward such regulations started by ABAG as early as October 2002 with the Smart Growth Strategy which may be found at:**

**[www.abag.ca.gov/planning/smartgrowth/Publications/Final%20Report](http://www.abag.ca.gov/planning/smartgrowth/Publications/Final%20Report)**

**herein referred to as “SG2002”.**

**See SG2002 pages 2, 5, 6, 14-18, & 20-31 of Item 1-30 of Appendix I.**

**Fact 1-31: SG2002 included a section entitled “Creating Vision”, & at pages 2, 5, 6, 14-18, & 20-31 this SG2002 Report referred to actions in late 1999 by five Bay Area agencies (including ABAG & MTC) which initiated discussion of smart growth in the region. Discussions over the next two years resulted in “The Smart Growth Alternatives” shown on page 5, which were described as follows:**

**“Each of these three alternatives represented a departure from the ‘current trends base case’, a term coined to describe the region’s future growth if nothing is done to chart a new course. The base case fails to provide sufficient housing for an increased population and workforce, resulting in continued rapid growth**



**in outlying areas, increased long-distance commuting and further environmental degradation. It envisions development focused in edge communities, with residential areas largely segregated from other uses and continued reliance on the automobile as the primary mode of travel.”**

**Fact 1-32: Page 6 of this section of SG2002 notes a Spring 2002 Alternatives Report that describes the three smart growth strategies. Under a heading “NEXT STEPS”, these were said to be set to be considered, and if adopted by the ABAG Executive Board would be the backbone of the MTC 2004 Regional Transportation Plan.**

**[note: printed PDF omitted some words]**

**Fact 1-33: In SG2002, pages 14-18 of a “Making Vision Reality” section of SG2002 descri**

**be an extensive set of “Incentives and Regulatory Change”, proposed to “change the ‘carrot and sticks’ that shape land use decisions by localities, neighborhoods and private developers”. At page 18, a chart Entitled “Innovative Bay Area Affordable Housing Programs” states:**

**“Already, Bay Area communities have created programs to spur affordable housing development. Here are some examples:”.**

**Page 18 of the “Making Vision Reality” section describes eight such existing programs.**

**Fact 1-34:** SG2002 pages 20-31 are of a section entitled: “The Vision Up Close: An Analysis of One Smart Growth Scenario”. This section describes contrasts between the adverse “base case” noted above and the favorable aspects of a specific smart growth land-use scenario developed in workshops in 2001 and 2002.

**Fact 1-35:** The “Vision Up Close...” section describes many adverse results of the “current trends base case”, which was current in 2002, eleven years ago, not on June 11, 2012. SB2002 relates to a discussion of existing conditions as of June 11, 2012. As one example, such discussion of SB2002 would inform the details of conditions leading to the PDAs described at DEIR page D-4 of Appendix D, “Scoping Comments on Alternatives”, Topic “Role of PDAs” (see page D-4 of Item 1-35 of Appendix 1). There, the “Response” indicates that the No Project “...is based on currently adopted general plans...”. Also, the Response refers to PDAs that are *de facto* In No Project. The discussions on SB2002 pages 20-31 include further details leading to the events of 2007 noted in Fact 1-36.

**Fact 1-36:** Five years after SG2002, the proposed Plan Bay Area had still not been published for public comment. Adoption of Plan Bay Area was left to the future, as the proposed Plan Bay Area PBA was not so published until March 28, 2013. In the absence of such publication, in 2007 ABAG published a

report entitled “A Place To Call Home: Housing in the San Francisco Bay Area” (herein called “AP2007”, see Item 1-36 in Appendix I, which includes pages “cover”, Table of Contents page 1, & pages 3, 8 through 28, & 34. At pages 15 to 28, AP2007 describes some significant events that occurred in the five years after the “current trends base case” was described in SG2002.

C186-13

**Fact 1-37:** In view of AP2007, without the Plan Bay Area that was not published for review until 2013, and by implementing the regulations that were effective from 2002 to 2007, the Bay Area region has made that 2002 “current trends base case” obsolete. This is shown by AP2007 at page 15, where it is noted that:

“...many local governments throughout the region are already finding solutions and achieving success. Some of the strategies they have used to expand housing choices in their communities are outlined in the following sections”.

**Fact 1-38:** These solutions and successes include a long list of events, which are identified in AP2007 at pages 8-12 (re RHNA). Also subregions are noted at page 12, & it is noted that local governments have specifically identified where growth can best be accommodated (page 13).

**Fact 1-39:** Also, twenty-one housing projects are shown on AP2007 pages 13-26. The apparent completion of these projects indicates success of these events that took place six years before Plan Bay Area was published for comment. Samples of that success are shown in Appendix A of AP2007, see reports on Bay Area RHNA Performance, 1999-2006. Appendix A shows apparent averages of permits issued vs. the RHNA allocation for new Bay Area housing for various low income levels.

(see Item 1-39 of Appendix I)

**Fact 1-40:** The totality of the permitting activity shown by AP2007 Appendix A with respect to all nine Bay Area counties is a clear indication of action implementing regulations that existed over the period of about 2002 to 2007, all in the absence of the proposed Plan Bay Area. Much of this activity stands completed as of June 11, 2012, and as such informs what are the “existing conditions” mandated by CEQA Section 15126.6 (e) (2) to be discussed in respect to No Project. Such activity includes confirmation that the Bay Area communities have created programs to spur affordable housing development, and all seem to have been opposite to the early and obsolete “current trends base case”.

**Query 1-17:** What evidence is there that there was a continuation past 2007 of that action implementing regulations that existed over the period of about 2002 to 2007, all in the absence of the proposed Plan Bay Area?

**Fact 1-41:** Such evidence is that the above history of focused housing growth extended forward to at least June 11, 2012. Such focused growth has been based on regulations existing over the period of about 2002 to 2010 (all without the proposed Plan Bay Area). To show such evidence, reference is made to a Final Report published March 29, 2013 by Economic & Planning Systems, Inc., & entitled “PDA Readiness Assessment (herein called “RA2013”). See RA2013 which is Item 1-41 of Appendix I for pages 1-43 and Figure 3 (pages 1-4) of Appendix A to RA2013).

C186-14

**Fact 1-42:** RA2013 is an independent indication of further events in the Bay Area after 2007 & up to the time at which the proposed Plan Bay Area was published for comment. By “independent” it is meant that the contributors to the Report, Economic & Planning Systems, Inc. (“EPS”) & its sub-contractor Community Design + Architecture (“CD+A”), were not only independent of ABAG & MTC who asked for the Report, but independent of the undersigned.

**Fact 1-43:** The stated purpose of RA2013 is (page 1) to:

**“...provide a deeper understanding and independent assessment of the readiness and feasibility of PDAs to accommodate the number of housing units envisioned by Plan Bay Area.”**

**The statement that RA2013 was needed to provide a deeper understanding and independent assessment of the readiness and feasibility of PDAs reflects not only on the vast number of pages of the Plan Bay Area & the DEIR, but on the apparent fact that a deep understanding of these two documents is not readily obtained only from reading those documents.**

**Fact 1-44: It appears that RA2013 is one of the few reports that independently assesses the additional regulations enacted since 2007, including local housing elements and zoning laws, for example. In this regard, RA2013 provides an independent definitive update to 2012 of the existing regulations that the DEIR says No Project is assumed to implement.**

**Fact 1-45: The reported results of RA2013 are consistent with the showings in AP2007 (e.g., on AP2007 pages 13-26, Item 39, Appendix I) indicating success of the enumerated events that took place many years before Plan Bay Area was published for comment.**

**Fact 1-46: RA2013, taken alone, and AP2007 taken alone, & RA2013 and AP2007 taken together, provide evidence of what should be a proper base point for defining what No Project is. For example, the successes identified by RA2013 (on pages 19 through 27) are clear, indicating that EPS estimated an average “base” readiness of 62% for twenty sampled PDAs.**

**Each of AP2007 & RA2012 separately, and both taken together, indicate that existing regulations, housing elements, zoning, etc., existing in the time frame either up to or close to June 11, 2012, have had a substantial degree of success. EPS estimated such success to continue to 62% of those goals without the proposed Plan Bay Area. In terms of the ongoing RHNAs, this success means to:**

**“Increase the housing supply and the mix of housing types, tenure, and affordability in all cities...in an equitable manner”; &  
“Promote infill development and socioeconomic equity...”.**

**RA2013 appears to be the most recent evidence of readiness events of Bay Area development projects. These events took place during the years before, and up to the date on which the proposed Plan Bay Area was published for comment. Also, the depictions and descriptions of the resulting new housing results show a wide range of housing types & affordability in infill development.**

C186-15

**Comment 2: This Comment cites Facts from Comment 1 and asserts that the DEIR inconsistently defines the No Project alternative. The DEIR does this by:**

**(1) defining the No Project in terms of urban growth boundaries assumed to expand at historic rates,**

**(2) and at the same time:**

**expressly stating that The No Project alternative is “assumed to implement existing regulations”.**

C186-16

**Query 2-1: How is the discussion of Facts 1-35 through 1-46 related to Fact 1-7 in which the “ALTERNATIVE 1: NO PROJECT” heading, and new subheading entitled “Land Use Policies:” stated:**

**“...Urban growth boundaries would be assumed to expand at historic rates, allowing for additional development potential in greenfield locations.”?**

**Fact 2-47: Such discussion is directly related to Fact 1-7 because such Facts 1-35 to 1-46 show that the DEIR is the DEIR is inconsistently defining the No Project alternative.**



- (1) defining the No Project in terms of such urban growth boundaries assumed to expand at historic rates (Fact 1-7), and at the same time:**
- (2) expressly stating as in Fact 1-4 (page 3.1-3, in DEIR Section “Approach to Assessing Alternatives”, “Mitigation Measures”) that:**

**“The No Project alternative is assumed to implement existing regulations”,**

**Assertion 2-1: The inconsistency is this. Facts 1-35 to 1-46 show that the existing regulations (e.g., RHNA, 2002 CAP & AP2007) promote implementing the RHNA allocations. The ways of promotion include local identification of PDAs, and other measures to facilitate “infill development” (AP2007 page 14). That facilitation of infill development is the opposite of the urban growth boundaries assumed to expand at historic rates, which is central to No Project (Fact 1-7) as indicated. By no reference in Fact 1-7 to the evidence in Facts 1-35 to 1-46.**

**Certainly, in the No Project case, the same existing regulations as are identified in Facts 1-35 to 1-44 will not both encourage urban growth boundaries expanding at historic rates and facilitate infill development at transit sites by way of multi-use development for a range of income levels. The main regional regulation (e.g., RHNA) has a focus on facilitating infill development at transit sites by way of multi-use development with housing for a range**

of income levels (see AP2007, page 15, as to local efforts to promote housing) The local zoning noted on pages 15 & 16 of AP2007 is to a significant degree responsive to RHNA, for example. This is evidenced by the readiness assessments in RA2013.

The DEIR simply fails to discuss this inconsistency, does not discuss what % of growth is to be of the urban type (with urban growth boundaries expanding at historic rates), and does not even mention the infill-type of growth in the definition of No Project in Fact 1-4.

CEQA Section 15126.6 (e) (2) requires analysis that discusses “existing conditions at the time environmental analysis is published”. It is submitted that the DEIR does not meet this CEQA requirement in that the statements in Fact 1-7 do not rise to the required level of “analysis” because they:

- (1) Only state one aspect of the No Project alternative (an assumption of urban growth boundaries expanding at historic rates).
- (2) Do not recognize, analyze or discuss the ongoing other type infill development at transit sites by way of multi-use development with housing for a range of income levels, as induced by the main existing regional regulation ( RHNA).
- (3) Do not recognize the extensive existing

**array of local housing elements and zoning laws which were assessed in RA2013, for example.**

**Therefore, the DEIR does not comply with CEQA and must be amended to overcome this deficiency, which is respectfully requested according to the terms of Request 2-1:**

**C186-17**

**Request R2-1 For Editing of The DEIR: It is requested that the DEIR be amended at page 3.1-5 to change the section entitled “ALTERNATIVE 1: NO PROJECT” to read as follows:**

**“ALTERNATIVE 1: NO PROJECT:**

**The No Project alternative represents the potential scenario if Plan Bay Area is not implemented. Given the above assumption in “MITIGATION MEASURES” that the No Project will implement existing regulations, land use policies, transportation investments & transportation policies will implement such regulations as the following:**

**2010 CAP, the Transportation 2035 Plan (adopted in 2009), and regulations requiring each jurisdiction to plan for housing at all income levels (see California Housing Element Law, Article 10.6), & the Regional Housing Need Allocation (RHNA), which is the state-mandated process to identify the share of the state’s housing need for which each jurisdiction must plan over an eight year period.**

**With such implemented regulations, under this No Project alternative, no new regional policies will be required in order to influence local land use patterns and no uncommitted transportation investments would be made.**

**The key elements of the No Project alternative that vary from the proposed Plan include the following:**

**\* Land Use Policies: Without One Bay Area Government (OBAG) funding, land use plans and policies based on the implemented existing regulations would influence the locations of housing and employment centers in the region. Such influence would include promoting land use patterns, policies, and infrastructure investments that support mixed-use, residential, transit-oriented development that reduce motor vehicle dependence and facilitate walking, bicycling and transit use. Such land use plans would include currently adopted general plans of Bay Area jurisdictions reflecting the local government's plan to see growth in a PDA once the zoning by such government permits such PDAs. Such land use plans would also include newly- adopted general plans of Bay Area jurisdictions reflecting the local government's plan to see growth in mixed-use, residential, transit-oriented development that reduce motor vehicle dependence and facilitate walking, bicycling and transit use, whether prompted by 2010 CAP or in response to market demand or factors other than the Plan. No new fees, subsidies, or land development incentives would be provided on the regional level.**

29

**\*Transportation Investments: Included in this alternate are:**

- \*\* the Transportation 2035 Plan that was adopted in 2009,**
- \*\* the Control Measures under 2010 CAP, e.g., TCM D-3 & Express Lanes (TCM B-3).**
- \*\* projects and programs that are identified as “committed” in MTC Resolution 4006 Committed Projects and Programs Policy (these committed projects and programs include transportation projects/programs that were sufficiently through the environmental review process as of June 11, 2012 and had full funding in place, with regional programs with executed contracts or funding already secured being considered committed), &**
- \*\* other specific projects identified in 2010 CAP Control measures Table 2-1.**

**\*Transportation Policies: Included in this alternate are:**

- \*\* 2010 CAP would also guide tolls, Parking prices, and localized parking minimums. For example, the 2010 CAP includes PCM # TCM B-3 as the “Bay Area Express Lane Network”, which will “Introduce roadway pricing on Bay Area highways through the implementation of an express lane network, also known as a High Occupancy Toll (HOT) lane network.” ” (end of requested edit)**

**C186-18**

**Comment 3:** This Comment cites Facts relating to the series of Tables starting at pages 3.1-8 to 3.1-10 of the DEIR (see attached Item 3-1 of Appendix I), and asserts that these tables do not overcome the deficiencies of the DEIR asserted in Comment 2.

**Fact 3-1:** At pages 3.1-8 to 3.1-10 of the DEIR (see attached Item 3-1 of Appendix I), Table 3.1-1 compares land use policies, transportation investments, and transportation policies of the various alternatives. Instead of a discussion of the required “existing conditions”, the chart of Table 3.1-1 has one line references to such items as “Existing General Plans” (page 3.1-8), and omits a discussion of the required “existing conditions”.

**Assertion 3-1:** In view of Assertion 2-1 above, the above reference in Table 3.1-1 to “Existing General Plans” does not meet the requirements of CEQA, and must be amended to overcome this deficiency, which is respectfully requested.

**C186-19**

**Fact 3-2:** Forecasts of the future start with Table 3.1-2 (page 3.1-11 of the DEIR, see Item 3-2 in Appendix I), which forecasts are compared to 2010 population data. There is no discussion of the required “existing conditions” of the No Project. The forecasts of No Project are based on the Fact 1-7 stated assumption.

**Assertion 3-2:** In view of the assertion in Comment 2-1, Table 3.1-2 does not meet the requirements of CEQA, and must be amended to overcome this deficiency, which is respectfully requested.

**C186-20**

**Fact 3-3:** The reference on DEIR page 3.1-16 to transportation in regard to existing conditions relates only to committed transportation projects, not to existing regulations of the required “existing conditions”. Moreover, reference is made to the existing condition in the form of regulation 2010 CAP, which includes 2010 CAP page 2-7 in re Control Measure TCM B-3. TCM B-3 shows that the reference on DEIR page 3.1-16 to No Project not having Regional Express Lanes is simply incorrect. (see Item 3-3 in Appendix III)

**Request 3-1:** In view of Fact 3-3, amendment to DEIR page 3.1-16 is requested to correct the statement in re “Alternate 1 – No Project. As corrected, consistent with 2010 CAP, this entry should state No Project having a Regional Express Lane.

**C186-21**

**Fact 3-4:** In re Item 1-20 of Appendix I, on DEIR page 2.2-27 the DEIR acknowledges that the 2010 CAP:

“...recognizes the need to encourage future population and job growth in areas that are well served by transit and where mixed-

**use communities provide jobs, housing, and  
retail in close proximity.”**

**Consistent with this recognition, 2010 CAP includes  
Table 2-1, entitled “BAAQMD 2010 Clean Air Plan  
Control Measures” (“PCM”). Please see exemplary  
Control Measures of 2010 CAP on pages 2-7, 2-8, 2-  
19 & 2-20, attached as Items 3-4 in Appendix III.**

**C186-22**

**Fact 3-5: Control Measure # TCM D-3 is named  
“Support Local Land Use Strategies” and is  
described as:**

**“Promote land use patterns, policies, and  
infrastructure investments that support mixed-use,  
transit-oriented development that reduce motor  
vehicle dependence and facilitate walking, bicycling  
and transit use.”**

**Assertion 3-3: It is submitted that Control  
Measure # TCM D-3 directed to encouraging  
essentially the opposite development as the DEIR  
attributes to No Project in Fact 1-7, , namely  
opposite to:**

**“Urban growth boundaries would  
be assumed to expand at historic rates,  
allowing for additional development  
potential in greenfield locations.”**

**C186-23**

**Request 3-2: In view of Fact 3-5 and Fact 1-7,  
amendment to DEIR page 3.1-16, first bullet,**



is requested to reduce the number of new acres of urbanized land according a new run of the applicable Model, in which the new run includes a factor appropriate for the amount of infill housing to result from implementing such existing regulations as RHNA, 2010CAP, as noted above for example in Facts 1-35 to 1-46.

C186-24

**Request 3-3:** Further in view of Facts 1-35 to 1-46 supporting the No Project alternative implementing existing regulations such as are identified in Facts 1-35 to 1-46, it is requested that the remainder of the Tables in the comparative part of the DEIR be amended with respect to the No Project to reflect the quantitative factors by which there will be a reduction in the acres of new assumed urban growth boundaries expanding from historic rates and an increase in the density of infill development at transit sites by way of multi-use development for a range of income levels. These amendments should properly reflect the impact of main existing regional regulations (e.g., RHNA) having a focus on facilitating infill development at transit sites by way of multi-use development with housing for a range of income levels (see Item 1-36 of Appendix I, AP2007, page 15, as to local efforts to promote housing, and local zoning noted on pages 15 & 16 of AP2007 which is to a significant degree responsive to RHNA, for example).

Such amendments should be consistent with the CEQA second requirement: (ii) “what would be reasonably expected to occur in the foreseeable

future if the project were not approved, based on current plans and consistent with available infrastructure”.

**Fact 3-6:** Further supporting Request 3-3, in view of all of the facts in Facts 1-35 to 1-46 above, & the above requirement that each Council of Governments must, on an ongoing basis, prepare Regional Housing Need Allocations, those RHNA would be reasonably expected to occur in the foreseeable future if the Plan Bay Area were not approved. Therefore, if the Plan Bay Area were not approved it would be reasonably expected that in the foreseeable future beyond June 11, 2012 RHNA would continue to be prepared, and that in such foreseeable future the objects of each RHNA would promote the above many objectives of increasing the housing supply and the mix of housing types, tenure, and affordability in all cities in an equitable manner, & would promote infill development and socioeconomic equity. This in turn would reduce the acres of new assumed urban growth boundaries expanding from historic rates, Further supporting Request 3-3.

**Fact 3-7:** Further supporting Request 3-3, in a Special Meeting of the Orinda, CA City Council on May 13, 2013 the Planning Director acknowledged that the City’s Housing Element was non-compliant. Notwithstanding such non-compliance, it was also noted that Orinda had made significant strides toward meeting its goals for more affordable housing in places near the Orinda BART station.

Examples were a Senior Housing complex under construction with 67 low income units, & eight moderate income units in a large single-family housing project (Orinda Grove), all done under the present Housing Element that responded to RHNA allocations for a mix of housing incomes and types. (minutes of meeting not yet available). Such development consistent with many goals of RHNA, for example, in turn would reduce the acres of new urban growth boundaries expanding from historic rates, which expansion is assumed in Fact 1-7. This discussion of the complex and housing project did not identify any non-existing infrastructure or community services that were required to complete these programs.

**Fact 3-8:** Further supporting Request 3-3, the requested amendment must explain how the history of SB2002 is a strong indicator of “what would be reasonably expected to occur in the foreseeable future if the...” Plan Bay Area were not approved, which would be that in the absence of the Plan efforts including SB2002 have over time lead to the PDAs noted in the Responses in the DEIR Appendix D: “Scoping Comments Received on Alternatives”, page D-4, Topic “Role of PDAs”. The Response to this Topic stated that some PDAs will *de facto* be in No Project, which PDAs in and of themselves reduce expansion of urban growth boundaries relative to historic rates, minimizing additional development potential in greenfield locations.

Chester E. Martine, Jr., Public Comment on Draft Plan Bay Area  
and Environmental Impact Report Plan Bay Area Draft, page

36

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**End of comment 3. [Note: documents cited above in  
Comment 3 are included in Appendix 3]**

**Concluding Comments:**


**It is respectfully requested that a written response to these public comments be sent to the undersigned by a prompt delivery method, e.g., email to [nomorepatents@gmail.com](mailto:nomorepatents@gmail.com).**

**It is further respectfully requested that the written response to these public comments be responsive in a substantive manner to the requests made herein, & include a detailed explanation giving reasons for decisions made in response to the Comments herein. Also, it is respectfully requested that the response include an indication of amendments to be made to the DEIR or PBA in response to one or more of the Comments herein.**

**C186-25**

**Time does not permit identification of all typos in the PDA or DEIR. One is noted in the DEIR, which is that the page in Section 3, identified as “2.1-32” is believed to be in error, and is page 3.1-32.**

**Respectfully submitted,**

  
**Chester E. Martine, Jr.** *May 16, 2013*

**Attachments: See following list of each Appendix.**

**List of each enclosed Appendix.**

**Appendix I**

- 1. Item 1-1 of Appendix I, CEQA Section 15126.6 (e) (2), Pages 1/17, 9/17, 10/17, & 11/17**
- 2. Item 1-2 of Appendix I, Notice of Preparation (NOP): pages 1-3, plus pages 4, 10 & 11 of Attachment A to NOP**
- 3. Item 1-4 of Appendix I, DEIR pages i through iii, & pages 3.1-3 through 3.1-5**
- 4. Item 1-11 of Appendix I, DEIR pages 3.1-8 through 3.1-10**
- 5. Item 1-12 of Appendix I, DEIR page 3.1-11**
- 6. Item 1-19 of Appendix I, DEIR pages 2.2-1 & 2.2-12**
- 7. Item 1-20 of Appendix I, DEIR page 2.2-27**
- 8. Item 1-22 of Appendix I, Pages 1 through 3 of State Housing Element Law**

- 9. Item 1-25 of Appendix I, Page 1 of 2 of  
Final Regional Housing Need  
Allocation to be released Summer 2013**
- 10. Item 1-30 of Appendix I, Table of  
Contents, plus pages 2, 5, 6, 14 through  
18, & 20 through 31 of Smart Growth  
Strategy, October 2002.**
- 11. Item 1-35 of Appendix I, Appendix  
D to DEIR, Cover page, & pages D-1 &  
D-4**
- 12. Item 1-36 of Appendix I, A Place to  
Call Home, Cover page, & pages 1, 3, 8  
through 28, & 34**
- 13. Item 1-39 of Appendix I, Appendix  
A to Item 1-36 (A Place to Call Home),  
Bay Area RHNA Performance, 1999 to  
2006, Pages 35 through 40**
- 14. Item 1-41 of Appendix I, PDA  
Readiness Assessment, March 29, 2013,  
Pages 1 through 43, plus pages A-6  
through A-9 of Appendix A “PDA  
Readiness Criteria”**

40

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### **Appendix III**

- 1. Item 3-1 of Appendix III, DEIR  
pages 3.1-8 through 3.1-10**
- 2. Item 3-2 of Appendix III, DEIR  
page 3.1-11**
- 3. Item 3-3 of Appendix III, DEIR  
page 3.1-16**
- 4. Item 3-4 of Appendix III, Bay Area  
2010 Clean Air Plan, Final Program  
Environmental Impact Report,  
August 18, 2010, Table of Contents,  
& Pages 2-7, 2-8, 2-19 & 2-20**



Peter Singleton, Bay Area Citizens, Public Comment on Draft Plan Bay Area and Draft Plan Bay Area Draft Environmental Impact Report

*Peter Singleton, Director  
Bay Area Citizens*

*Lafayette, CA 95459*

May 16, 2013

Metropolitan Transportation Commission  
Plan Bay Area Public Comment  
101 Eighth Street  
Oakland, CA 94607

*re: Public Comment on Draft Plan Bay Area and Draft Plan Bay Area Draft Environmental Impact Report*

Dear Metropolitan Transportation Commission,

This letter is submitted as public comment on the Draft Plan Bay Area and Draft Plan Bay Area Draft Environmental Impact Report (State Clearinghouse No. 2012062029).

I am a lifelong resident of the Bay Area, and have deep roots in California, the Bay Area, and my local community. I was born at the Stanford Hospital in Palo Alto, and have lived in and around the Menlo Park area virtually all my life. I am a graduate of local public schools, and have an undergraduate degree from Brown University in Providence, Rhode Island, an MBA from the University of California at Berkeley, and a law degree, summa cum laude, from Hastings College of the Law in San Francisco.

I am currently the Director of Bay Area Citizens, serving in a voluntary capacity. Bay Area Citizens is a nonprofit corporation that supports and protects the interests of the citizens of California in matters including land use regulation, property rights, local community control, and the environment.

Some of my most important early childhood memories are of my parents' activism in the civil rights movement in the Bay Area and nationally in the early 1960s, and I am deeply committed to a community that provides

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Peter Singleton, Bay Area Citizens, Public Comment on Draft Plan Bay Area and Draft Plan Bay Area Draft Environmental Impact Report

justice for all, rather than favoring a few. I am also deeply committed to preserving and protecting our natural ecosystem. And, last, I believe in preserving and protecting a healthy, vital human ecosystem that protects our fundamental liberties and enables individuals to flourish in organically organized and naturally developing communities.

Based on the above, I am profoundly opposed to central planning that dramatically impairs individual citizens' rights to live where and how they wish and dramatically undermines local decision making on how a city will grow and change. I am similarly opposed to governmental or social structures that serve powerful political and financial interests alone rather than those of the citizens themselves.

I also have a deep and abiding personal faith, and am an ordained deacon and elder in my local church, Menlo Park Presbyterian Church.

All of the above have informed my comments on Draft Plan Bay Area and Draft Plan Bay Area Draft Environmental Report (EIR) that follow below.

**C187-1** It is my considered opinion that (1) the comment period allowed has been inadequate, and must be extended, and that (2) Plan Bay Area, at its core, is based on models, assumptions, forecasts, and omissions that are gravely deficient and intellectually dishonest.

## **I. Plan Bay Area's inadequate process**

**C187-2** My colleagues and I have faced significant obstacles in securing public records from MTC that were necessary to understand the analysis that underlies the draft Plan and its draft EIR. Hence, I hereby request a 30-day extension of the deadline for submission of comments, until June 15, 2013 or from the date the extension is granted, if the extension is granted after May 16, 2013. The information we requested of MTC on March 13, 2013 and did not receive access to until April 19, 2013, should have been publicly accessible all along—let alone made available in a timely fashion in response to a Public Records Act Request—as this information was essential for the public to understand MTC and ABAG's analysis of the draft Plan and draft EIR and thus to be able to submit informed comments.

Peter Singleton, Bay Area Citizens, Public Comment on Draft Plan Bay Area and Draft Plan Bay Area Draft Environmental Impact Report

In addition, I endorse those requests by citizens and cities that are requesting an overall suspension of the process and that no vote on the Plan occur for at least six months, so that adequate, informed public debate on the Plan can take place. Further, this Plan must not move forward until the substantive, and material concerns that citizens have raised about the Plan, the draft EIR, and the process, have been addressed.

#### **A. March 13, 2013 California Public Records Act request**

C187-3

In early March of 2013, my colleagues and I realized we needed to have information about MTC's models in order to understand the analysis that MTC and ABAG performed in evaluating the alternatives in the draft EIR, as this information had not been made publicly accessible by MTC. We also understood that the modeling information should be easily and quickly available by filing a California Public Records Act request with MTC.

I considered filing a Public Records Act request with MTC as an individual citizen, similar to the way I had filed requests recently with several cities and the state Department of Housing and Community Development<sup>1</sup> for public records regarding Regional Housing Needs Assessments (RHNA). Pursuant to those requests, I had almost invariably received those records in a timely fashion from those agencies.

However, I had had conversations with citizens who had filed Public Records Act requests in late 2012 and early 2013 with MTC and ABAG, and their requests had faced extraordinary levels of stonewalling and obstruction. I had reviewed the correspondence between MTC and ABAG and these citizens. MTC and ABAG could never seem to understand the plain language of these requests<sup>2</sup> and it was months before any records were furnished--and it was breathtaking for me to read statements in emails from ABAG or MTC that were express violations of the law. Consider the following exchange between a citizen and ABAG, where ABAG asserted

<sup>1</sup> Please see Appendix A for examples of those Public Records Act requests that I filed with other public agencies at about the same time.

<sup>2</sup> Because of this, we specified in careful detail the records we were looking for in our March 13, 2013 Public Records Act request, having become aware of the seemingly calculated ability of ABAG and MTC to repeatedly fail to understand the plain language of Public Records Act requests from individual citizens.

Peter Singleton, Bay Area Citizens, Public Comment on Draft Plan Bay Area and Draft Plan Bay Area Draft Environmental Impact Report

that it had a right (not permitted to it by the California Public Records Act) to charge the citizen for searching ABAG's files for records responsive to the citizen's request:

On January 24, 2013, the citizen had sent an email to ABAG requesting:

pursuant to the California Public Records Act, all documents, including but not limited to all emails, memorandum, reports, correspondence, meeting agenda and minutes, etc, related to any of the following:

Bay Area Alliance for Sustainable Communities (or any known or reasonable variant of that name)  
Compact for a Sustainable Bay Area

Then the citizen received a reply from Joanna Bullock of ABAG on January 28, 2013 that stated:

A search for the documents you request that refer to . . . the Bay Area Alliance . . . during the time period 1995 through 2000 would amount to a significant cost that would be charged to you.

Faced with this evidence of consistent obstruction and months of delays to requests submitted by individual citizens, my colleagues and I asked Judicial Watch to file our Public Records Act request with MTC for data related to its modeling analyzing the Plan and the draft EIR. We surmised that receiving a Public Records Act request from a respected national public interest law firm that specializes in these sorts of requests would more likely get a response from MTC than an individual citizen would, and we turned out to be right in that.

However, we weren't prepared for nor did we expect the level of obstruction that even a request from Judicial Watch received. Our request for modeling data filed March 13, 2013,<sup>3</sup> was responded to by MTC at the last possible day on March 25, 2013,<sup>4</sup> saying that the agency needed additional time.

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<sup>3</sup> Appendix B.

<sup>4</sup> Appendix C.

Peter Singleton, Bay Area Citizens, Public Comment on Draft Plan Bay Area and Draft Plan Bay Area Draft Environmental Impact Report

MTC waited until the maximum allowable 14 days until April 8, 2013,<sup>5</sup> before responding to say they had identified responsive records. Even then it took an additional 11 days, until April 19, 2013, before MTC made those records available to us.

## **B. First access to records, April 19, 2013**

On the morning of April 19, 2013, my colleague Tom Rubin and I requested the assistance of two additional people, one an MBA with a corporate planning background, and the other a retired attorney—both intimately familiar with Plan Bay Area and able to help us review what we expected to be boxes of records made available to us in response to our request. We expected boxes of records because of the week after week in delays in making these records available to us.

What we weren't prepared for was what we were presented with when we arrived at MTC's offices at 9:00am in the morning on Friday, April 19, 2013. The four of us were ushered into a conference room, where we were presented with a single laptop computer. The records included several hundred documents contained in about 30 folders and subfolders on the laptop. All were records that were retained by MTC in electronic form.

In addition, MTC told us that morning, in direct violation of the express terms of the Public Records Act,<sup>6</sup> that we would be required to pay \$0.25 per electronic page for each record we wanted electronic copies of. Since there were thousands of pages in the electronic documents we were granted access to, the total cost to us would have been in the thousands of dollars. And one of the most important sets of data we were looking for, the spreadsheets, would only be provided to us in .pdf format—a format that wouldn't let us see the formulas in the spreadsheet cells, and wouldn't let us evaluate the analysis performed by MTC and ABAG.

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<sup>5</sup> Appendix D.

<sup>6</sup> These were records retained by MTC in electronic form. A public agency is not permitted to charge a per page fee for each electronic page of document it retains in electronic form. It is only permitted to charge a fee for the direct costs of copying the electronic record to electronic media. Government Code §6253(b). For electronic documents, this would generally be a nominal fee as most if not all of that fee would be for the media itself (e.g., the CD).

Peter Singleton, Bay Area Citizens, Public Comment on Draft Plan Bay Area and Draft Plan Bay Area Draft Environmental Impact Report

Needless to say, we were stunned and deeply troubled at this further evidence of obstruction of our Public Records Act request. We called the attorney that we had been working with at Judicial Watch, Julie Axelrod. Ms. Axelrod shared with Ms. Pam Grove, MTC's Public Information Officer, that we considered MTC's response to be deficient and in direct violation of the law.

I shared with Ms. Grove our grave concerns over the repeated pattern of obstruction. We had requested the records on March 13, 2013, and were entitled to them within 10 days, or by March 23, 2013. This would have been in time for us to review them at the March 22, 2013 beginning of the 55 day comment period allowed for Plan Bay Area, and before the April 2, 2013 beginning of the 45 day comment period allowed for the draft Plan Bay Area. Yet it was now April 19, 2013--five full weeks after our March 13, 2013 Public Records Act request, a full month into the eight week comment period for the Plan itself, and two and a half weeks into the six and a half week comment period for the draft EIR. And here we were faced here with further unreasonable and unnecessary obstruction.

I also shared with Ms. Grove what she assuredly knew, that MTC's obstruction of our request was preventing us from being able to understand the analysis MTC and ABAG had performed on the Plan and the draft EIR, and was preventing us from being able to submit informed comments on the Plan and draft EIR. Finally, I shared with Ms. Grove (and did so courteously and respectfully), that at this point, MTC's obstructing our ability to comment on the Plan and the draft EIR was becoming MTC's problem, and not ours.

To MTC's credit, and to Ms. Grove's, after being presented with our objections to MTC's continuing pattern of obstruction, MTC relented and provided us with the records on a CD, charging us the statutorily allowed amount of \$8.60 for copying electronic records to electronic media—what they should have done in the first place, and should have done weeks before.

Peter Singleton, Bay Area Citizens, Public Comment on Draft Plan Bay Area and Draft Plan Bay Area Draft Environmental Impact Report

### C. Request for Extension

C187-4

We lost an unrecoverable four weeks in our ability to understand MTC and ABAG's analysis of the draft Plan and draft EIR and thus to our ability to submit informed comments on the draft Plan and draft EIR, due solely to MTC's obstruction of our request. Hence, as mentioned above, we hereby request an additional 30 days to file comments on the draft Plan and draft EIR, either until June 15, 2013 if the request is granted immediately, or for 30 days after the request is granted. We also hereby state that we consider the comment period, if it is not extended for an additional 30 days, to have been inadequate as a matter of law.

### D. The Two MTCs – the First Responsive, the Other Obstructive

C187-5

What's deeply ironic about MTC's pattern of stonewalling and obstruction is as we faced week after week of delay and obstruction, trying to review the documents that were provided on Plan Bay Area's website without essential information on MTC and ABAG's analysis and models, we learned that MTC and ABAG were passing out their entire software models themselves, together with additional model related data, immediately upon request to organizations that were closely aligned with MTC and ABAG. That is, insider, "stakeholder" organizations only needed to request the models themselves, and to those insider organizations, MTC and ABAG were passing out their software models and associated data like Halloween candy.

So, based on the information we learned from one of these organizations that had so easily secured MTC and ABAG's models and associated data, we contacted MTC's chief modeler notifying him we'd heard that the models and associated data were being made available to requesting organizations, and asked for the data.<sup>7</sup> Within a few days, MTC and ABAG's modeling professionals provided me with ABAG and MTC's software models and associated data on a 1 terabyte hard drive that I had dropped off at their offices.<sup>8</sup> What a stunning contrast in response to our request. At exactly at the same time, MTC and ABAG's modeling professionals were offering us

<sup>7</sup> Email correspondence attached as Appendix E.

<sup>8</sup> Id.

Peter Singleton, Bay Area Citizens, Public Comment on Draft Plan Bay Area and Draft Plan Bay Area Draft Environmental Impact Report

timely access to the modeling data in their possession when we approached them through the referral of an organization that is closely aligned with MTC and ABAG,<sup>9</sup> while MTC's executives and lawyers were continuing their week after week obstruction of our simple request for similar and related data when they considered us a citizen or an organization that was not closely aligned with them.

### **E. Violation of the RTAC Report Mandates**

MTC's consistent pattern of obstruction was, and remains, deeply troubling to us because we were aware then, and aware now, that not only is the modeling data absolutely essential for the public to have an understanding of the analysis performed by MTC and ABAG of Plan Bay Area and its draft EIR, and essential to the public's ability to submit informed comments on both, but the state of California has issued strict guidelines mandating full access to and disclosure of modeling data used to analyze a sustainable communities strategy like Plan Bay Area, through the California Air Resource's Board's Regional Targets Advisory Board (RTAC). The formation of the RTAC was mandated in SB 375 itself, Government Code § 65080 (b)(2)(A)(i),<sup>10</sup> and the RTAC's final report discusses the importance

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<sup>9</sup> We have great respect for Mr. Ory and his courtesy and his helpful responses to questions that we had about MTC's modeling efforts, and we don't mean to suggest that his actions with respect to our inquiries were anything but professional. See, for example, the email exchange in Appendix F where Mr. Ory provided us with helpful, and timely information. Based on his statements to us, Mr. Ory appears to have been equally helpful with other organizations, who generally appear to have been closely aligned with MTC, perhaps because those were the only organizations who appear to have known to call the modeling professionals for questions (we found out from one of those organizations).

The obstruction that we faced we attribute to MTC's executives and counsel. To the extent Mr. Ory was not responsive when we began to ask questions that centered around how MTC and ABAG were handling state MPG regulations, we attribute that to MTC executive decisions, as evidenced by the fact that our inquiries to Mr. Ory were responded to by his supervisor, and not him.

<sup>10</sup> Government Code § 65080 (b)(2)(A)(i) reads, in relevant part:

No later than January 31, 2009, the state board shall appoint a Regional Targets Advisory Committee to recommend factors to be considered and methodologies to be used for setting greenhouse gas emission reduction targets for the affected regions. . . . The



Peter Singleton, Bay Area Citizens, Public Comment on Draft Plan Bay Area and Draft Plan Bay Area Draft Environmental Impact Report

of transparency and public accessibility in modeling of the sustainable communities strategy, in great detail.

For example, from the RTAC's 2009 final report:

## 2. Use of Modeling

This section of the report summarizes Committee discussions on the use of travel demand models and other modeling methods for SB 375 target setting and implementation. In our recommendations, we emphasize the need for MPOs to make modeling data and information regarding greenhouse gas emissions available to the public in a clear and transparent manner. [emphasis added] A network-based travel demand forecasting model allows for simulation of complex interaction among demographics, land use, development patterns, transportation, and other policy factors. A rigorously tested and validated travel demand model with well documented expert peer review will add to the credibility of greenhouse gas estimates.

In this section, “travel demand models” refers to the computer models currently in use at MPO’s for travel forecasting, ranging from relatively simple “four-step” models to more complex “four-step” models, to more sophisticated, activity-based simulation models. “Other modeling methods” refer in general to tools which either augment or replace travel demand models, and are likely to be spreadsheet-based tools.<sup>11</sup>

And also from the RTAC report:

Throughout its discussion, the Committee came to appreciate how complex modeling systems can be, and as a result, we recognize the vital importance of transparency in the modeling process. [emphasis added] Within the context of improved transparency, the Committee

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advisory committee shall transmit a report with its recommendations to the state board no later than September 30, 2009. In recommending factors to be considered and methodologies to be used, the advisory committee may consider any relevant issues, including, but not limited to, data needs, modeling techniques . . .

<sup>11</sup> *Recommendations of the Regional Targets Advisory Committee (RTAC) Pursuant to Senate Bill 375*, p. 16. Appendix L.

Peter Singleton, Bay Area Citizens, Public Comment on Draft Plan Bay Area and Draft Plan Bay Area Draft Environmental Impact Report

recommends that use of travel demand models and other modeling methods for SB 375 implementation include . . . assessment and documentation of existing travel demand model capability and sensitivity. . . .

When applying models in target setting and/or demonstration of meeting the target, inherent modeling uncertainties due to input data quality, assumptions, existing modeling capability, and sensitivity need to be well documented.<sup>12</sup>

The Committee could not have stressed more strenuously the importance of making full and open disclosures to the general public, and in a form that was accessible to the general public, in order for the public to understand the modeling that was done to analyze the sustainable communities strategy:

SB 375 requires that MPOs “...disseminate the methodology, results, and key assumptions of whichever travel demand models it uses in a way that would be useable and understandable to the public.” Cal. Govt. Code § 14522.2(a).

. . .

If the documentation is highly technical in nature, a summary of the assessments and sensitivity testing should be prepared which would be more generally understandable by a non-technical audience.<sup>13</sup>

## **F. The Two MTCs – A Question of Intent**

In fact, our experiences with MTC, with similar requests, at exactly the same time, couldn't have been more different with respect to the mandates of the RTAC report. At least initially, MTC's modeling professionals, including especially Mr. David Ory, couldn't have acted more consistently with the mandates of the RTAC report. He was helpful, and responsive, and appeared to understand our need to have access to the software models themselves to understand the analysis that MTC and ABAG had done, and to

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<sup>12</sup> Id. at 18.

<sup>13</sup> Id.

Peter Singleton, Bay Area Citizens, Public Comment on Draft Plan Bay Area and Draft Plan Bay Area Draft Environmental Impact Report

be able to submit informed comments. He made it clear that he was equally responsive in providing information to other organizations (albeit all of these organizations appear to have been ones closely aligned with MTC and ABAG).

On the other hand, MTC's executives and counsel, couldn't have been more obstructive, in making it hard for us, and delaying as long as possible, our receiving access to the modeling data, and, as a result, making it hard for us to understand MTC and ABAG's analysis of the draft Plan and the draft EIR, and making it hard to submit informed comments.

The only plausible explanation for this otherwise inexplicable difference between two sets of personnel in the same organization responding to related requests for similar data at exactly the same time, is that both sets of personnel were fully aware of our critical need for the information to understand MTC and ABAG's analysis and submit informed comments, and were aware of the fact that the comment period was well underway. For the software modeling professionals, their initial responsiveness and willingness to provide us with information in a timely fashion was indicia of their desire to make sure that we understood the analysis that had been performed<sup>14</sup> and were able to submit informed comments.

The MTC executives and counsel who so determinedly obstructed our requests for similar data at the same time, also appear to have been doing so because they knew of our critical need for the data to understand MTC and ABAG's analysis, and of our need to have the data as soon as possible to be able to submit informed comments. That they understood our need for the data and wanted to prevent our ability to submit informed comments, is the only plausible and reasonable explanation why they obstructed and delayed our request for week after week, as the clock ticked away the 55 day period for submitting comments on the Plan itself, and the 45 day period for submitting comments on the draft EIR.

## **G. MTC's Obstruction and Evasion – It Never Stopped**

<sup>14</sup> That is, until we began to ask questions about how MTC and ABAG handled the California MPG regulations—those questions were not responded to by MTC's modeler, rather they were immediately referred to his supervisor. Again, I don't fault the modeling professionals for this, rather, MTC and ABAG's senior executives and counsel.

Peter Singleton, Bay Area Citizens, Public Comment on Draft Plan Bay Area and Draft Plan Bay Area Draft Environmental Impact Report

As we began to review the documents on MTC's modeling that were disclosed to us on April 19, 2013, and as it slowly dawned on us the sheer magnitude and extent of the irregularities in MTC and ABAG's assumptions and analysis, we began to ask questions seeking clarification of the EIR team and MTC and ABAG's modeling professionals. And, alas, but perhaps understandably, the same professionals that we had earlier come to respect and appreciate for their courtesy and responsiveness in answering questions, either stopped responding entirely, as did Mr. David Ory, or the EIR Coordinator, Ms. Carolyn Clevenger, who as we came closer and closer to the truth of what MTC and ABAG were doing with their models, became more and more evasive and elusive in her responses to my questions which became more and more simple and direct. I don't fault either Mr. Ory for not responding our latter inquiries, nor Ms. Clevenger for her astonishingly evasive and elusive answers to what eventually from me were simple and direct questions. For whatever reasons, Mr. Ory referred my questions about MTC and ABAG's handling of MPG regulations directly over to his supervisor rather than responding, and in the case of Ms. Clevenger's most artfully worded evasive communications, I suspect those communications were drafted by counsel for her.<sup>15</sup>

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<sup>15</sup> Note that the more we looked at the data we had received from MTC, the more confident we were in our interpretation of that data, and thus our requests for clarification from MTC were simply acknowledgements from MTC of what the data itself said. Thus, there is no possibility that MTC misunderstood what we were asking for—acknowledgement in writing from them of indisputable facts about how they were modeling California's Clean Car Standards (Pavley 1) and how they were incorporating those results in their analysis. MTC's evasive and seeming obtuseness in response to a direct request for an admission of what unquestionably what MTC and ABAG were in fact doing, appears to be itself a further admission that MTC and ABAG know what they are doing is wrong.

Peter Singleton, Bay Area Citizens, Public Comment on Draft Plan Bay Area and Draft Plan Bay Area Draft Environmental Impact Report

## II. The Smoking Gun

C187-6

So, was there a smoking gun in the data that MTC withheld for week after week, a reason why MTC delayed so long and fought so hard to keep us from understanding what they were doing to analyze the Plan? Indeed there appears to have been, but not just a smoking gun—there was an entire battery of smoking howitzers arrayed along the ridgeline as far as the eye can see.


Throughout this comment I will discuss the importance of the data that was withheld so long then finally disclosed to us on April 19, 2013. And, given the collapsed timeframe, there is much more in these several hundred documents that we have found that warrant—in fact demand—further research and inquiry. Also, there are also many additional issues that we had planned to comment on and have done preliminary research on. However, the delays in receiving the modeling data from MTC, together with the limited time allowed in the comment period overall, have prevented us from doing so. There's also the sheer number, and the gravity, of the deficiencies that we have found in the Plan and its analysis.


But with all that, one simple table may illustrate why MTC was so determined, and fought so hard, to delay disclosing information related to MTC and ABAG's models and analysis, and hence may explain why they fought so hard against disclosing to the public essential facts about their analysis of the Plan and draft EIR.

Peter Singleton, Bay Area Citizens, Public Comment on Draft Plan Bay Area and Draft Plan Bay Area Draft Environmental Impact Report

### Passenger Vehicles

| The Mythical Model<br>(what they are telling us) |                     | 2010    | 2035    | Difference | Difference<br>per VMT |
|--------------------------------------------------|---------------------|---------|---------|------------|-----------------------|
| Exhaust Particulate Matter<br>10                 | Tons/day            | 0.75    | 0.54    | -28.00%    | -37.76%               |
| Wintertime NOx                                   | Tons/day            | 75.35   | 16.10   | -78.63%    | -81.53%               |
| Vehicle Miles Traveled<br>(VMT)                  | Thousands<br>/miles | 155.668 | 180.077 | 15.68%     |                       |
| MPG                                              | Miles per<br>gallon | 20.10   | 20.44   | 1.69%      |                       |
| CO2                                              | 1000s<br>tons/day   | 70.09   | 80.69   | 15.12%     | -0.48%                |

 = Using real number for MPG. Clever! Makes Preferred Alternative and its high density housing mandates look better!

 = Using fake number for MPG. Shhhh . . . don't tell anyone! Makes Preferred Alternative and its high density housing mandates look better!

Peter Singleton, Bay Area Citizens, Public Comment on Draft Plan Bay Area and Draft Plan Bay Area Draft Environmental Impact Report

What this table<sup>16</sup> tells us is that MTC and ABAG are treating the identical regulations—California’s Clean Car Standards—differently in their analysis of the Plan and the draft EIR, depending upon whether considering the impact of those regulations will help or hurt their argument that the Preferred Alternative must be selected.

California’s Clean Car Standards were promulgated by the California Air Resources Board (CARB) in 2004, pursuant to AB 1493 (2002, Pavley), and became fully effective in 2009. The Plan and draft EIR call California’s Clean Car Standards “Pavley 1.” Pavley 1 governs the average miles per gallon (MPG) of the new passenger vehicle fleet sold in California from 2009 through 2016, and in the following years.

Pavley 1 will have a significant impact on the average MPG of the passenger vehicle fleet in use in California over the next 25 years.<sup>17</sup> We don’t have to

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<sup>16</sup> The data in this table is derived entirely from the file, *MTC Model Run 2035\_03\_84, 2013 RTP/SCS CO2 and Criteria Pollutant Summary Results, September 11, 2012*, received in MTC’s Public Record Act disclosures, attached as Appendix G. This data contains vitally important information that was not disclosed to the public as part of the public disclosures accompanying the release of the draft Plan, the draft EIR, and accompanying documents—information that was essential for the public’s ability to understand the analysis performed by MTC and ABAG, and to submit informed comments.

This data represents the results of a model run of MTC’s software that looks at emissions from vehicles—which appear to generate the core analysis that MTC and ABAG used to evaluate the four Alternatives and No Project in the draft EIR. All tables of model runs that we received in response to our Public Records Act request were similar to the reported data in the attached file noted above, with only minor variations in the reported results between model runs, and between the alternatives, including between No Project and the four alternatives considered (and these variations between No Project and the four alternatives considered were assuredly within the margin of error of these models—a fact that does not appear to have been disclosed to the public).

<sup>17</sup> Please note that the results ABAG and MTC’s undisclosed models show for the MPG impact of Pavley 1 are included in their results shown for Pavley 1 + LCFS. However, CARB’s Low Carbon Fuel Standard (LCFS) is a set of standards for formulation of gasoline and other motor fuels, and as such, LCFS reduces CO<sub>2</sub> emissions when burned in the vehicle’s engine, but should have little or no impact on the vehicle’s MPG.

Pavley 1, on the other hand, regulates the minimum MPG of the passenger vehicles sold in the state during a given year. Therefore, it is a reasonable assumption to make that all

Peter Singleton, Bay Area Citizens, Public Comment on Draft Plan Bay Area and Draft Plan Bay Area Draft Environmental Impact Report

guess at that—MTC and ABAG modeled that impact,<sup>18</sup> though they have not disclosed to the public that they in fact did so nor have they disclosed to the public their results, presumably because they did not want the public to know the results of that analysis. And this may have been precisely why MTC fought so hard to keep this information from the public in delaying and obstructing our March 13, 2013 Public Records Act request<sup>19</sup>—because this information would need to be provided to us in response to our request.

MTC and ABAG's undisclosed models show that the Pavley 1 regulations will increase fleetwide MPG of California's passenger vehicles by more than 59% between 2010 and 2035.<sup>20</sup> And, since the amount of gasoline burned per vehicle mile traveled (VMT) is reciprocal to the MPG that a vehicle gets, we know that Pavley 1 will have the following inevitable and certain impacts between 2010 and 2035:

- Pavley 1 MPG regulations will reduce passenger vehicle emission-related particulate matter and pollutants per VMT by 37% (and adjusting for the forecasted 15.68% increase in VMT, 31.98% overall)
- Pavley 1 MPG regulations will reduce passenger vehicle emission-related CO<sub>2</sub> per VMT by 37% (and 31.98% overall)

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or virtually all of the MPG increases attributed to Pavley 1 + LCFS in ABAG and MTC's undisclosed models are attributable solely to the impact of Pavley 1.

<sup>18</sup> See, for example, the table of data with model run results discussed in footnote 16 above (Appendix G). All model runs included the undisclosed results from running a post processor that evaluated the impact of Pavley 1 and Low Carbon Fuel Standard (LCFS) on CO<sub>2</sub> (User Guide to the post processor that assesses the impact of Pavley 1 and LCFS attached as Appendix H).

<sup>19</sup> Or, actually, among the reasons. The irregularities in the models, the analysis, and the assumptions, are simply breathtaking. I am only detailing several of them here, but there are many others.

<sup>20</sup> This is a simple calculation from the modeling results disclosed to us on April 19, 2013 (but withheld from us for week after week after our request on March 13—and also withheld from the public as a whole, who should have had access to this data). The calculation is simply the increase in fleetwide MPG for passenger vehicles from 20.18 in 2010 to 32.02 MPG in 2035 (for Preferred Alternative; other Alternatives including No Project appear to virtually the same).



Peter Singleton, Bay Area Citizens, Public Comment on Draft Plan Bay Area and Draft Plan Bay Area Draft Environmental Impact Report

- Pavley 1 MPG regulations will reduce gallons of gasoline used by passenger vehicles—and hence available to be taxed—per VMT by 37% (and 31.98% overall)

It is facially obvious from the above that Pavley 1 MPG regulations have an immense impact on the required analysis of the Plan and its draft EIR, and on the decisions that should be made about the Plan by MTC and ABAG, and by the public. But these impacts affect the Plan's Preferred Alternative and its high density housing-heavy land use / mass transit-heavy transportation plan radically differently, depending on which impact we are looking at.

Pavley 1's 37% reduction per VMT in passenger vehicle emission-related particulate matter and pollutants (and 31.98% overall) appears to have been welcomed by MTC and ABAG, and in fact was a significant assistance to them in their justification of their Plan. The draft EIR was required to disclose serious and unmitigatable health impacts to all of the new residents that MTC and ABAG are requiring to live in high density multistory multifamily units near mass transit in suburban and urban downtowns. Pavley 1's 37% reduction per VMT (and 31.98% overall) in these passenger vehicle emission-related particulate matter and pollutants by 2035 was a significant contributor in reducing, but not eliminating, those public health impacts. And, not surprisingly, MTC and ABAG included those impacts in their analysis of the Plan and the draft EIR.

However, they had a little problem to solve before doing so. As noted below, MTC and ABAG had already fabricated a mythical number for fleetwide MPG of passenger vehicles through 2035, which removed the 59% increase due to Pavley 1, and forecasting a number for MPG that was untethered and unrelated to any possible future scenario—an unchanging fleetwide MPG from 2010 through 2035. This appears to have been done to hide the impact of Pavley 1 regulations on reducing CO<sub>2</sub>. So, what to do to be able calculate the favorable impacts of Pavley 1's increased MPG on emissions related particulate matter and pollutants?

When fabricating data to produce the analysis that supports ones' objective of adopting the Preferred Alternative (or one of its variants based on the same models and analysis, Alternatives 3, 4, or 5, or some combination of the four), why stop now? And that appears to be exactly what MTC and

Peter Singleton, Bay Area Citizens, Public Comment on Draft Plan Bay Area and Draft Plan Bay Area Draft Environmental Impact Report

ABAG did. They appear to have embedded, and hid, a second number for passenger vehicle fleetwide MPG,<sup>21</sup> one that incorporates the 59% increase in MPG and thus produced in the model a resulting decrease of 37% per VMT (31.98% overall) in passenger vehicle emission-related particulate matter and other criteria pollutants.

So in this profoundly deceptive exercise, MTC and ABAG were able to produce analysis—in the same model—that projected that passenger vehicles would emit a constant amount of CO<sub>2</sub> per VMT through 2035, through the mythical assumption that Pavley 1's MPG regulations did not exist, and thus fabricating values for fleetwide MPG that were used in their models to generate those fabricated and grossly excessive forecasts of CO<sub>2</sub> emissions. And since their Plan was analyzed for its impact on reducing CO<sub>2</sub>, and the reduced CO<sub>2</sub> emissions from Pavley 1 MPG regulations were removed from the model by fabricating data to falsify the model's results, the only means of reducing greenhouse gases (GHGs), e.g., CO<sub>2</sub>, that the Plan's analysis recognized as existing were those due to land use and transit.

Since in another set of profoundly flawed assumptions and models, only those land use elements (high density housing and mixed use developments next to mass transit in suburban and urban downtowns) and transit elements (increased subsidies to mass transit) that MTC and ABAG appear to favor were defined as reducing CO<sub>2</sub> emissions, the Plan's models and analysis were designed from the beginning to produce analysis that could only find the Preferred Alternative or some close variant (such as the other three alternatives or some combination of the four) the environmentally and economically superior choice.

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<sup>21</sup> There is simply no question that MTC's models do this. I trust that MTC and ABAG will simply concede this point. There are two different numbers for MPG in the main model that MTC and ABAG used, or not. It's a simple question with a yes-no answer, and the answer is yes. However, if MTC and ABAG choose to obfuscate and evasively avoid this obvious fact in their answer to this point in this comment in the Final EIR, I will file a comment to the Final EIR that details the evidence in as many ways as seems necessary. But I trust that at some point, MTC and ABAG will realize that misleading the public in the CEQA process is frowned upon, and that doing so grossly violates their responsibilities as public agencies as well.

Peter Singleton, Bay Area Citizens, Public Comment on Draft Plan Bay Area and Draft Plan Bay Area Draft Environmental Impact Report

### **Plan Bay Area's Budget**

C187-7

But MTC and ABAG's disingenuous analysis and fabrication of results to support its desired outcomes did not stop there. Consider the decline in gasoline usage due to Pavley 1 regulations' 59% increase in fleetwide MPG for passenger vehicles in California from 2010 through 2035. MTC and ABAG's own undisclosed models compel the conclusion that gasoline usage by passenger vehicles will decline by 37% per VMT (and 31.98% overall) from 2010 through 2035 (as gasoline usage declines are simply the arithmetic reciprocal of the MPG increase).

If the retail price of gasoline keeps pace with inflation—an uncertain assumption since, as noted above, MTC and ABAG's MPG data compel a finding of an absolute decline of 31.98% in gallons of gasoline used in passenger vehicles by 2035--then total gas tax revenues to the Plan will be 31.98% less in real terms 2035 than they were in 2010.

Consider the position that MTC and ABAG found themselves in. A budget that forecasted total gas tax revenues to the Plan in 2035 31.98% less, in real terms, than in 2010, would not have allowed funding the massive multi-billion dollar mass transit projects that MTC and ABAG wanted to build. Not the \$4.5 billion dollar Trans Bay Terminal in San Francisco. Not the new rail lines that will carry passengers at a cost orders of magnitude greater than that of automobiles—rail lines that will require astronomical public subsidies per passenger mile. Nor would that budget have allowed all of the high density housing mandates that the Plan requires the cities and towns in the Bay Area to zone for, and incents them to build by withholding gas tax revenues designated for road and bridge maintenance from cities that don't actually get the housing built.

However, inconvenient facts are not an insurmountable problem—not ones that render impossible a budget that funds desired programs. New facts can be made up, or inconvenient facts can be assumed out of the models and out of the analysis—and none of this disclosed to the public.

Is this right? No, in fact it is profoundly wrong. But this appears to be exactly what MTC and ABAG have done with the analysis and justification for this Plan.

Peter Singleton, Bay Area Citizens, Public Comment on Draft Plan Bay Area and Draft Plan Bay Area Draft Environmental Impact Report

Specifically with respect to the decline in gasoline usage due to the MPG impacts of Pavley 1, MTC and ABAG's financial models assume a 2.00% decrease in gasoline used per year through 2020.<sup>22</sup> However, MTC and ABAG's financial models then ignore the continuing impact of Pavley 1 on decreased gas sales due to increased fleetwide MPG through 2035.<sup>23</sup> And, presumably to "mitigate" the impact of declining gallons of gasoline sold through 2020, MTC and ABAG forecast an astounding 8.00% per year increase in the retail price of gasoline for those same years—3.5x the 2.2% rate of inflation<sup>24</sup> they assume in the Plan. These assumptions for extraordinary, and persistent price rises in the retail price of gasoline not only fully offset the impact on gas tax revenues of the reduction in gasoline used that their financial models forecast through 2020, but MTC and ABAG actually forecast increased gas tax revenues during those years.

Then, possibly to leave nothing to chance, MTC and ABAG forecast continuing gas price increases from 2020 through 2035 of 3.3% per year<sup>25</sup>—fully 50% higher than the 2.2% assumed rate of inflation<sup>26</sup> that the Plan is based on. In fact, including the 8% per year gas price increases through

<sup>22</sup> See, for example, *Regional Fuel Tax worksheet, 2013 RTP Model (State and Federal)\_Final* attached as Appendix I. Please note that this data was not made available to the public in the disclosures provided to the public as part of the information provided to the public by MTC and ABAG for the public's review of the Plan and draft EIR, and was only provided to us after weeks of delay and obstruction in the Public Records Act response that we received on April 19, 2013. This information was not only important, but was essential to the public's ability to understand the financial models that underlie the Plan, and should have been available to the general public as part of the disclosures MTC and ABAG were required to make about the Plan and the draft EIR.

<sup>23</sup> According to MTC and ABAG's own undisclosed models of the impact of Pavley 1 on fleetwide MPG, fleetwide MPG for passenger vehicles will increase by 14.68% (from 27.92 MPG in 2020 to 32.02 MPG in 2035), and hence gasoline used per VMT will decline a further 12.80% over that same period, and even after adjusting for added VMT, by well over 10% in absolute terms.

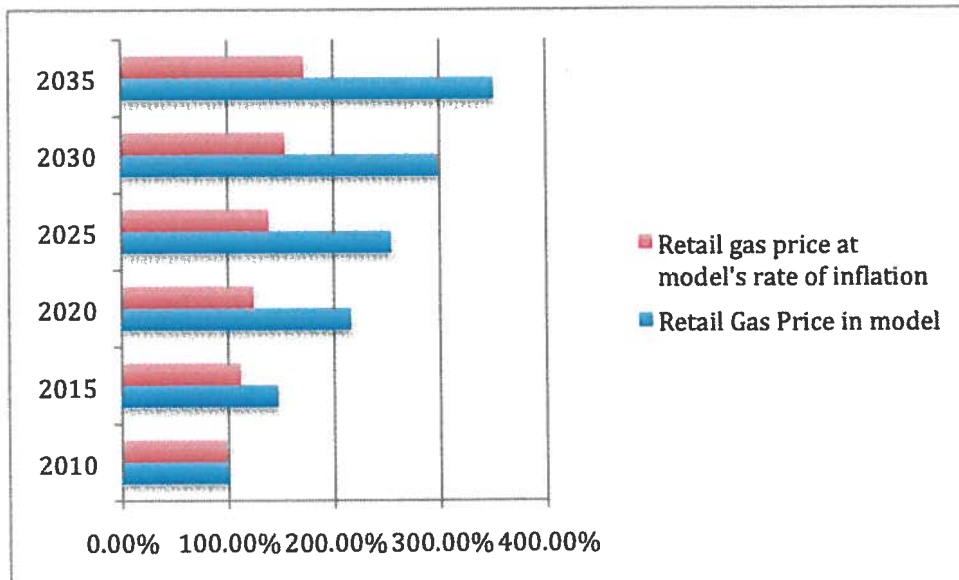
<sup>24</sup> See *Worksheet 2013 values - 2013 RTP Model (State and Federal)\_Final*, Appendix J. This was yet another assumption that was not disclosed as part of the Plan, the draft EIR, and their supporting documents, and was only identified by us in the disclosures we received after such long delay on April 19, 2013.

<sup>25</sup> Appendix I.

<sup>26</sup> Appendix J.

Peter Singleton, Bay Area Citizens, Public Comment on Draft Plan Bay Area and Draft Plan Bay Area Draft Environmental Impact Report

2020, and the 3.3% per year gas price increases from 2020 through 2035, MTC and ABAG are forecasting a retail gas price in 2035 of 351% that of the retail gas price in 2010. That is, MTC and ABAG are forecasting a gas price that will increase by more than twice that the rate of inflation (171%) that their model forecasts over those same years. And, thus, the 31.98% decline in actual gallons of gasoline sold in 2035 over 2010, due to Pavley 1's MPG regulations, are more than offset by the model's assumed gas price increases. This is quite clever—constantly rising prices, far above the rate of inflation, and as far as the eye can see, while the actual number of gallons continues to fall, also as far as the eye can see. And thus the budget assumes that gas tax revenues go up and up and up while actual gallons of gas demanded at the gas pump go down and down.



Considering that MTC and ABAG appear to have an obvious incentive, as well as a seemingly well-honed track record for creating “facts” and thence forecasts that serve their objective of justifying Plan Bay Area and its policy elements, perhaps we should compare MTC and ABAG’s forecasts for gasoline price rises with the California state agency that is expert in these matters, the California Energy Commission (CEC). What we learn in doing so, leaves us in utter disbelief.

The CEC in 2011 produced a set of gasoline price forecasts from 2010 through 2030, projecting gas prices in 2010 dollars, coming up with a high price scenario, and a low price scenario. CEC appears to have considered the impact of Pavley 1 on gas prices (e.g., that Pavley 1 would reduce the

Peter Singleton, Bay Area Citizens, Public Comment on Draft Plan Bay Area and Draft Plan Bay Area Draft Environmental Impact Report

total numbers of gasoline used by passenger cars), though it's unclear how much of Pavley's impact in reducing demand they incorporated in their model.<sup>27</sup> And of course they could not have considered the effect of Pavley 2, which had not yet been proposed in 2011 when the CEC prepared its projections. So, since Pavley 2 will lead to additional, sharp declines in gasoline used by passenger vehicles and these CEC numbers may not have accounted for the fully impact of the reductions in gasoline usage due to Pavley 1, these CEC are assuredly considerably higher than a forecast that would be made today, but they do reflect the CEC's views of future gas prices in 2011, and without consideration of the impact of Pavley 2. Their projections<sup>28</sup> are nothing short of astounding, when considered along side of MTC and ABAG's forecasts for gas price increases in Plan Bay Area.

CEC's low price scenario projects retail gasoline prices, in real terms, to be 1.23% lower in 2030, than in 2011 (see table below). And, since CEC's projections did not account for the additional, substantial declines in gasoline usage due to Pavley 2—declines in usage that will be national, since Pavley 2 simply adopts in California the federal 2025 CAFÉ standards—CEC 2011 gas price forecasts must be viewed as considerably higher than they would be if Pavley 2 was considered. CEC's high end gas price forecast, in real terms, and with the same qualification, is that gas prices in 2030 will be 28.07% higher in 2030 than in 2011.

What sayeth MTC and ABAG? Surely, as California public agencies, MTC and ABAG would use the gasoline price forecasts of the state's energy agency, as those forecasts would presumably be considered authoritative. In developing a regional plan like Plan Bay Area, wouldn't it be improper, possibly even unethical, to disregard those forecasts that were available to MTC and ABAG in 2011, a full year before the formal analysis of the Plan and its draft EIR began in late July, 2012? And, since Pavley 2 was announced in January of 2012, and became fully effective in December of 2012, fully four months before their analysis was complete and MTC and ABAG released the draft Plan and draft EIR to the public, MTC and ABAG

<sup>27</sup> MTC and ABAG, on the other hand, were required to consider the full impact of Pavley 1 in reducing demand for gasoline from passenger vehicles, and their own undisclosed models compel a finding that total gas demand will drop by 31.98% by 2035, just due to Pavley 1.

<sup>28</sup> *CA Energy Commission gasoline price forecast 2010-2030*, Appendix K.

Peter Singleton, Bay Area Citizens, Public Comment on Draft Plan Bay Area and Draft Plan Bay Area Draft Environmental Impact Report

surely would make appropriate adjustments downward if they used CEC's 2011 gasoline price assumptions to account for the significant impact of Pavley 2 on retail demand, and hence retail price, for gasoline. Wouldn't they?

Alas, we now know enough to predict that that won't be the case. And, sadly, MTC and ABAG act again consistently with their pattern. Their question appears to be, "what assumption do we need to make to enable us to justify the Plan we want to have" rather than "what assumption do we need to use to accurately reflect real world conditions" or "what assumption do we need to use to reflect the integrity and honesty that the public expects, and has a right to demand, from public agencies that are spending public funds"? We find that MTC and ABAG are projecting in their Plan, gasoline prices, in real terms, 85.30% higher in 2030 than in 2011.

Peter Singleton, Bay Area Citizens, Public Comment on Draft Plan Bay Area and Draft Plan Bay Area Draft Environmental Impact Report

Gas Price Forecasts, Difference, Real Terms, 2011-2030<sup>29</sup>  
(% of 2011 gas price)

|      | CEC 2011 – Low | CEC 2011 – High | MTC/ABAG |
|------|----------------|-----------------|----------|
| 2012 | 101.23%        | 106.54%         | 105.80%  |
| 2013 | 102.47%        | 110.08%         | 111.94%  |
| 2014 | 103.40%        | 113.90%         | 118.43%  |
| 2015 | 104.63%        | 116.62%         | 125.30%  |
| 2016 | 104.32%        | 117.44%         | 132.56%  |
| 2017 | 103.70%        | 117.98%         | 140.25%  |
| 2018 | 103.40%        | 118.80%         | 148.39%  |
| 2019 | 102.78%        | 118.80%         | 156.99%  |
| 2020 | 102.16%        | 119.07%         | 166.10%  |
| 2021 | 101.23%        | 119.35%         | 167.93%  |
| 2022 | 100.00%        | 119.35%         | 169.77%  |
| 2023 | 99.07%         | 119.62%         | 171.64%  |
| 2024 | 97.84%         | 120.44%         | 173.53%  |
| 2025 | 96.91%         | 121.53%         | 175.44%  |
| 2026 | 97.22%         | 122.34%         | 177.37%  |
| 2027 | 97.53%         | 123.71%         | 179.32%  |
| 2028 | 97.84%         | 125.34%         | 181.29%  |
| 2029 | 98.46%         | 126.16%         | 183.29%  |
| 2030 | 98.77%         | 128.07%         | 185.30%  |

**Notes:**

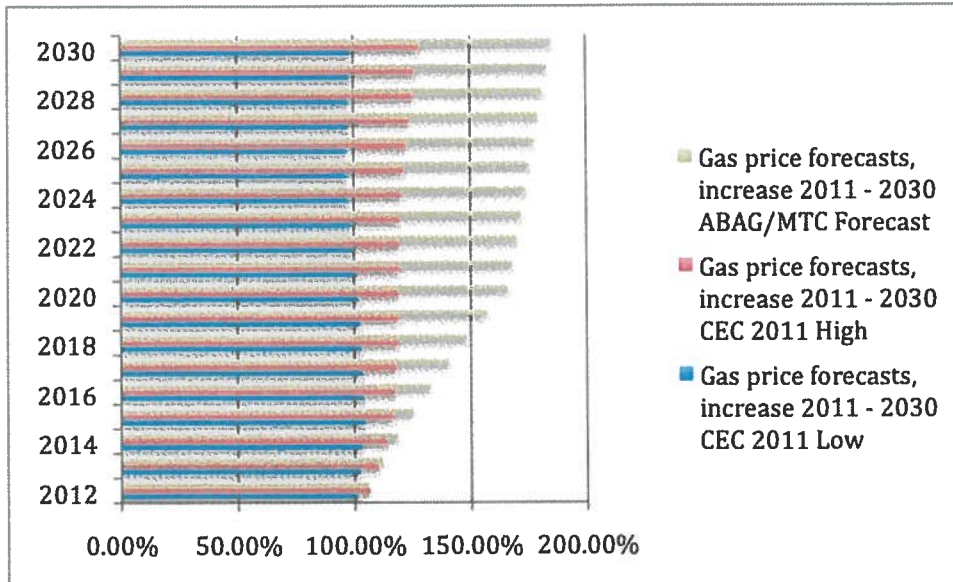
1. CEC 2011 forecasts do not consider the impact of Pavley 2 on retail gasoline prices. Pavley 2 will lead to sharp declines in gasoline prices due to sharp declines in gasoline usage by passenger cars.
2. MTC and ABAG were required to account for the impact of Pavley 2 on gasoline prices in their budget for Plan Bay Area.

<sup>29</sup> Data for CEC are computed from yearly forecasted values in *CA Energy Commission gasoline price forecast 2010-2030*, Appendix K, and data for ABAG/MTC are computed from gas price increases per year in *Regional Fuel Tax worksheet, 2013 RTP Model (State and Federal)\_Final*, Appendix I.



Peter Singleton, Bay Area Citizens, Public Comment on Draft Plan Bay Area and Draft Plan Bay Area Draft Environmental Impact Report

### Gas Price Forecasts, Difference, Real Terms, 2011-2030 (% of 2011 gas price)



#### **Notes:**

1. CEC 2011 forecasts do not consider the impact of Pavley 2 on retail gasoline prices. Pavley 2 will lead to sharp declines in gasoline prices due to sharp declines in gasoline usage by passenger cars.
2. MTC and ABAG were required to account for the impact of Pavley 2 on gasoline prices in their budget for Plan Bay Area.

It has oft been said that a picture can be worth a thousand words. But when it comes to MTC and ABAG—and the forecasts, assumptions, models, and omissions they fabricated and used to justify Plan Bay Area—a simple chart leaves one speechless.

Peter Singleton, Bay Area Citizens, Public Comment on Draft Plan Bay Area and Draft Plan Bay Area Draft Environmental Impact Report

### California's Advanced Clean Car Standards ("Pavley 2")

C187-8

To summarize in a simple table what MTC and ABAG are doing here with respect to the impacts of Pavley 1 MPG regulations on emissions-related particulate matter and other criteria pollutants, CO<sub>2</sub>, and in their financial model:

#### Pavley 1 impacts:

|                                    | <b>Do the Impacts Benefit Preferred Alternative?</b> | <b>Did ABAG and MTC incorporate in results?</b>                 |
|------------------------------------|------------------------------------------------------|-----------------------------------------------------------------|
| <b>Particulates and pollutants</b> | YES                                                  | YES                                                             |
| <b>CO<sub>2</sub></b>              | NO                                                   | NO                                                              |
| <b>Gas tax revenues</b>            | NO                                                   | "Mitigated" with high gas prices until 2020, ignored after 2020 |

And MTC and ABAG's profoundly disingenuous models and analysis go from bad to worse. California's Advanced Clean Car Standards ("Pavley 2") were announced January 27, 2012,<sup>30</sup> and went into full effect December 31, 2012.<sup>31</sup> So, 14 months before the release of the draft Plan on March 22, 2013, and 14 months before the release of the draft EIR on April 2, 2013, MTC and ABAG had full knowledge of the Advanced Clean Car standards.

<sup>30</sup> *California Air Resources Board Approves Advanced Clean Car Rules, 20120127*, Appendix M.

<sup>31</sup> *California Air Resources Board Advanced Clean Car Rules, Final Approval, December 31, 2012*, Appendix N.

Peter Singleton, Bay Area Citizens, Public Comment on Draft Plan Bay Area and Draft Plan Bay Area Draft Environmental Impact Report

In fact these standards were announced fully six months before the analysis of the draft EIR and its alternatives formally began in late July of 2012.

California's Advanced Clean Car Standards simply adopt for California the federal CAFÉ standards that require an average fleetwide MPG for passenger vehicles sold in 2025 of 54.5 MPG. These already on-the-books and final regulations affect the passenger vehicles sold in California from 2017 through 2025 and forward from there.

As MTC and ABAG did not model the impact of Pavley 2 like they did in their undisclosed models of the impact of Pavley 1, we must to engage in some informed estimates here (in the Table below). Pavley 2's MPG regulations begin to affect the passenger vehicle fleet sold in California beginning in 2017, and require the average MPG of the passenger vehicle fleet sold in California from 2025 and beyond to be at least 54.5 MPG. We also know from MTC and ABAG's undisclosed models that just from the impact of Pavley 1 alone, they are projecting the passenger vehicle fleet in use in 2035 to be 32.02 MPG—and we also know that the impact of Pavley 2 will additive to that of Pavley 1.

It defies all credulity to assume that the fleetwide MPG of the passenger vehicle fleet in 2035 would only be 40 MPG due to the added impact of Pavley 2, which requires all passenger vehicles sold from 2025 and forward to average at least 54.5 MPG, and whose much more stringent standards than Pavley 1 begin to be phased in for passenger vehicles sold from 2017 on. But let's assume, for the sake of argument, that that's our low estimate for the impact of Pavley 2 added to Pavley 1. However, a much more credible argument can be made that the impact of Pavley 2 added to Pavley 1 will lead to a fleetwide MPG of at least 45 MPG in 2035 (our "mid-range" estimate), and perhaps more likely closer to our high end estimate of 50 MPG in 2035.

Remember, Pavley 2's Advanced Clean Car Standards are on-the-books regulations that will govern the passenger vehicles sold in California from 2017 forward, hence for almost all of the Plan period. And yet the Plan and draft EIR completely ignore the impact of Pavley 2. This renders the Plan's analysis meaningless, and thus the Plan must be rejected.

Peter Singleton, Bay Area Citizens, Public Comment on Draft Plan Bay Area and Draft Plan Bay Area Draft Environmental Impact Report

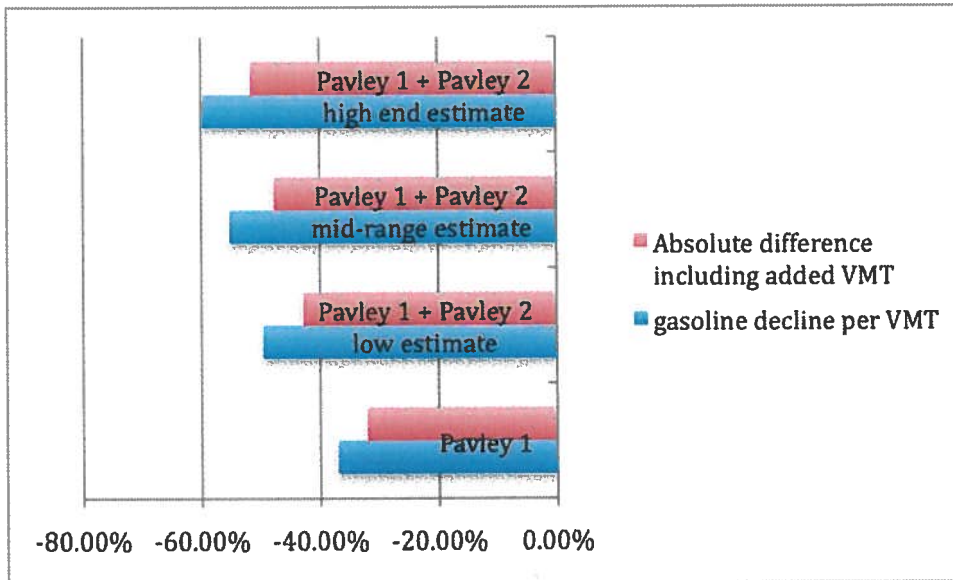
Consider the impact on emissions-related particulate matter and other criteria pollutants, CO<sub>2</sub>, and on the Plan's budget if the inevitable and certain impacts of Pavley 2 over the Plan period had been analyzed, considered in the Plan and its draft EIR, and disclosed to the public, as MTC and ABAG were required to do so:

Impact of Pavley 1 + Pavley 2:

|                                                       | <b>2010</b> | <b>2035</b> | <b>MPG<br/>increase</b> | <b>Gasoline<br/>decline<br/>per VMT</b> | <b>Absolute<br/>difference<br/>including<br/>added VMT</b> |
|-------------------------------------------------------|-------------|-------------|-------------------------|-----------------------------------------|------------------------------------------------------------|
| <b>Pavley 1</b>                                       | 20.18       | 32.02       | 58.67%                  | -36.98%                                 | -31.98%                                                    |
| <b>Pavley 1 +<br/>Pavley 2 low<br/>estimate</b>       | 20.18       | 40.00       | 98.22%                  | -49.55%                                 | -42.83%                                                    |
| <b>Pavley 1 +<br/>Pavley 2 mid<br/>range estimate</b> | 20.18       | 45.00       | 122.99%                 | -55.16%                                 | -47.68%                                                    |
| <b>Pavley 1 +<br/>Pavley 2 high<br/>end estimate</b>  | 20.18       | 50.00       | 147.77%                 | -59.64%                                 | -51.56%                                                    |

Peter Singleton, Bay Area Citizens, Public Comment on Draft Plan Bay Area and Draft Plan Bay Area Draft Environmental Impact Report

**Impact of Pavley 1 + Pavley 2 on gasoline usage  
Absolute decline, and decline per VMT  
2010 - 2035**



To repeat myself, when it comes to MTC and ABAG—and the forecasts, assumptions, models, and omissions they fabricated and used to justify Plan Bay Area—a simple chart leaves one speechless.

Peter Singleton, Bay Area Citizens, Public Comment on Draft Plan Bay Area and Draft Plan Bay Area Draft Environmental Impact Report

### III. The Inevitable Response

**C187-9** MTC and ABAG will assuredly respond with indignation to the points raised in Section II above, and will likely make the following claims in response:

- SB 375 compels MTC and ABAG to ignore the impacts of state MPG regulations on CO<sub>2</sub>,
- MTC and ABAG reasonably relied on the modeling software that they used for emissions, EMFAC2011, and if there were any deficiencies in the EMFAC2011 modeling software it was the fault of the developers of the software (California Air Resources Board (CARB)),

I will comment here on each of these expected responses from MTC and ABAG, in the hopes that it will give the two lead agencies guidance in fully making their case with respect to each of these claims, and, in fact, specifically ask that they answer the following questions if they do make either or both of the above claims above.

#### A. SB 375

**C187-10** From the draft EIR, page 2.5-43:

The analysis conducted for Criterion 1 focuses on carbon dioxide (CO<sub>2</sub>) emissions related to the operation of passenger vehicles and light duty trucks. Emissions for Criterion 1 are considered to be conservative estimates because they are presented without accounting for reductions in mobile source emissions that would be expected to result from ongoing implementation of Pavley 1 and the LCFS; per SB 375 the impact assessment does not include the emissions reductions from these legislative requirements. (emphasis added).

Simple enough. However, I've read the statute, and the plain language of the statute does not support this reading. As an attorney and as a former law clerk to a state supreme court justice, I have some experience in close and careful reading of statutes. So, rather than a blanket denial, I hereby request that any such claim by MTC and ABAG in the Final EIR include:

Peter Singleton, Bay Area Citizens, Public Comment on Draft Plan Bay Area and Draft Plan Bay Area Draft Environmental Impact Report

1. The express provision(s) of SB 375 that MTC and ABAG are relying on for this interpretation,
2. How the plain language of this provision (these provisions) supports your interpretation, or if you are conceding that the plain language does not support this interpretation, what specific legal authority you are relying on to support an interpretation of the statute that is not supported by its plain language,
3. Do you believe the statute, or whatever legal authority you are relying on, compels, or simply permits MTC and ABAG to ignore the impact of state MPG regulations on CO<sub>2</sub> emissions, and if it simply permits MTC and ABAG to ignore the impact of state MPG regulations on CO<sub>2</sub> emissions, what was the reasoning relied upon by MTC and ABAG in deciding to ignore that impact,

C187-11

4. Assuming, for the sake of argument only, that the statute permits MTC and ABAG to ignore the impact of state MPG regulations on CO<sub>2</sub>, how does that further permit MTC and ABAG to:
  - a. Use models that fabricate data and produce model results that are known to be false,
  - b. Use models that have multiple values for a single variable that must be consistent in its use throughout the model (e.g., fleetwide MPG for passenger vehicles) for the model to be logically consistent and produce valid results,
  - c. Fail to disclose to the public the full results of the modeling that MTC and ABAG performed but did not disclose, of Pavley 1's impact on MPG, emission-related particulate matter and other criteria pollutants, and CO<sub>2</sub>,

C187-12

5. How does any of the above accord with MTC and ABAG's duties and responsibilities as lead agencies in the environmental review process where full and thorough analysis of relevant factors and impacts is required, and full disclosure of both the analysis and all significant impacts is mandated—whether or not that analysis and those impacts support the conclusions the lead agency or agencies would like to reach?



Peter Singleton, Bay Area Citizens, Public Comment on Draft Plan Bay Area and Draft Plan Bay Area Draft Environmental Impact Report

And, doesn't your failure analyze and disclose all impacts make a mockery of CEQA, which is supposed to inform the public of anticipated actual, not constructive, reality?

6. How does the level (and lack) of disclosure to the public accord with the RTAC report's mandates with respect to full public disclosure of all modeling results?

7. Please also comment on how the disclosures made by MTC and ABAG in the draft Plan, draft EIR, and in the supplemental documents that were released with the draft Plan and draft EIR address the RTAC reports mandate on p. 19 that "[t]he assessment and documentation should identify areas where the model lacks capacity for analysis of a factor or policy, and any factors or policy for which the model sensitivities fall outside the range of results documented in research literature."<sup>32</sup>

## B. EMFAC2011

**C187-13** According to the draft EIR, and my email correspondence with MTC, MTC and ABAG used the CARB-supplied software modeling program EMFAC2011 to model impacts such as MPG, emissions-related particulate matter and other criteria pollutants, and CO<sub>2</sub>. And, while MTC's email correspondence with me was unnecessarily evasive and vague on this issue, it is unquestionable and indisputable that MTC and ABAG used the CARB-supplied postprocessor<sup>33</sup> that takes EMFAC2011 data and evaluates the impact of Pavley 1 (and LCFS) on CO<sub>2</sub>, and only on CO<sub>2</sub>—with all other impacts of Pavley 1 (and LCFS) on emission-related particulate matter and other criteria pollutants performed in the main EMFAC2011 model itself.

As noted above, I anticipate the following response from MTC and ABAG in their Final EIR:

<sup>32</sup> *Regional Targets Advisory Committee Final Report*, pp. 16-19, Appendix L.

<sup>33</sup> *Pavley I + Low Carbon Fuel Standard Postprocessor Version 1.0 User's Guide*, Appendix H.



Peter Singleton, Bay Area Citizens, Public Comment on Draft Plan Bay Area and Draft Plan Bay Area Draft Environmental Impact Report

MTC and ABAG reasonably relied on the modeling software that they used for emissions, EMFAC2011, and if there were any deficiencies in the EMFAC2011 modeling software it was the fault of the developers of the software (California Air Resources Board (CARB))

If so, I would appreciate answers to the following questions in the Final EIR to fully understand any such claim or contention by MTC and ABAG:

C187-14

1. Do MTC and ABAG thereby claim that their analysis of the Plan and draft EIR cannot be challenged even if the modeling software they used was deficient, and even though they are lead agencies? How does this accord with MTC and ABAG's responsibilities as lead agencies, and what legal arguments do MTC and ABAG use to contend that software models supplied by third parties can be used by lead agencies, with all deficiencies in the analysis produced by that third party software totally insulated from attribution to the lead agencies themselves,

C187-15

2. It's clear that MTC and ABAG (executives, counsel, and modeling professionals) are fully aware of the deficiencies in the modeling software used in analyzing the Plan and its draft EIR that are outlined in Section II above. Please admit or deny that MTC and ABAG were, and are, aware of these deficiencies.<sup>34</sup>

C187-16

3. Do MTC and ABAG claim that they were required by statutory or regulatory mandate to use EMFAC2011 for their analysis of the Plan and its draft EIR, and if so, please provide specific citation to that statutory or regulatory mandate.

4. If MTC and ABAG claim that if they were required, or alternatively, were permitted to rely on a software program for part of their analysis that had known, and material limitations or deficiencies, such as those outlined in Section II above, do MTC and ABAG further claim that they have no duty or responsibility as lead agencies to remedy or correct these shortcomings,

<sup>34</sup> Please also note that Question 7, under SB 375 above, is also relevant to this question—please address in your answer how the draft Plan, draft EIR, and supporting documents released at the same time accord with the RTAC report's mandate on p. 19 that "[t]he assessment and documentation should identify areas where the model lacks capacity for analysis of a factor or policy, and any factors or policy for which the model sensitivities fall outside the range of results documented in research literature." Appendix L.

Peter Singleton, Bay Area Citizens, Public Comment on Draft Plan Bay Area and Draft Plan Bay Area Draft Environmental Impact Report

limitations, or flaws in the software program that they relied on in their analysis, such as through the “other modeling methods” described in the RTAC report on page 16<sup>35</sup>:

‘Other modeling methods’ refer in general to tools which either augment or replace travel demand models, and are likely to be spreadsheet-based tools.

and also as described on p. 17<sup>36</sup>:

[T]he Committee concluded there was a need to augment travel demand models with other methods to achieve reasonable levels of sensitivity for SB 375 implementation purposes. These other methods include:

...

“Post processor tool”, wherein MPOs would apply the tool to adjust outputs of their travel demand model such that they account for areas where the model lacks capability, or is insensitive to a particular policy or factor.

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<sup>35</sup> Id.

<sup>36</sup> Id.

Peter Singleton, Bay Area Citizens, Public Comment on Draft Plan Bay Area and Draft Plan Bay Area Draft Environmental Impact Report

#### **IV. Plan Bay Area, at its core, is based on models, assumptions, forecasts, and omissions that are gravely deficient and profoundly dishonest**

Because of the extent and nature of the deficiencies in the Plan and its draft EIR, I will limit my comments here to several key issues.<sup>37</sup> I offer here not only my own analysis, but also refer to two submitted comments on the Plan and its draft EIR that are important in their own right, and are illustrative of a number of other comments that I have read in draft form or am otherwise familiar with.

The following, together with these additional comment letters, provides unassailable and indisputable facts and analysis that establish conclusively that the Plan will not and cannot work, even according to its own premises, which are in and of themselves deeply flawed.

Please note that given the short time allowed for analyzing and responding to this Plan and its draft EIR, there are many other deficiencies that will simply not get noted by me or by any member of the public, because we have not been given enough time to review and comment on the Plan and its draft EIR.

The points I raise herein not only discredit the Plan, the agencies promulgating it, and the process—they de-legitimize them. Together they paint a devastating picture of two unaccountable agencies and a process that has gone terribly awry.

C187-17

#### **A. The Plan's transit elements will not increase ridership, will not reduce greenhouse gases (GHGs), and will do nothing to help lower income citizens who are dependent on transit for their personal mobility**

<sup>37</sup> Because of the importance of detailing in Section II the critical importance of the information that was unreasonably withheld from me and my colleagues for week after week by MTC—information that should have been available to all of the public during the entire comment period on the Plan and its draft EIR—some of the information in Section II of this comment will necessarily need to be repeated in this section of the comment as well.

Peter Singleton, Bay Area Citizens, Public Comment on Draft Plan Bay Area and Draft Plan Bay Area Draft Environmental Impact Report

I am attaching here<sup>38</sup> the comment letter submitted by Tom Rubin on Plan Bay Area's conformity analysis on Friday, May 3, 2013. Conformity analysis is a federal Clean Air Act requirement--essentially it requires that the transit elements of the Plan be reasonable and achievable. I have not included the appendices in the interests of space.

Mr. Rubin is one of the nation's leading experts in transportation. He built and led the leading transportation and land use consulting practice for a then-Big 8 firm in the 1980s, then served as chief financial officer for the nation's then third largest public transit agency (in the Los Angeles area) from the late 1980s through mid-1990s. He's been a highly respected independent consultant since then.

Mr. Rubin is also a long time Bay Area resident, and is deeply committed to honest government and effective public policy. Mr. Rubin cares deeply about transit that works and serves the interests of transit dependent folks that need it (largely lower income residents who rely on bus routes for personal mobility).

Mr. Rubin concludes, based on indisputable data and analysis:

- Plan Bay Area ignores the one form of transportation subsidies that are proven to increase transit usage, benefit the environment, and benefit lower income, transit-dependent residents (lowering fares and increasing service quality on existing routes, especially bus lines),
- The Plan continues the same transit strategies that have been deployed for the past 30 years in the Bay Area that have led to massive increases in the cost of transit while ridership has declined in absolute numbers (not just per capita usage),
- MTC and the Bay Area transportation and transit agencies have an appalling record of cost overruns for its transit projects, and
- MTC and ABAG are substantially overestimating expected revenues by willfully and intentionally ignoring the full impact of already on-the-books regulations regarding average mileage per gallon of the vehicle fleet

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<sup>38</sup> *Tom Rubin conformity comment, Appendix O.*

Peter Singleton, Bay Area Citizens, Public Comment on Draft Plan Bay Area and Draft Plan Bay Area Draft Environmental Impact Report

sold in California that will dramatically reduce gasoline tax revenues available to this Plan (a point made at length in this comment as well).

I have read a number of other comments in draft form that will be submitted by other persons that offer similarly devastating, factual and analytically unassailable critiques of the transit elements of the Plan. Any one of them individually discredits and invalidates the transit elements of the Plan—and each offers complementary and essential facts and analysis in doing so.

C187-18

**B. The Plan's mandate requiring that 80% of all new housing in the Bay Area be built in high density, multistory, multifamily attached units near mass transit in suburban and urban downtowns will not reduce GHGs**

I am also attaching here<sup>39</sup> the letter, in draft form, that has been submitted by Bob Silvestri as his comments on draft Plan Bay Area and its draft EIR.

Mr. Silvestri is an architect, an affordable housing developer, an environmental activist, and a respected expert on land use issues. Mr. Silvestri is a longtime resident of Marin County who is frequently quoted in the local press, and he has authored a book on Plan Bay Area called *The Best Laid Plans*.

Mr. Silvestri's report not only establishes that the Plan's draft EIR fails to provide "proof of the efficacy of the proposed Plan or the Alternatives in reducing per capita or overall greenhouse gas emissions (GHGs), to meet SCS goals," pp. 1-2, but it concludes "that Plan Bay Area and the Alternatives will increase overall and per capita GHGs rather than decrease them." *Id.* at p. 2.

I am familiar with at least a dozen other comment letters that raise profound and material questions about the Plan's land use elements, or about the forecasts, assumptions, models, and omissions that underlie the Plan and its draft EIR. Each of them discredits and invalidates the foundations of the Plan, and does so based on analytically-sound and empirically-based assessments of the Plan.

<sup>39</sup> *Bob Silvestri comment*, Appendix P.

Peter Singleton, Bay Area Citizens, Public Comment on Draft Plan Bay Area and Draft Plan Bay Area Draft Environmental Impact Report

Plan Bay Area is a transportation plan, and a land use plan. Mr. Rubin's report and others establish that the transportation elements of the Plan will not reduce GHGs, will not increase ridership, and will not help lower income residents who are dependent on public transit for personal mobility. These reports show that the Plan leaves the Bay Area's local roads and bridges dangerously underfunded in order to fund massive mass transit projects that will have limited or no efficacy in leading to gains in transit ridership and will have no beneficial environmental effects. Mr. Silvestri's report together with more than a dozen others, in turn, establish that the land use elements of the Plan will similarly not meet their stated objectives (reducing GHGs), and in fact will be counterproductive.

If the transportation plan and the land use plan won't work and cannot work, and in fact are counterproductive, what then are we left with? A Plan that is bereft of public benefits, that limits our ability to live where and how we wish as well as how we can travel, and that dramatically limits our ability to make our own decisions as individual residents, and as cities and counties. And we are left with a Plan that imposes massive and undisclosed unfunded mandates on the cities and counties in the Bay Area.

Could it get any worse than this? Yes, unfortunately it can. A Plan this fatally flawed and lacking in integrity could only have been fabricated and sold to the public through misleading representations and profoundly dishonest analysis. And it has been.

Peter Singleton, Bay Area Citizens, Public Comment on Draft Plan Bay Area and Draft Plan Bay Area Draft Environmental Impact Report

C187-19

**C. The Plan and its draft EIR consider the impact of emission and mileage standards in ways that are misleading and profoundly dishonest**

The following chart<sup>40</sup> summarizes the discussion that follows:

| California Air Resources Board (CARB) MPG regulation                                                                                               | Particulates and pollutants other than CO2                                                                                                                                                                                                                                                                                                                      | CO2                                                                                                                                                                                                                                                                                                | Reduction in gasoline use and gas tax revenues                                                                                                                                                                                                                                                                                                                                                                                                                                                                                     |
|----------------------------------------------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <p><u>Pavley 1</u></p> <p><u>Clean Car Standard</u>, governing passenger vehicles sold 2009 – 2016 and beyond. Finalized 2009, announced 2004.</p> | <p>EMFAC2011 appears to consider the significant impacts of Pavley 1 in reducing particulates and pollutants and thus those reductions appear to be reflected in the Plan analysis. This substantially reduces the health risks of forcing people to live in high density housing near transit in suburban and urban downtowns, but doesn't eliminate them.</p> | <p>EMFAC2011 doesn't consider in its main model, but considers in a separate postprocessor. MTC ran the postprocessor on every model run. It ignores everything other than CO2 impact of Pavley 1 and LCFS (Low Carbon Fuel Standard). Those impacts are massive, <u>and were undisclosed</u>.</p> | <p>ABAG and MTC modeled a 2.00% decline in gasoline demand per year through 2020 due to Pavley 1, but considered no impact of Pavley 1 on gasoline demand after 2020, despite their models of Pavley 1 showing continued Pavley 1 related gains in fleetwide MPG until at least 2035.</p> <p>ABAG and MTC also appear to have "mitigated" the budgetary impact of the modeled 2.00% decline in gasoline demand per year until 2020 by also, "coincidentally," modeling an 8.00% per year gasoline price increase through 2020.</p> |

<sup>40</sup> Please note that EMFAC2011 is the modeling software that ABAG and MTC used to model particulate matter, other criteria pollutants, CO2, and miles per gallon (MPG) of the vehicle fleet in use during the Plan period.

Peter Singleton, Bay Area Citizens, Public Comment on Draft Plan Bay Area and Draft Plan Bay Area Draft Environmental Impact Report

| California Air Resources Board (CARB) MPG regulation                                                                                                                                                                                                                                                       | Particulates and pollutants other than CO2                                                                                                                                                                                                                                                                                                                                              | CO2                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                           | Reduction in gasoline use and gas tax revenues                                                                                                            |
|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------|
| <p><u>Pavley 2</u></p> <p><u>Advanced Clean Car Standard</u>, governing passenger vehicles sold 2017 – 2025 and beyond. Finalized December 31, 2012, announced January 27, 2012 (CARB simply adopted for California the federal 2025 CAFÉ standard requiring average 54.5 MPG for fleet sold in 2025).</p> | <p>EMFAC2011 does not consider, CARB does not have a postprocessor, and MTC did not consider in their analysis, despite the regulations having been announced 15 months before their analysis was completed on the draft Plan and draft EIR, and having been finalized three months before the draft Plan was released March 22, 2013, and the draft EIR was released April 2, 2013</p> | <p>EMFAC2011 does not consider, CARB does not have a postprocessor, and MTC did not consider in their analysis, despite the regulations having been announced 15 months before their analysis was completed on the draft Plan and draft EIR, and having been finalized three months before the draft Plan was released March 22, 2013, and the draft EIR was released April 2, 2013.</p> <p>The impact of Pavley 2, alone, on CO2 should be at least as great as 2/3 the impact of Pavley 1 and LCFS together (likely reduction of CO2 of more than 19 thousand tons per day, versus Pavley 1 and LCFS reduction of 30 thousand tons per day, for a total reduction by 2035 of more than 49 thousand tons of CO2 per day.</p> | <p>Completely ignored the <u>very substantial budgetary impact</u> of Pavley 2 on reductions in gasoline demand hence reductions in gas tax revenues.</p> |



Peter Singleton, Bay Area Citizens, Public Comment on Draft Plan Bay Area and Draft Plan Bay Area Draft Environmental Impact Report

## **1. California's Clean Car Standard ("Pavley 1") and Advanced Clean Car Standard ("Pavley 2")**

California has two major sets of regulations that set mandates for the average miles per gallon (MPG) of the new passenger vehicle fleet sold in the state in a given year. Both have been promulgated by the California Air Resources Board (CARB) pursuant to the authority granted it by Assembly Bill 1493 (2002, Pavley).

### Pavley 1:

California's Clean Car Standard ("Pavley 1") governs the passenger vehicle fleet sold in the years 2009 through 2016 (and beyond). Pavley 1 regulations became effective and final in 2009.

Pavley 1 became effective before MTC and ABAG's analysis of Plan Bay Area's draft EIR began formally in July of 2012. Thus, all impacts attributable to Pavley 1 were required to be fully analyzed by ABAG and MTC and fully disclosed to the public.

### Pavley 2:

California's Advanced Clean Car Standard ("Pavley 2") was announced by CARB on January 27, 2012<sup>41</sup>, and these regulations became final on December 31, 2012.<sup>42</sup> Pavley 2 adopts in California the federal CAFÉ MPG standard that requires the passenger vehicle fleet sold in 2025 and later to average 54.5 MPG. Pavley 2 governs new vehicles sold between 2017 through 2025 (and beyond).

Pavley 2 became effective during the period of time that MTC and ABAG performed their analysis of the draft Plan and its draft EIR—in fact, it became fully effective almost three months before the draft Plan was released on March 22, 2013, and more than three months before the draft EIR was released on April 2, 2013. Thus, all impacts attributable to Pavley

<sup>41</sup> *California Air Resources Board Approves Advanced Clean Car Rules, 20120127*, Appendix M.

<sup>42</sup> *California Air Resources Board Advanced Clean Car Rules, Final Approval, December 31, 2012*, Appendix N.

Peter Singleton, Bay Area Citizens, Public Comment on Draft Plan Bay Area and Draft Plan Bay Area Draft Environmental Impact Report

2 were required to be fully analyzed by ABAG and MTC, and fully disclosed to the public.

The draft Plan and draft EIR mention both Pavley 1 and Pavley 2 in several locations.<sup>43</sup> However, the impacts of Pavley 1 were analyzed differently according to whether they were favorable to the Preferred Alternative. The impacts that were favorable to the Plan were incorporated in the analysis and results. The impacts that were not favorable to the Plan were either analyzed but not incorporated into the results, or were minimized by the use of improper and unjustifiable assumptions. The impacts of Pavley 2--which would have been devastating on the Plan's analysis of CO<sub>2</sub> and on the Plan's budget--were ignored entirely.

Pavley 1 and Pavley 2 each lead to substantial increases in the average MPG of the passenger vehicle fleet sold in California--and over time, in the average MPG of the passenger vehicle fleet in use in the state. ABAG and MTC's own, undisclosed models<sup>44</sup> show that Pavley 1 increases the average MPG of the passenger vehicle fleet in use in the Bay Area by almost 60% (from 20.18 MPG in 2010 to 32.02 MPG in 2035 in their analysis of the Preferred Alternative, with almost identical results projected for the other alternatives including No Project).<sup>45</sup>

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<sup>43</sup> See, for example, draft EIR, p. 2.5-43; Financial Assumptions, p. 4.

<sup>44</sup> The data source for the charts below is from MTC's own model run results, attached here as Appendix G, *MTC Model Run 2035\_03\_84, 2013 RTP/SCS CO<sub>2</sub> and Criteria Pollutant Summary Results, September 11, 2012.pdf*.

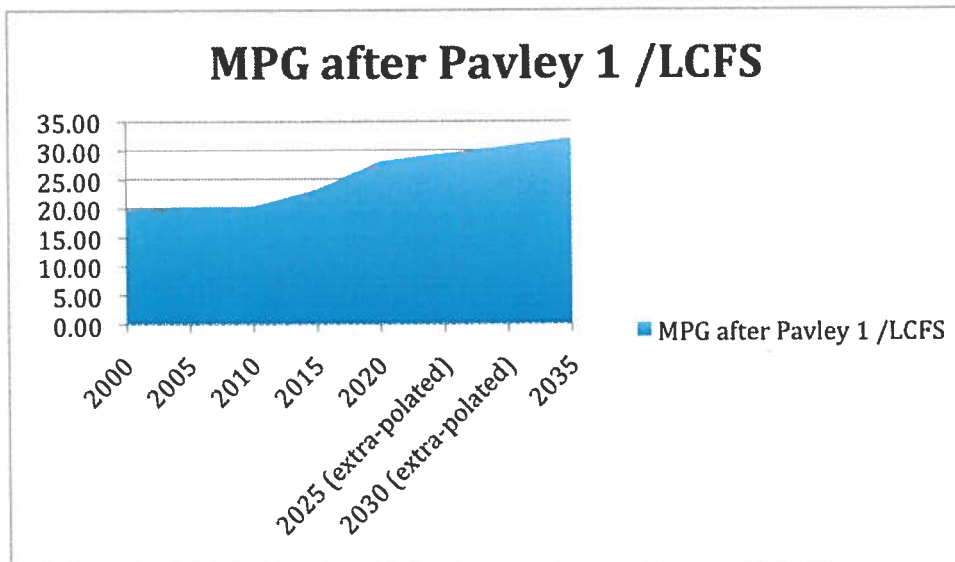
<sup>45</sup> Please note that the results that ABAG and MTC's undisclosed models show for the MPG impact of Pavley 1 are included in their results shown for Pavley 1 + LCFS. However, CARB's Low Carbon Fuel Standard (LCFS) is a set of standards for formulation of gasoline and other motor fuels, and as such, LCFS reduces CO<sub>2</sub> emissions when burned in the vehicle's engine, but should have little or no impact on the vehicle's MPG.

Pavley 1, on the other hand, regulates the minimum MPG of the passenger vehicles sold in the state during a given year. Therefore, it is a reasonable assumption to make that all or virtually all of the MPG increases attributed to Pavley 1 + LCFS in ABAG and MTC's undisclosed models are attributable solely to the impact of Pavley 1.

Peter Singleton, Bay Area Citizens, Public Comment on Draft Plan Bay Area and Draft Plan Bay Area Draft Environmental Impact Report

### Miles Per Gallon of Passenger Vehicle Fleet after Pavley 1 / LCFS

|                                   | 2000  | 2005  | 2010  | 2015   | 2020   | 2025<br>(extra-<br>polated) | 2030<br>(extra-<br>polated) | 2035  |
|-----------------------------------|-------|-------|-------|--------|--------|-----------------------------|-----------------------------|-------|
| MPG<br>after<br>Pavley 1<br>/LCFS | 19.69 | 20.09 | 20.18 | 23.09  | 27.92  | 29.29                       | 30.65                       | 32.02 |
| %<br>increase                     |       | 2.03% | 0.45% | 14.42% | 20.92% | 4.89%                       | 4.67%                       | 4.46% |



A reasonable assumption would be that by the end of the Plan Bay Area planning period in 2040, the percentagewise increase in average fleetwide MPG due to Pavley 2 will be approximately the same as that of Pavley 1, and those impacts will be additive, leading to an average MPG for the vehicle fleet in use in California of at least 45 MPG and more likely close to 50 MPG.<sup>46</sup>

<sup>46</sup> ABAG and MTC's undisclosed models show that from Pavley 1's second year in 2010 until 2035, fleetwide MPG gains attributable to Pavley 1 will be more than 59% (from 20.18 MPG in 2010 to 32.02 MPG in 2035). Pavley 2 requires the average new passenger vehicle sold from 2025 and later in California to average at least 54.5 MPG. A

Peter Singleton, Bay Area Citizens, Public Comment on Draft Plan Bay Area and Draft Plan Bay Area Draft Environmental Impact Report

Why is this important? Because of the massive impact of these vehicle fleet MPG gains on three of the most important considerations in the Plan: CO<sub>2</sub> emissions; emission-related particulate matter and other pollutants; and the budget.

To restate the above, we know from ABAG and MTC's own, undisclosed models, that Pavley 1 alone will increase average fleetwide MPG by almost 60% between 2010 and 2035. As gallons of gasoline burned are reciprocal to MPG, we know as a matter of simple arithmetic that Pavley 1 will reduce gallons of gas burned by passenger vehicles by more than 37% per vehicle mile traveled (VMT) (and after adjusting for the 15.68% increase in VMT, by 31.98% overall) between 2010 and 2035.

This means that according to MTC and ABAG's own, undisclosed models, as a matter of simple arithmetic, that the Pavley 1 MPG regulations will:

- reduce emission-related particulate matter and pollutants from passenger vehicles (the dominant source of these emissions) by more than 37% per VMT (and 31.98% overall) by 2035,
- reduce CO<sub>2</sub> from passenger vehicles by more than 37% per VMT (and 31.98% overall) by 2035 , and
- reduce gallons of gasoline sold per VMT by more than 37% (and by 31.98% overall) by 2035.

ABAG and MTC were required to account for these effects and to faithfully incorporate these effects into the results of their analysis. But this is precisely what ABAG and MTC did not do.

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reasonable assumption would be that 23 years after Pavley 2 regulations begin to first affect the passenger vehicle fleet sold in California (2017)—that is by 2040—that the impact of Pavley 2, added to the impact of Pavley 1 (which appears to cap out at just over 32 MPG in 2035), will lead to a further increase of close to 60% in the fleetwide MPG by 2040, or to a fleetwide average of just over 51 MPG.

Peter Singleton, Bay Area Citizens, Public Comment on Draft Plan Bay Area and Draft Plan Bay Area Draft Environmental Impact Report

Pavley 1 impacts:

|                                    | <b>Do the Impacts Benefit Preferred Alternative?</b> | <b>Did ABAG and MTC incorporate in results?</b>                 |
|------------------------------------|------------------------------------------------------|-----------------------------------------------------------------|
| <b>Particulates and pollutants</b> | YES                                                  | YES                                                             |
| <b>CO<sub>2</sub></b>              | NO                                                   | NO                                                              |
| <b>Gas tax revenues</b>            | NO                                                   | “Mitigated” with high gas prices until 2020, ignored after 2020 |

When the impact of Pavley 1 MPG regulations benefits their Plan--as it does with emission-related particulate matter and pollutants—MTC and ABAG incorporate those impacts in their analysis and in the results they report to the public. Where the impact of Pavley 1 MPG regulations doesn't benefit their Plan, when in fact it renders their Plan utterly unnecessary—as it does with CO<sub>2</sub> emissions—MTC and ABAG ignore those impacts in their analysis. Nor do they disclose to the public the results of the analysis they actually ran but didn't incorporate in their assessment of the Plan.<sup>47</sup>

<sup>47</sup> MTC and ABAG attempt to deflect this objection by saying on p. 2.5-43 of the draft EIR,

Emissions for Criterion 1 are considered to be conservative estimates because they are presented without accounting for reductions in mobile source emissions that would be expected to result from ongoing implementation of Pavley 1 and the LCFS; per SB 375 the impact assessment does not include the emissions reductions from these legislative requirements." (emphasis added).

First, no reasonable reading of the text of the statute supports such an interpretation. Second, the CO<sub>2</sub> reductions attributable to the Pavley 1 regulations alone by 2035, according to ABAG and MTC's own, undisclosed models, will be

Peter Singleton, Bay Area Citizens, Public Comment on Draft Plan Bay Area and Draft Plan Bay Area Draft Environmental Impact Report

And, last, when the impact of Pavley 1 MPG regulations requires ABAG and MTC to accommodate them in the budget, as fewer gallons of gasoline sold equals lower gas tax revenues for the Plan's projects and initiatives, ABAG and MTC appear to have "mitigated" the impact of those declining gallons of gasoline sold by assuming strikingly high increases in the price of gasoline each of those years. Thus, ABAG and MTC models show decreases of 2.00% per year through 2020 in gallons of gas sold, but "mitigate" those decreases in the gallons of gasoline sold by assuming that the retail price of gasoline will increase by 8.00% per year through those same years.<sup>48</sup> Was it a simple matter of adjusting the financial model's assumption regarding the price per gallon of gas sold to make the problem of Pavley 1's impact of reducing the number of gallons sold per year through 2020 go away? If so, problem solved.

What about after 2020? ABAG and MTC's own undisclosed models show that fleetwide MPG continues to rise substantially due to the impact of Pavley 1's MPG regulations, past 2020 and at least until 2035.<sup>49</sup> Yet ABAG and MTC ignore this impact entirely on the budget. Could it be because they could only "mitigate" the impact of the gasoline usage declines on their budget with an offsetting assumption of a 8.00% per year increase in the

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10-12x the amount that their models show will be the difference between their Preferred Alternative and No Project that same year. When one considers the impact of both Pavley 1 and Pavley 2 in the last year of the Plan, 2040, those MPG regulations, which are already on the books now and fully effective, will lead to more than 16x the CO<sub>2</sub> reductions than the CO reductions from choosing the Preferred Alternative over No Project—even assuming the rest of the Plan's models and assumptions are correct.

ABAG and MTC are like a doctor who insists that the patient (the public) take an immensely costly and risky regimen of treatment that has no possibility of curing the patient and has serious side potential side effects that may kill the patient, while failing to tell the patient that the treatment is entirely unnecessary because the patient is sure to get better anyway.

<sup>48</sup> *Regional Fuel Tax worksheet, 2013 RTP Model (State and Federal)\_Final*, Appendix I.

<sup>49</sup> MTC and ABAG's models show fleetwide passenger vehicle MPG increasing an additional 14.68% between 2020 and 2035 due to the impact of Pavley 1, leading to an additional decline in gasoline used per VMT by the passenger vehicle fleet of 12.80%.

Peter Singleton, Bay Area Citizens, Public Comment on Draft Plan Bay Area and Draft Plan Bay Area Draft Environmental Impact Report

retail price of gasoline only for 7 years until 2020, but doing so for additional years beyond that would draw too much attention?

The Plan already uses the astonishing device of a plug number. Their expenditure plans, assuming their programs come in on budget--which Mr. Rubin's report shows is not even plausible--are underfunded by 5%. Do ABAG and MTC dial back their expenditure plans by 5% to keep their budget in balance? Of course they don't. They insert a plug number of 5% of the budget for "unanticipated," "anticipated" revenues. Yes, they really call it that.<sup>50</sup>

Pavley 2 impacts:

|                                    | <b>Do the Impacts Benefit Preferred Alternative?</b> | <b>Did ABAG and MTC analyze and incorporate in results?</b> |
|------------------------------------|------------------------------------------------------|-------------------------------------------------------------|
| <b>Particulates and pollutants</b> | YES                                                  | NO                                                          |
| <b>CO<sub>2</sub></b>              | NO                                                   | NO                                                          |
| <b>Gas tax revenues</b>            | NO                                                   | NO                                                          |

And what of California's Advanced Clean Car Standards ("Pavley 2")? Those regulations governing the passenger vehicle fleet sold in California from 2017 through 2025 and beyond, will have at least as great an effect on fleetwide MPG as Pavley 1, and Pavley 2's impact will be additive—in addition to—that of Pavley 1. And all completely unanalyzed and ignored in the Plan and its draft EIR.

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<sup>50</sup> Plan, p. 64.

Peter Singleton, Bay Area Citizens, Public Comment on Draft Plan Bay Area and Draft Plan Bay Area Draft Environmental Impact Report

## **2. The benefits to the Preferred Alternative of incorporating Pavley 1 impacts on emission-related particulate matter and pollutants**

The Preferred Alternative mandates that 80% of all new housing units be in high density, multifamily, multistory projects near mass transit in suburban or urban downtowns. The Plan was required to disclose what it described as significant and unmitigatable impacts on human health to the residents who will live in those units.

The draft EIR discusses in section 2.2(d) on page 2.2-81,<sup>51</sup> the mitigations it recommends to reduce those health risks to people who will live in these new high density housing units. Those include air filtration units for each living unit, and presumably may mean, at least in some locations, windows that don't open. Of course, in a suburban home, "air conditioning" means open two windows, and let the breeze blowing through the trees flow through your house.

The draft EIR further suggests keeping housing units at least 500 feet from freeways, and as far from trucks, buses, and rail as possible, and recommends planting as much vegetation as possible. The Plan's mitigations sound like recreating the living conditions in a single family home in a suburban town, but alas, the Plan mandates that 80% of all new housing units be in these high density dwelling units near transit in suburban and urban downtowns.

Given these significant and unmitigatable health risks posed by the Plan's mandates that 80% of all new housing units be built in these conditions, it makes great sense that ABAG and MTC would want their analysis of the Plan to incorporate the significant reductions in emission-related particulates and pollutants that will result from Pavley 1, and that's exactly what they've done. While there are a number of other regulations<sup>52</sup> that contribute to the significant, and persistent declines in these particulates and pollutants during

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<sup>51</sup> *DEIR section 2.2(d) Mitigation measures, Appendix Q.*

<sup>52</sup> Especially CARB's Low Emission Vehicle (LEV) and Low Emission Vehicle II (LEV II) regulations.



Peter Singleton, Bay Area Citizens, Public Comment on Draft Plan Bay Area and Draft Plan Bay Area Draft Environmental Impact Report

the Plan period which can be seen in the Plan's model results,<sup>53</sup> the estimated 37% per VMT (and after considering the 15.68% increase in VMT, 31.98% overall) reduction in these particulates and pollutants due to the passenger vehicle fleet and attributable solely to Pavley 1's increase in fleetwide MPG by 2035 were a major factor in the Plan's analysis, and in the reduced, but nowhere near eliminated, health risks to the residents in the mandated 80% of all new housing units that must be high density units near transit in suburban and urban downtowns.

## **2. The benefits to the Preferred Alternative of ignoring Pavley 1 impacts on CO<sub>2</sub>**

Reporting the CO<sub>2</sub> results of Pavley 1 would have required ABAG and MTC to disclose that the Pavley 1 regulations, together with CARB's Low Carbon Fuel Standards (LCFS) will lead to ten to twelve times (10 to 12 times) the reduction in CO<sub>2</sub> than the reductions in CO<sub>2</sub> that their land use and transportation plan elements would produce, even if their models were to be believed and were believable.<sup>54</sup> We don't need to guess at this difference. ABAG and MTC's own models show us this, though none of this has been disclosed to the public.

MTC's own model run on November 6, 2012<sup>55</sup> shows that even assuming ABAG and MTC's high density housing mandates and additional mass transit subsidies produce all of the GHG gains that ABAG and MTC believe they will, the difference between No Project and ABAG and MTC's Preferred Alternative is only 3.01 thousand tons per day of CO<sub>2</sub> out of more than 100 tons per day for either No Project or the Preferred Alternative. That is, assuredly within the margin of error, even assuming ABAG and MTC's models are correct. And at an appalling cost—not only those borne by individual members of the public and in public sector spending at all levels and through the massive new unfunded mandates, but also upon Bay

<sup>53</sup> For example, see model results in *MTC Model Run 2035\_03\_84, 2013 RTP/SCS CO<sub>2</sub> and Criteria Pollutant Summary Results, September 11, 2012*, Appendix G, but all model runs were similar to these results.

<sup>54</sup> Of course as discussed elsewhere, those models are not believable.

<sup>55</sup> *MTC Model Run 2040\_03\_78, 91, 2013 RTP/SCS CO<sub>2</sub> and Criteria Pollutant Summary Results, November 6, 2012*, Appendix R.

Peter Singleton, Bay Area Citizens, Public Comment on Draft Plan Bay Area and Draft Plan Bay Area Draft Environmental Impact Report

Area residents' ability to live where and how they choose, travel the way they wish to, and upon their ability to make their own decisions within their own communities.

It's instructive to display the data in ABAG and MTC's own models, in a few simple charts, to see the misleading story that they are telling the public about their Plan, and compare that story with what their own data actual shows.

*ABAG and MTC's narrative—"there's a massive difference between No Project and our Preferred Alternative"*

ABAG and MTC tell the public, in effect, that their analysis shows a massive difference between No Project and their Preferred Alternative, and thus that the immense costs, and risks, and the Plan's sharp limits on the ability of citizens to live where and how they wish, and to make decisions in their own communities as to how those communities will grow and change, are somehow justified.<sup>56</sup>

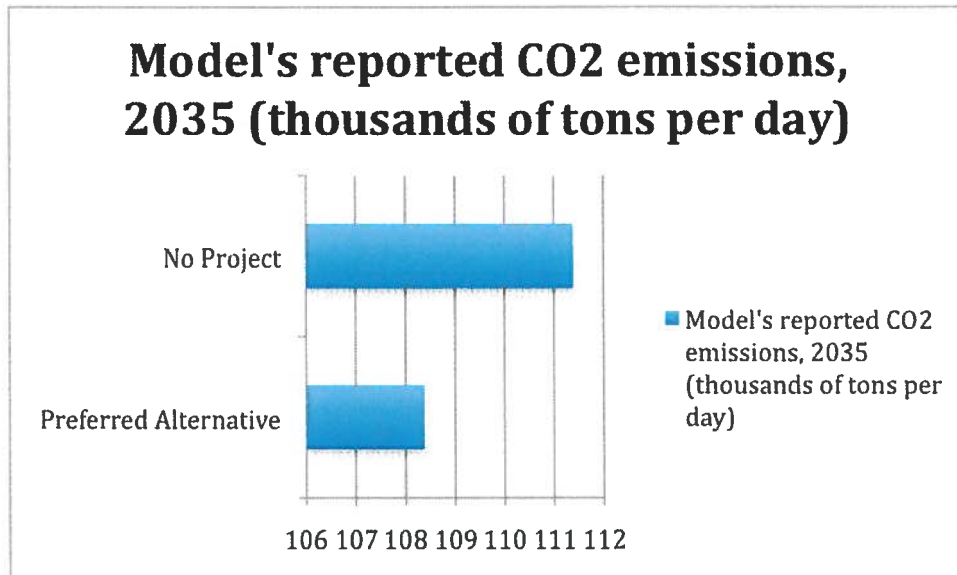
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<sup>56</sup> These costs, and risks, and the limits on individual liberties and local decision making are not justifiable, but this is ABAG and MTC's underlying rationale.

Peter Singleton, Bay Area Citizens, Public Comment on Draft Plan Bay Area and Draft Plan Bay Area Draft Environmental Impact Report

**Preferred Alternative and No Project –  
As MTC and ABAG Portray Them**

|                                                                              | <b>Preferred Alternative</b> | <b>No Project</b> |
|------------------------------------------------------------------------------|------------------------------|-------------------|
| Model's reported CO <sub>2</sub> emissions, 2035 (thousands of tons per day) | 108.38                       | 111.39            |



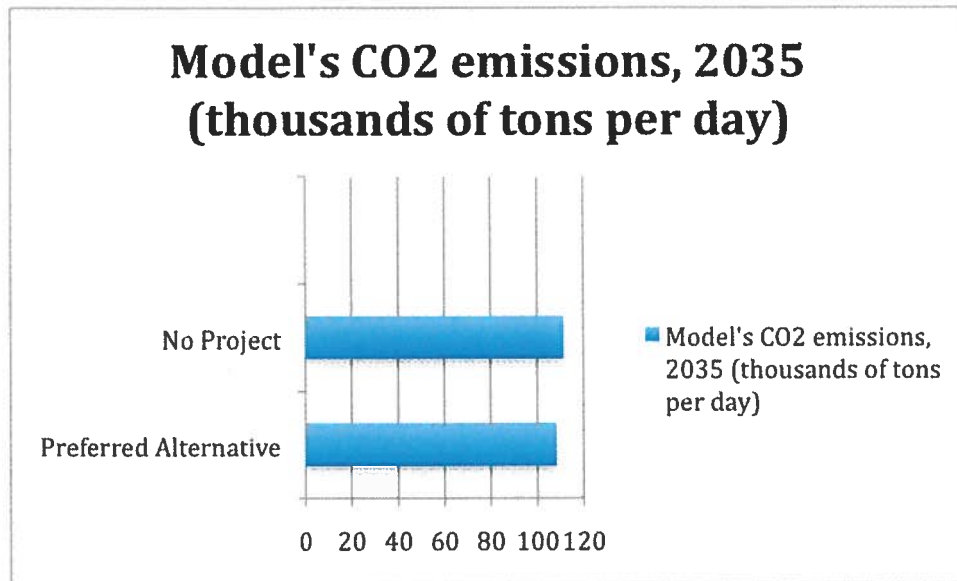
The above chart is based ABAG and MTC's own data from one of their own Model runs,<sup>57</sup> and is representative of the sorts of data that their model runs produced. This is not a chart used by ABAG and MTC to sell their Plan to the public--rather it is shown here as an illustration of the image left in the public's perception after ABAG and MTC describe the difference between their Preferred Alternative and No Project—suggesting a massive difference between the two.

<sup>57</sup> MTC Model Run 2040\_03\_78, 91, 2013 RTP/SCS CO<sub>2</sub> and Criteria Pollutant Summary Results, November 6, 2012, Appendix R.

Peter Singleton, Bay Area Citizens, Public Comment on Draft Plan Bay Area and Draft Plan Bay Area Draft Environmental Impact Report

*What their model results really show*

However, changing the scale on the chart to their true values on ABAG and MTC's model run here (and all of their model runs were very similar) shows the true difference between No Project and their Preferred Alternative—less than a 3.00% difference, assuredly within the margin of error in their calculations here.



*But their model results reported in their analysis describe a mythical future that will not and cannot exist—and they know that, but don't tell the public*

Even more problematic, though, is that the future Bay Area portrayed in these charts above, which are directly sourced from ABAG and MTC's own model runs, is a myth which appears to have been created by ABAG and MTC to convince the public that GHG (e.g., CO<sub>2</sub>) emissions in California and the Bay Area are a dire problem that has no solution other than dramatic changes in our lifestyles, and dramatic limitations on our choices. Their implied narrative is that the only way to reduce GHGs is to reduce automobile use, or, to use their term, to reduce vehicle miles traveled (VMT). And the only way to reduce VMT is to change the way Bay Area residents live and the way Bay Area residents travel. Whether Bay Area residents want to change the way they live and travel, or not.

Peter Singleton, Bay Area Citizens, Public Comment on Draft Plan Bay Area and Draft Plan Bay Area Draft Environmental Impact Report

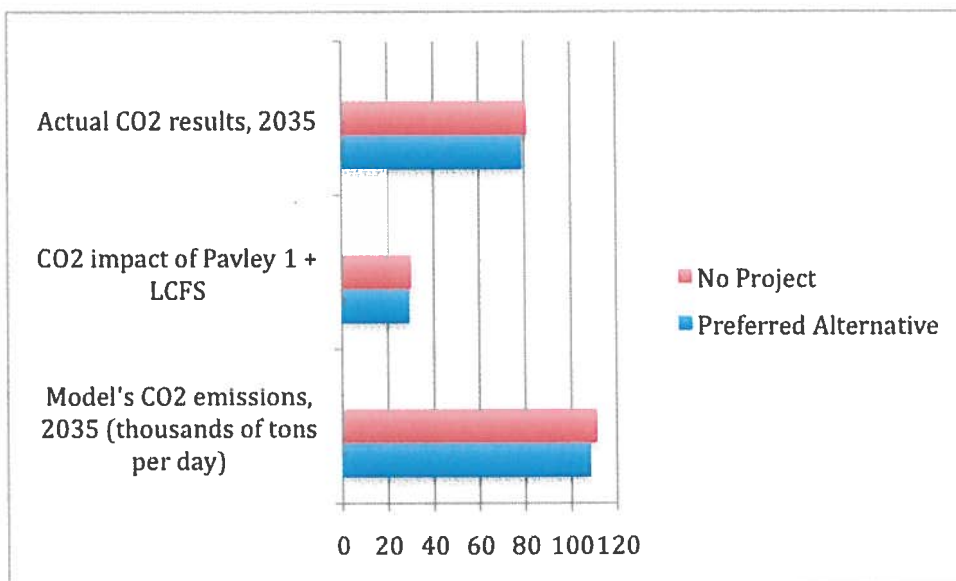
However, ABAG and MTC's implied narrative assumes there is only one way to reduce GHGs from automobiles—and that is to reduce automobile use (e.g., reduce VMT). But, as a simple matter of logic, there is another way to reduce GHGs from automobiles, and that is to reduce the amount of GHGs that automobiles emit (e.g., reduce GHG per VMT). And it turns out that doing the latter is vastly easier and less expensive, and vastly less restrictive of individual choice in how Bay Area residents live and travel. And, doing so doesn't incur the extraordinary risks and uncertainties that Plan Bay Area poses to the Bay Area economy, and to Bay Area communities.

And, the regulations are already on the books. In fact, the outcomes of the Pavley 1 regulations on GHG emissions in the Bay Area have already been modeled by ABAG and MTC. However, they didn't consider the impacts of those GHG reductions in their analysis of Plan Bay Area and the draft EIR, and they haven't disclosed the results of their modeling of the GHG reductions from Pavley 1 to the public. For obvious reasons, which will become clear upon looking at a chart of the models that ABAG and MTC ran that reflected the future Bay Area as it will be, not the mythical future with no GHG reductions due to MPG regulations:

Peter Singleton, Bay Area Citizens, Public Comment on Draft Plan Bay Area and Draft Plan Bay Area Draft Environmental Impact Report

ABAG and MTC's model runs incorporating Pavley 1 and LCFS, that weren't incorporated in their analysis of the Plan and its alternatives, and haven't been disclosed, reflect the reality of the Bay Area's future (rather than the mythical future used to analyze the Plan

|                                                                               | Preferred Alternative | No Project |
|-------------------------------------------------------------------------------|-----------------------|------------|
| <b>Model's CO<sub>2</sub> emissions, 2035<br/>(thousands of tons per day)</b> | 108.38                | 111.39     |
| <b>CO<sub>2</sub> impact of Pavley 1+ LCFS</b>                                | 29.42                 | 30.25      |
| <b>Actual CO<sub>2</sub> results, 2035</b>                                    | 78.96                 | 81.14      |



Peter Singleton, Bay Area Citizens, Public Comment on Draft Plan Bay Area and Draft Plan Bay Area Draft Environmental Impact Report

There is no future world contemplated by ABAG and MTC that does not include the Pavley 1 regulations and LCFS.<sup>58</sup> So the truthful analysis that should have been presented to the public in the draft Plan and its draft EIR—and should have been used to evaluate the Plan and its alternatives—is the chart and data above, not the fabricated and mythical data that ABAG and MTC actually did present to the public.<sup>59</sup>

What the above chart shows, again, sourced solely from ABAG and MTC's model runs,<sup>60</sup> is that for ABAG and MTC's immensely expensive, immensely risky Preferred Alternative<sup>61</sup>—even assuming their models showing GHG reductions from their housing mandates and transit subsidies are accurate—the difference between No Project, and the Preferred Alternative is miniscule overall, and infinitesimal compared to the certain-to-occur CO<sub>2</sub> reductions from California regulations that are already on the books, and that ABAG and MTC have modeled the impact of.<sup>62</sup>

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<sup>58</sup> Pavley 1, again, affects the overall MPG of the vehicle fleet sold in California from 2009 through 2016 (and forward from 2016), and the Low Carbon Fuel Regulations affect the formulation of gasoline sold in California.

<sup>59</sup> The data in the chart above, and the data in the previous charts, were all source from the same model run, *MTC Model Run 2040\_03\_78, 91, 2013 RTP/SCS CO2 and Criteria Pollutant Summary Results, November 6, 2012*, Appendix R, though the data that reflects the impact of Pavley 1 in increasing MPG (and thus reducing CO<sub>2</sub> was performed by a postprocessor application. This postprocessor application appears to have been applied to every model run.

<sup>60</sup> All model runs appear to have been roughly consistent to the one disclosed above with only minor differences in results.

<sup>61</sup> Note that all of the three other alternatives that ABAG and MTC considered in their analyses were only minor variants of the Preferred Alternative, and thus the assessment here applies to Alternatives 3, 4, and 5 as well.

<sup>62</sup> It's also worth noting in the table of data that underlies the above chart—that table immediately above the chart—that ABAG and MTC's own models show that including the impact of Pavley 1 and LCFS on CO<sub>2</sub> emissions also reduces the absolute gap that their models show between No Project and their Preferred Alternative (by almost 1/3 from a gap of 3.01 thousand tons per day in their mythical world of the future with no Pavley 1 and LCFS to 2.18 thousand tons per day in the actual world that does include Pavley 1 and LCFS).

Peter Singleton, Bay Area Citizens, Public Comment on Draft Plan Bay Area and Draft Plan Bay Area Draft Environmental Impact Report

Reporting the CO<sub>2</sub> results of Pavley 2 would show further, vast decreases in CO<sub>2</sub> from passenger vehicles that need to be added to the impact of Pavley 1 and LCFS.<sup>63</sup>

So, if we do nothing, already on-the-books, mandatory regulations for MPG, with the full impacts already modeled by ABAG and MTC for the first set of regulations (Pavley 1 + LCFS) and the added impacts of the second set of regulations (Pavley 2) easily estimatable, reductions in CO<sub>2</sub> by the end of the Plan's period will likely be more than 49 thousand tons of CO<sub>2</sub> per day, more than 16x the reductions claimed that will occur as a result of the Plan's housing mandates and additional transit subsidies, over No Project.<sup>64</sup>

C187-20

*Why No Project is the Superior, in fact, Only, Alternative of the Five Considered*

Adopting No Project is not “doing nothing.” It’s just not doing the fantastically expensive, unworkable policy elements that not only characterize the Preferred Alternative, but also all three other alternatives as well (as they are just minor variants of the Preferred Alternative that contain all of the Preferred Alternative’s foundational deficiencies).

Adopting No Project is simply letting people live where they want, how they want. It’s letting local cities decide how to zone as they wish. It doesn’t require the massive new regional redevelopment agencies that the Plan tells us are essential to its success. Essential to the success of the Plan, of course, because the Plan’s housing mandates will require the vast majority of all of the new high density housing units be heavily subsidized. The only high

<sup>63</sup> Assuming that Pavley 2 increases fleetwide MPG by the same 60% that Pavley 1 does, hence that Pavley 2 decreases gallons of gasoline burned per VMT as much as Pavley 1 does (the reduction in gallons of gas burned are simply a reciprocal of the increase in MPG), then just from the impact of Pavley 2 alone in 2035 would lead to another 19.34 thousand tons in CO<sub>2</sub> reductions, on top of the 30 thousand tons in CO<sub>2</sub> reductions, from the 51.92 thousand tons per day due to passenger vehicles in 2035 (Preferred Alternative calculations).

<sup>64</sup> And, since as noted in footnote 62, since the gap between the Preferred Alternative and No Project’s modeled CO<sub>2</sub> emissions narrowed by almost a third when the correct models were used, including the impacts of Pavley 1 + LCFS, also including the impact of Pavley 2 will presumably narrow the difference between the Preferred Alternative and No Project’s modeled CO<sub>2</sub> emissions even further, perhaps to 1.5 thousand tons per day.



Peter Singleton, Bay Area Citizens, Public Comment on Draft Plan Bay Area and Draft Plan Bay Area Draft Environmental Impact Report

density housing projects that won't require substantial public subsidies are in those locations such as in the larger cities where there is already existing, market demand for high rise, high density multi family housing in downtown locations—a fact impliedly admitted to by the Plan's insistence on redevelopment agencies as necessary to subsidize its housing mandates.

C187-21

Plan Bay Area requires regional redevelopment agencies also because its high density housing mandates require large projects in suburban downtowns where much of that land already has existing uses—often small businesses serving the local community. Many of those small landowners will not want to sell and those small businesses will not want to move—so Plan Bay Area insists that it needs to have eminent domain powers to force all those landowners to sell, and all those small businesses to move, in order to build all the high density housing that ABAG and MTC insist must be built.

C187-22

The report on PDA Readiness by Economic Planning + Systems (EPS), prepared for MTC and ABAG to assess the viability of the Plan's mandate that 80% of all new housing units be built as multistory, multifamily units near mass transit in suburban and urban downtowns<sup>65</sup> unwittingly gives the public an extraordinarily illustrative and powerful window into the thinking behind Plan Bay Area. It posits a parcel of land with a small shopping center with a happy landowner who doesn't want to sell and happy tenants of that shopping center—tenants who are thriving, productive, and providing services to the local community. The value of the cash flows to the shopping center make the parcel worth \$4 million dollars—precisely because these are local businesses that are thriving, and providing services to the local community that wants those services.

Yet in MTC and ABAG's relentless drive to force unwanted housing mandates on cities, and housing in high density form for which there is only

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<sup>65</sup> The EPS report, and the whole issue of the Plan's models, assumptions, and forecasts for market demand, are ones that I have long planned to write on in my comments. However, given the loss of time due to the inability to secure modeling related data from MTC for many weeks and the difficulties that caused in my ability to understand the Plan's analysis in those areas, I was unable to complete my work on the Plan's models, assumptions, and forecasts for high density housing in Priority Development Areas. This is one of the areas that I intend to complete work on and submit in my supplemental comments during the 30 day extension to the comment period that I am requesting in the comment letter.

Peter Singleton, Bay Area Citizens, Public Comment on Draft Plan Bay Area and Draft Plan Bay Area Draft Environmental Impact Report

limited market demand, the EPS report posits a world under Plan Bay Area where unaccountable regional redevelopment agencies will be able to forcibly acquire that parcel of land from that happy landowner who is unwilling to sell, forcibly evict those thriving small businesses that are profitably providing products services desired and used by the local community—all in order to turn that parcel of land over to a developer that will develop housing units that will have an economic value of \$2 million. The sheer and appalling economic waste of that forced transaction, the \$2 million difference between the value of the parcel with the shopping center on it (\$4 million) and the \$2 million value of the cash flows from the housing, would be borne by the public through the subsidies provided by the regional redevelopment agency.

In most PDAs, the majority of the new development envisioned will be built within an existing urban framework, including on existing developed sites that will need to be assembled and redeveloped. This process is challenging and comparatively expensive, because the new development must yield sufficient revenue to cover not only the cost of the development but also the “opportunity cost” of retaining a use that typically is generating a positive cash flow for the existing property owner. For example, a parcel may be worth \$2 million for a new multifamily development (based on achievable building values less development costs and developer returns), and have an existing shopping center that is worth \$4 million (based on capitalized net income from the shopping center). Unless the multifamily development receives some financial assistance to make up the difference, the site is likely to remain a shopping center rather than converting to a more intensive use.

This problem is one of the key reasons the state authorized local governments to establish redevelopment agencies with broad powers to assemble land and incentivize development. The elimination of this authority in California as a means to address the state’s fiscal problems was a major blow to local government capacity to financially incentivize desired development. Without reinstatement of this authority and resources, local governments will be severely disadvantaged in tackling the problems associated with redevelopment of existing urban areas.

Peter Singleton, Bay Area Citizens, Public Comment on Draft Plan Bay Area and Draft Plan Bay Area Draft Environmental Impact Report

EPS PDA Readiness Report, p. 38.

C187-23

*The Bay Area Citizens Transportation and Housing Alternative—the Alternative that should have been Considered and Selected*

I strongly recommend that an additional alternative be studied as part of the Plan and draft EIR, a Bay Area Citizens Transportation and Housing alternative that respects and supports the wishes and needs of Bay Area citizens in all their infinite variety and creativity, and respects their individual decision-making and desire for personal freedoms, and allows them to participate in natural, decentralized, and organically-developing human ecosystems. The Bay Area Citizens Transportation and Housing alternative consists of:

1. Expansion and improvement of existing transit systems, strongly emphasizing those modes that can be implemented quickly and with relatively low capital cost, including improvement of motor bus and vanpool services as outlined above—such as adding bus routes to make transit more accessible to lower-income residents, and adding bus capacity on heavily traveled routes. Please note that the Bay Area Citizens Transportation and Housing alternative does not consider Bay Area citizens who have lower incomes as a special interest group, but simply as valued members of our community whose personal mobility needs can be greatly enhanced, not by additional transit expenditures, but by simply redirecting existing and planned expenditures to where they have the greatest benefit to the community as a whole.
2. Major fare reductions, particularly for those types of services utilized primarily by residents with lower incomes who are dependent on public transit for their personal mobility. Consider use of transit vouchers so that fare reductions do not become a form of subsidy for inefficient public transit providers, with transit vouchers allowing the resident to select the transit provider that offers the best service for the price, thus empowering the resident, and bringing a measure of market discipline to the transit agencies.

Peter Singleton, Bay Area Citizens, Public Comment on Draft Plan Bay Area and Draft Plan Bay Area Draft Environmental Impact Report

3. De-emphasis of expansion of expensive and low cost-effective rail transit and ferry service, using the funding saved for the other elements of this alternative, and insisting that future major transit projects provide peer reviewed analysis of environmental benefits and cost per passenger mile benefits to the project before funding proceeds, to avoid funding major projects that will not produce any public or environmental benefits at an astronomical cost to the public.
4. Studying how casual carpooling through real-time matching through portable electronic devices can be advanced to both reduce vehicle miles traveled by increasing average passenger load and provide additional transportation opportunities for the transportation-disadvantaged. It should be understood that the government role in this should be largely one of ensuring that a proper legal and regulatory structure is in place to allow innovation, while providing for safe and secure usage, is the goal – and that, to a large extent, the role of government is to get out of the way and watch it happen.
5. Encourage flexibility in local zoning so that Regional Housing Mandate Assessment allocations are able to be met in a manner that is compatible with the wishes of the local officeholders and residents of that city, takes advantage of their knowledge of and creativity in finding solutions for their own community and provides them maximum flexibility to preserve the quality and character of their town.
6. Encourage housing in all parts of the nine county Bay Area, including in the suburban and rural areas, to the extent that that housing is consistent with the local general plans and wishes of the local officials and residents in those communities. Rather than clustering people in densely packed urban and suburban downtowns, against people's expressed wishes for more disbursed and organic community growth, foster the development of local robust human and economic ecosystems throughout the Bay Area, all developed organically and naturally by the wishes and decisions of the residents themselves.

Peter Singleton, Bay Area Citizens, Public Comment on Draft Plan Bay Area and Draft Plan Bay Area Draft Environmental Impact Report

7. Encourage expanded use of telecommuting both within the nine county Bay Area and from locations outside of the nine county Bay Area, including especially from other locations in the state that would be mutually beneficial to the cities, towns and businesses in the Bay Area, and to the Bay Area's sister cities in other counties, especially in the rural counties where many Bay Area residents would wish to live and work from if their job permitted them to telecommute from that location. Explore sister city and area locations in northern and central California's rural and exurban counties where jobs can be co-located in both the Bay Area's job center and technology and service hub, but local employment ecosystems can be established to greatly facilitate working and living in the rural or exurban area desired by the resident, while staying connected to the job center in the Bay Area. Also, establish better statistics on the currently widespread use of telecommuting by person's with jobs in the Bay Area, to understand the full benefits to those employed persons of being able to be employed in a major job center, while living somewhere else in the Bay Area, or elsewhere in California, or elsewhere in the United States.
8. Insist that before RHNA allocations are assigned to a city that the full public subsidy costs of those housing mandates are made fully transparent and require that the extent of those public subsidy costs be made a part of the decision process whether the allocation shall be permitted to placed on that city.
9. Insist that before RHNA allocations are assigned to a city that all unfunded mandates and associated costs, including the costs of subsidies, incentives, concessions, required city and school services, and property tax exemptions be fully transparent and require that the extent of those costs be made part of the decision process whether the allocation shall be permitted to be placed on that city.
10. Actions in Sacramento and Washington, DC to advocate for flexibility in transportation funding to emphasize the objective of cost-effective and productive transportation outcomes, rather than

Peter Singleton, Bay Area Citizens, Public Comment on Draft Plan Bay Area and Draft Plan Bay Area Draft Environmental Impact Report

designated funding sources that can only be used for specified types of capital projections.

11. Actions in Sacramento to reform those aspects of California's housing laws that have proven to be unworkable, difficult, and expensive to cities while offering limited or no benefits to the general public, while providing substantial benefits to special interests and only limited benefits to small numbers of lower income residents at an astronomical cost.
12. Focus the transportation plan and land use plan on measurable outputs such as ridership, or rider satisfaction, or cost per passenger mile (and compare different modalities) rather than on the cost of the inputs (where the measure of success is the greater the cost of the input). Do not decide, define, or describe policies in intangible terms selected for their affective response such as "smart," "sustainable," "fair share," "affordable," as these obscure and defeat open and fair public debate on important policy issues to all citizens.

Peter Singleton, Bay Area Citizens, Public Comment on Draft Plan Bay Area and Draft Plan Bay Area Draft Environmental Impact Report

C187-24

**D. The Plan's Models Use Unreasonable and Unrealistic Assumptions that Could Only have been Selected by ABAG and MTC to Assure the Preferred Alternative Performs Better than No Project**

And, what of that paltry difference projected between No Project and the Preferred Alternative in 2040, the 3 thousand tons per day difference in CO<sub>2</sub> emitted between the two alternatives that the ABAG and MTC's models project, out of more than 100 thousand tons per day in the mythical world that ABAG and MTC appear to have created to sell the public on Plan Bay Area<sup>66</sup>? How was that difference between the Preferred Alternative and No Project actually arrived at in the Plan's models?

We know from the reports of Mr. Rubin and Mr. Silvestri, and many other comment letters that will be submitted, that none of the GHG gains from the Plan's Preferred Alternative will materialize. But assuming, for the sake of argument, that the Plan's models for the Preferred Alternative are correct, and ignoring Plan Bay Area's appalling cost and dramatic limits on Bay Area residents ability to live as they chose and travel as they wish, what about the analysis comparing the Preferred Alternative and No Project? Should we expect honest analysis here based on the practices noted above? Of course not, and that's exactly what we don't find. We find the same thumb on the scales and gearing of the results here that we find elsewhere.

The Plan itself waxes poetic about the coming dramatic shift in demand by Bay Area residents away from single family homes and toward apartments and condos in densely packed suburban downtowns. Despite the lack of empirical and analytical support for these models, easily falsifiable by the Plan's data and the data in its supporting documents, let's assume, as does the Plan's analysis, that there will be a substantial increase in market demand for high density housing in suburban and urban downtowns. And, further, let's assume that high density housing will reduce GHG emissions, and that high density housing is the only kind of housing to reduce GHG emissions—as, for the sake of argument here, we must make these assumptions because the Plan's models make these assumptions, and ABAG and MTC used their models to analyze the difference between No Project and the Preferred Alternative.

<sup>66</sup> Or the likely true difference of 1.5 thousand tons per day out of a total of 60 thousand tons of CO<sub>2</sub> per day in the actual world that will exist where the impacts of Pavley 1, LCFS, and Pavley 2 are considered



Peter Singleton, Bay Area Citizens, Public Comment on Draft Plan Bay Area and Draft Plan Bay Area Draft Environmental Impact Report

Under no project in the world as it exists, by definition, the cities can zone as they wish within the limits of state law, and landowners and developers can build where cities allow them to build and in the ways cities allow them to build—as long as they can make a profit doing so (e.g., as long as there is a market so those housing units can be sold at a higher price than their cost). But under “No Project,” an artificial construct created by ABAG and MTC to guarantee that their Preferred Alternative performs well in the analysis and No Project performs poorly, the models analyzing No Project disallow any new zoning changes in any of the 101 cities and towns in the Bay Area and in the unincorporated areas of the nine counties. Not even a variance is accommodated for in the modeling for No Project. Only housing units that could be built today under today’s zoning codes are allowed, and no changes in zoning are allowed for the next 30 years. Ponder, if you will, how astonishingly untethered from reality this assumption is—but the assumption appears to have served its purpose in the analysis, that of impairing the results of the analysis for No Project.

Remember, Plan Bay Area’s models assume a vast new demand for high density housing in suburban and urban downtowns. However, the mythical construct of No Project will not allow any of this to be built unless it is already zoned for today. Thus, despite this vast new demand—which is not here now, but is assumed to appear at some time in the future—these units will not get built. And, because the Plan’s models also assume that only high density housing will reduce GHG emissions, then the mythical construct of No Project, by definition, cannot reduce GHG.

C187-25

On the other hand, the Preferred Alternative is defined as allowing unlimited upzoning for cities and towns to accommodate this assumed vast new demand for high density housing in suburban and urban downtowns. And since by definition—that is, according to the Plan’s models—these high density housing units are the only housing units that reduce GHGs, and the Preferred Alternative is defined as allowing unlimited upzoning to get these units built, and No Project is defined as barring any upzoning to increase the capacity for cities to build these, by these assumptions and these assumptions alone, the Preferred Alternative will be an environmentally superior alternative and No Project will be an environmentally inferior alternative.



Peter Singleton, Bay Area Citizens, Public Comment on Draft Plan Bay Area and Draft Plan Bay Area Draft Environmental Impact Report

C187-26

Not because one is superior or inferior to the other in fact. It's simply by definition. Before the analysis began, ABAG and MTC appear to have made sure that their Preferred Alternative would perform better on their analysis than No Project.

This gearing of the outcome by the definition of the models analyzing the alternatives was so egregious that two of the modeling professionals attending the October 2, 2012 Regional Modeling Working Group meeting (minutes attached here as Appendix S<sup>67</sup>) where ABAG and MTC's handiwork was reviewed, complained about this:

Chris and George asked about the implementation of existing general plans in UrbanSim and why zoning was changed in the Project alternative; Michael responded that the maximum zoning in city plans was used for the No Project, while upzoning was performed in the Project to support focused growth in PDAs.

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<sup>67</sup> This was another document, and set of facts, that was were clearly disclosed in the records that MTC furnished to my colleagues and me on April 19, 2013. However, though even a cursory read of the meeting minutes caused this disclosure to jump out as troubling and material, I don't characterize this a "smoking gun" disclosure as a close and careful reading of the draft EIR enables one to puzzle out this pairing of assumptions and their impact, as well.

Peter Singleton, Bay Area Citizens, Public Comment on Draft Plan Bay Area and Draft Plan Bay Area Draft Environmental Impact Report

## V. Other Problems with the Plan's Models and Assumptions

**C187-27** The Plan's land use and transit plans are offered by ABAG and MTC with the rationale that these plans will solve the presumed problem of climate change and GHG emissions. ABAG and MTC also suggest that their plans will foster economic growth, and is a response to the desires and needs of the cities, residents, and businesses in the Bay Area.

There are a number of problems with this narrative.

First, the Plan's models that assume locating housing next to commercial space and both next to transit stations will lead to those residents taking jobs in those businesses and both the residents and employees taking transit rather than using cars, are wrong. The Plan and the draft EIR proffer no empirical evidence to suggest that this will take place--and there is no such empirical evidence available—rather, all the available empirical evidence suggests that it will not take place.

**C187-28** Second, the Plan's policy mandate that 80% of all new housing units must be built in high density, attached multi-family units in suburban and urban downtowns near mass transit is proven to be infeasible and unworkable by ABAG and MTC's own consulting study,<sup>68</sup> that concluded that only 62% of the targeted housing units planned by Plan in these PDAs was possible during the Plan period. And this given the study's favorable study design. There appears to have been a high degree of selection bias in the 20 PDAs that were studied out of total of 169 PDAs—as these PDAs, on average, appeared to offer much more data on readiness than the other PDAs, and thus must have been more ready for development than the others.<sup>69</sup> Also,

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<sup>68</sup> EPS Report, *PDA Readiness Assessment*.

<sup>69</sup> While EPS on the one hand appears to suggest that the 20 PDAs were representative of the entire universe of 169 PDAs,

Twenty PDAs were selected as a representative sample of the total, including a substantial proportion of the allocated housing growth but also reflecting the diversity of market and physical conditions present among the region's PDAs

Peter Singleton, Bay Area Citizens, Public Comment on Draft Plan Bay Area and Draft Plan Bay Area Draft Environmental Impact Report

the study did not examine the actual results (occupancy, financial returns, tax revenues) versus projections for any of the dozens of similar projects that were built with public subsidies through redevelopment agencies over the past dozen years in the Bay Area.

C187-29

Third, the Plan's assumptions that market demand will dramatically shift in the Bay Area toward high density multifamily housing from historic preferences for single family housing are without a sound analytical or empirical basis. The Plan's supporting documents themselves admit that even now 80% or more of all people who are surveyed for their preference for housing express a preference for single family housing, and one of the

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EPS Study, p. 9, the study's conclusions back away from that implication in expressly limiting their findings to just the 20 studied, and not generalizing their findings to the universe of all 169 PDAs,

In sum, EPS has estimated that the 20 PDAs are "ready" to accommodate 62 percent of the housing growth allocated to them in *Plan Bay Area*.

Id. at 29. But any self-validating claim by the Study itself, without any data to support an inference of generalizability of its findings, would be falsified by the attached list (*PDA-List, January, 2010*, Appendix T) of Priority Development Areas by County from January 2010, more than three years ago (remembering that many of the PDAs have only been designated in the past year or two, and thus are by definition, less ready to be developed per Plan Bay Area's high density housing mandates). This January 2010 list has 114 PDAs on it, 71 of which are designated as "Planned PDAs"—presumably the more advanced and far along of the then PDAs in January of 2010. It appears as if at least fifteen of the 20 PDAs that were selected for the EPS study were among the 71 Planned PDAs in January, 2010, and at least 19 of the 20 were among the total 114 at that time—thus indicating that by definition the 20 PDAs selected for the EPS study are much more advanced and thus far more ready for high density housing development than the average PDA.

In the absence more thorough data and analysis, I would estimate that if the EPS study is correct (not a certain conclusion) that the 20 PDAs is studied can actually reasonably build 62% of the high density housing units the Plan is targeting for those 20 PDAs, that the universe of 169 PDAs overall, including the 20 studied PDAs, could only accommodate 50% or 60% of that number. Or, otherwise put, the universe of 169 PDAs, if the EPS study was generalizable and the selection bias accounted for, could accommodate 31% to 37% of the total high density housing units the Plan expects will be built in those 169 PDAs.

Peter Singleton, Bay Area Citizens, Public Comment on Draft Plan Bay Area and Draft Plan Bay Area Draft Environmental Impact Report

Plan's own consultants on market demand, Karen Chapple admits that the Plan's assumptions for market demand are unrealistic and impractical.<sup>70</sup>

Yet, the Plan completely ignores the empirical data and admissions of its consultants in appearing to argue that while Bay Area residents believe they prefer single family homes, in actuality, they prefer to live in attached multifamily units—that is they would if they only understood how desirable these high density housing units really are. Who are we to believe? The residents themselves, who tell us what they want and need? Or ABAG and MTC who tell us something entirely different about what Bay Area residents want and need.

And, the Plan tells us that market demand will shift markedly away from single family homes towards high density attached multifamily housing due to demographic shifts, in any event. The Plan bases this on several subsidiary assumptions, including, most importantly:

- The population of senior citizens is increasing. Despite the admission of the Plan's supporting documents that senior citizens are the most likely population group to live in single family homes, the Plan nonetheless concludes that seniors will increasingly prefer to sell their single family homes and move into condominiums or apartments downtown. Is this why ABAG and MTC senior staffers have gone on the record, publicly, in stating that they believe that repeal of Proposition 13 is necessary to the success of their plan?<sup>71</sup>

Proposition 13 of course was enacted by California residents in large part to enable seniors who have lived in their homes for a long time to stay in their homes. Certainly raising property taxes by substantial amounts on seniors, many of whom have fixed incomes and who have been faced with almost no interest income on their savings accounts for many years now, will force many of them to sell their single family homes and move into apartments. Could this be the source of ABAG and MTC's confidence that in the future,

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<sup>70</sup> "This is really a great idea, but it's just basically possible to implement," Karen Chapple, associate professor of city and regional planning at the University of California at Berkeley, *Cities Resist Regional Plan to Limit Sprawl*, SF Public Press, June 13, 2012, found at Appendix U.

<sup>71</sup> See, for example, transcript of the March 8, 2013 Joint MTC Planning and ABAG Administrative Committee meeting, attached here as Appendix V.

Peter Singleton, Bay Area Citizens, Public Comment on Draft Plan Bay Area and Draft Plan Bay Area Draft Environmental Impact Report

seniors will increasingly sell their single family homes and move into apartments?

- The Plan posits that because the population is becoming more Asian and Hispanic, demand for high density multifamily attached housing will skyrocket because Asian and Hispanic Americans “prefer” multifamily housing over single family homes. But ABAG and MTC proffer no credible evidence to support this astonishing statement that marginalizes and purports to speak for the wishes of members of these two incredibly diverse groups of Americans—with the only possible data to support such a claim the fact that recent immigrants, who presumably are just getting established vocationally and financially in their communities, may be more likely to live in apartments rather than single family homes out of necessity. The Plan proffers no data or analysis that is controlled for length of time a resident has lived in the Bay Area, or for incomes, which would undoubtedly show that all persons of all ethnic groups have a strong preference for single family homes, if they can afford to live in one.

**C187-30** And, last, the Plan’s statements about the policy prescriptions that it believes must be enacted are particularly illuminating. The Plan, and ABAG and MTC senior staffers,<sup>72</sup> state categorically that a new regional redevelopment agency capacity is essential for the success of the Plan.

Regional redevelopment agencies will not be under the control of local cities and towns, though they will likely be funded in whole or in part by those local cities and towns and their residents. So, local land use decisions will be in great measure or wholly lost, as these new regional redevelopment agencies will make decisions about where to build new high density housing projects. This admission, alone, belies the Plan’s repeated statement that its high density housing agenda is desired and has been asked for by the cities and towns and residents themselves.

But in an even more troubling admission, the Plan and ABAG and MTC senior staffers repeatedly state that they need the government subsidies and eminent domain powers of these proposed new regional redevelopment agencies in order for the Plan to succeed. The demand for public subsidies is an express admission by the Plan that the housing and commercial developments are uneconomic, there is no market demand for the numbers

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<sup>72</sup> Id.

Peter Singleton, Bay Area Citizens, Public Comment on Draft Plan Bay Area and Draft Plan Bay Area Draft Environmental Impact Report

of high density housing units the Plan mandates be built, and the only way these will be built is if the public through various subsidies becomes not only the developer of last resort, but the developer of first resort. And further, the Plan expressly admits through its demand for “special tools for parcel assembly,” e.g., eminent domain powers, that the Plan will require the displacement of vast numbers of small landowners, businesses, and residents, many of whom will not want to sell their property to support the Plan’s massive development projects, and thus the Plan requires government powers to force them to sell.



Peter Singleton, Bay Area Citizens, Public Comment on Draft Plan Bay Area and Draft Plan Bay Area Draft Environmental Impact Report

C187-31

## VI. Equal Protection and Proposition 209

Plan Bay Area relies upon assumptions about minority, ethnic populations to drive policy. We have grave concerns over whether this ethnicity-centric approach accords with the law of the state as expressed in Proposition 209, and whether it accords with the law of the land as expressed in the equal protection clause of the 14th Amendment of the United States Constitution. This Plan balkanizes and marginalizes Bay Area residents by race, when it should treat all equally.

According to the Plan, approximately one-fifth of the total Bay Area population resides in “communities of concern.” Communities of concern are defined as neighborhoods with notably high concentrations of four or more of the following: minority persons; low-income individuals; persons who are Limited English Proficient; seniors age 75 and over; persons with disabilities; households without cars; single-parent households; and renters paying more than 50 percent of household income on rent. Detailed assessments of populations by ethnicity are provided in Tables B-2 and B-3 in the Equity Analysis Appendix.

Hispanic and Asian residents are characterized culturally as having greater propensities for multi-family housing, and less propensity for single-family housing.<sup>73</sup> The Plan asserts that Hispanic and Asian residents prefer living in multigenerational arrangements which supports their demand for clustered housing units. Additionally, Hispanic and Asian residents are characterized as having larger families. Indeed, average Bay Area household size increases over the course of the Plan.

The Plan doesn’t recognize the interest in, or desire for, more private living space, such as that found in a single family home, or the desire of residents for personal, private transportation such as a passenger vehicle. In other

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<sup>73</sup> On behalf of all citizens in the Bay Area, of all races, I am deeply offended and outraged at these assumptions embedded in Plan Bay Area. And, in addition, I am deeply incensed as the proud grandfather of a six-year-old grandson who happens to be Hispanic, the uncle of a niece and two nephews who are Hispanic as well, and the uncle of three nephews who are Asian. None of these wonderful, creative, unique human beings deserve to be marginalized and balkanized by MTC and ABAG, nor do they deserve to have their choices and decisions limited by this Plan that purports to know what these incredible young people will desire for themselves when they grow up and choose—as they will—their own destiny.

Peter Singleton, Bay Area Citizens, Public Comment on Draft Plan Bay Area and Draft Plan Bay Area Draft Environmental Impact Report

words, the Plan infers that Hispanic and Asian residents will not assimilate into the American fabric similarly to the way other ethnic groups historically have, and yet it offers no evidence to support this astonishing claim.

The Plan also ties Environmental Justice to minority status to support policies ensure that such populations aren't subject to negative environmental conditions. Finally, in general, the Plan embodies the three principles of environment, economy and equity. These principles are not consistent with the constitutional rights that all Bay Area residents enjoy as Californians, and as Americans.



Peter Singleton, Bay Area Citizens, Public Comment on Draft Plan Bay Area and Draft Plan Bay Area Draft Environmental Impact Report

## VI. Summary

*[Brutus] is an honourable man.  
I speak not to disprove what Brutus spoke,  
But here I am to speak what I do know.*

-- Marc Antony's Funeral Oration, *Julius Caesar* by William Shakespeare, Act 3, Scene 2, ll. 99-101

What are we to make of the above analysis which establishes conclusively that:

- C187-32 • The Plan's transit elements will not increase ridership, will not reduce GHGs, and do not include the only known transit subsidies known to increase ridership and help low income residents who depend on mass transit for personal mobility (lower fares plus service quality improvements, especially of buses).
- C187-33 • The Plan's land use elements will not decrease GHGs.
- C187-34 • According to MTC's internal model runs that haven't been disclosed to the public, the difference in GHG between their Preferred Alternative and No Project is 3.01 thousand tons per day in 2035:

|                                                                              | <b>Preferred Alternative</b> | <b>No Project</b> |
|------------------------------------------------------------------------------|------------------------------|-------------------|
| Model's reported CO <sub>2</sub> emissions, 2035 (thousands of tons per day) | 108.38                       | 111.39            |

This is an infinitesimal difference of less than 3%, well within the margin of error for a forecast for 22 years from now with massive numbers of variables considered each with uncertainties involved.

Peter Singleton, Bay Area Citizens, Public Comment on Draft Plan Bay Area and Draft Plan Bay Area Draft Environmental Impact Report

But the model above assumes that the Plan's transit elements decrease GHG's and the model above assumes that the Plan's land use elements decrease GHG's—and both of these assumptions are falsifiable and are incorrect.

- In addition, the model runs above are based on a completely fictitious scenario that MTC and ABAG know will not and cannot happen. That is a scenario where California's Clean Car Standard regulations ("Pavley 1") do not exist. However, the Pavley 1 regulations were promulgated in 2004 pursuant to AB 1493 (2002, Pavley). The Pavley 1 regulations became effective in 2009, and govern MPG of the new passenger vehicle fleet sold in CA from 2009 through 2016 and beyond. According to MTC's own model runs, which it did not disclose to the public and did not incorporate in its analysis of CO<sub>2</sub>, Pavley 1 will increase fleetwide MPG from 20 MPG in 2010 to 32 MPG in 2035. This 60% increase in fleetwide MPG will lead, by simple arithmetic, to (1) a 37% per VMT decrease in CO<sub>2</sub> and 31.98% decrease overall factoring in increases in VMT, (2) a 37% per VMT decrease (and 31.98% overall) in particulates, and (3) a 37% decrease in gasoline burned per VMT (and 31.98% overall), which will reduce gasoline tax revenues by 31.98% in real terms by 2035, if the real, inflation adjusted price of gasoline stays the same as it is today.

However, the Plan's modeling shows a constant fleetwide MPG between 2010 and 2035 (about 20 MPG). This is how ABAG and MTC are able to forecast constant rises in CO<sub>2</sub> and hence argue that their land use plan and transit plan must be adopted to reduce CO<sub>2</sub> emissions. But ABAG and MTC know that their justification of their land use plan and transit plan is based on a mythical scenario—a scenario that they have had to fabricate in order to justify their analysis that purports to support the necessity of their land use plan and transit plan. However, since ABAG and MTC appear to want to claim credit for Pavley 1's decreases in particulates and pollutants to mitigate the adverse health impacts of their mandate that 80% of all new housing be built in congested downtowns near transit, they use a second, undisclosed, and hidden value for fleetwide MPG in their modeling to generate the desired declines in particulates and pollutants.

That is, the same model has two values for fleetwide MPG for the relevant period (from 2010 to 2035)—one for calculating CO<sub>2</sub> (20 MPG in 2010, 20

Peter Singleton, Bay Area Citizens, Public Comment on Draft Plan Bay Area and Draft Plan Bay Area Draft Environmental Impact Report

MPG in 2035), the disclosed MPG number—and then a second, hidden MPG number (20 MPG in 2010, 32 MPG in 2035) used to calculate particulates and pollutants. Very clever, indeed.

Here are the real CO<sub>2</sub> numbers, not the mythical ones used in the Plan's analysis:

|                                                                               | <b>Preferred Alternative</b> | <b>No Project</b> |
|-------------------------------------------------------------------------------|------------------------------|-------------------|
| <b>Model's CO<sub>2</sub> emissions, 2035<br/>(thousands of tons per day)</b> | 108.38                       | 111.39            |
| <b>CO<sub>2</sub> reductions due to<br/>Pavley 1+ LCFS</b>                    | 29.42                        | 30.25             |
| <b>Actual CO<sub>2</sub> results,<br/>2035</b>                                | 78.96                        | 81.14             |

And, the reality of what ABAG and MTC have done in analyzing their Plan is actually much worse than the above would indicate.

C187-35

ABAG and MTC defined No Project so that, by definition, it would fail compared to Preferred Alternative. The Plan assumes, against all the empirical and analytical data, vast new market demand for high density, multistory, multifamily housing in suburban and urban downtowns next to mass transit. And, the Plan assumes for the Preferred Alternative—and presumably for the other three alternatives, 3, 4, and 5 which are variants of the Preferred Alternative that assume all of its premises and are based on all the same assumptions, and thus share the Preferred Alternative's fatal flaws—unlimited upzoning by cities in their general plans. But it freezes in place current zoning in all 101 cities for No Project, in fact it doesn't even allow for the possibility of variances.

Peter Singleton, Bay Area Citizens, Public Comment on Draft Plan Bay Area and Draft Plan Bay Area Draft Environmental Impact Report

So, since their model assumes vast unmet future market demand for high density housing next to mass transit in crowded city centers, and their models assume that this kind of housing is the only housing that decreases GHG emissions, their arbitrary and unreasonable assumption that there will not be a single change to city zoning over the next 30 years to accommodate the demand for high density housing in suburban downtowns, inevitably results in a No Project alternative that cannot reduce GHGs because it has been defined with no possibility of upzoning. Yet, the Preferred Alternative has been defined as allowing for unlimited upzoning. Even the modelers complained about this, see attached October 2, 2013 meeting of the Regional Modeling Working Group<sup>74</sup>:

Chris and George asked about the implementation of existing general plans in UrbanSim and why zoning was changed in the Project alternative; Michael responded that the maximum zoning in city plans was used for the No Project, while upzoning was performed in the Project to support focused growth in PDAs.

C187-36

- The Plan's financial analysis first "mitigates" then ignores the budget impact of Pavley 1. Since Pavley 1's fleetwide increases in MPG from 20 MPG in 2010 to 32 MPG in 2035 will lead to a 37% decrease in gasoline burned per VMT (hence a 37% decrease in gallons of gas used, and, adjusting for increases in VMT, a 31.98% decrease in gallons of gas used by passenger vehicles in 2035 over 2010), the model's assumptions of gas tax revenue are wildly over stated. The Plan's financial model assumes that gallons of gasoline sold will decline by 2.00% per year until 2020, but ignores all impact of the fleetwide MPG increases from 2020 through 2035, which will be substantial. According to MTC and ABAG's own undisclosed models, Pavley 1 will increase fleetwide MPG of passenger vehicles from 2020 through 2035 from 27.92 MPG to 32.02 MPG, a 14.68% increase that will lead to a further 12.80% decline in gallons of gasoline used per VMT by passenger vehicles during those years.

The financial model also "mitigates" the financial impact of those 2.00% per year declines in gallons of gasoline sold through 2020 by also assuming that

<sup>74</sup> Appendix S.

Peter Singleton, Bay Area Citizens, Public Comment on Draft Plan Bay Area and Draft Plan Bay Area Draft Environmental Impact Report

the retail price of gasoline will go up 8.00% per year through 2020.<sup>75</sup> By this device, rather than seeing gas tax revenues decrease, the Plan's gas tax revenues actually increase even though actual gallons of gasoline sold decline by 2.00% per year.

In fact, the Plan's financial model assumes that the retail price of gasoline will increase by more than twice the rate of inflation over the entire Plan period (8.00% per year from 2010 through 2020, 3.3% per year from 2021 through 2035—more than twice the rate of 2.2% average annual rate of inflation overall that the Plan is based on<sup>76</sup>). This assumption is facially implausible on its face, made doubly so because MTC and ABAG's undisclosed models of the MPG impact of Pavley 1 also compelled them to model a 31.98% decline overall from 2010 to 2035 in gallons of gasoline used by passenger vehicles. However, despite their own data requiring MTC and ABAG to model this decline, MTC and ABAG have not done so, apparently because doing so would have had too adverse an impact on their budget—so they appear to have ignored it.

- The Plan's analysis completely ignores the CO<sub>2</sub> and budget impact of California's Advanced Clean Car standards ("Pavley 2"), which became fully effective in December of 2012, and govern MPG of the new passenger vehicle fleet sold from 2017 through 2025 and thereafter. While ABAG and MTC didn't model the MPG impact of Pavley 2 like they did Pavley 1 in their undisclosed models, we can reasonably assume that Pavley 2 will have approximately the same impact on MPG, hence an additional 60% increase in fleetwide MPG on top of Pavley 1's impact (so bringing fleetwide MPG up to close to 50 MPG by 2040).

Hence, Pavley 2 will lead to (1) another 37% per VMT decrease in particulates and pollutants (which would help in ABAG and MTC's justification for forcing 80% of new housing to be high density units in congested city centers), (2) another 37% per VMT decrease in CO<sub>2</sub> (which would further discredit their analysis arguing for the Preferred Alternative

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<sup>75</sup> Appendix I.

<sup>76</sup> The Plan's underlying inflation estimate doesn't appear to be anywhere to be found in the Plan, the draft EIR, or in the supporting documents provided to the public, but was found by us in our review of documents provided pursuant to our March 13, 2013 California Public Records Act request with MTC. Appendix J.

Peter Singleton, Bay Area Citizens, Public Comment on Draft Plan Bay Area and Draft Plan Bay Area Draft Environmental Impact Report

(or for Alternatives 3, 4 and 5 for that matter, which are simply minor variants that assume all major premises of Alternative 2), and (3) Pavley 2's additional 37% reduction in gasoline burned will have an absolutely devastating impact on the gas tax revenues that the Plan counts on for the bulk of its discretionary expenditures. Pavley 1 and Pavley 2 will obliterate the Plan's budget--which is presumably why ABAG and MTC's financial models "mitigated" part of Pavley 1's impact with assumptions about offsetting gasoline price increases, then ignored the rest of Pavley 1's impact, and ignored Pavley 2's budgetary impact entirely.

The Plan's financial model has all the integrity of reporting to the SEC or the IRS a financial statement that includes all expenditures but omits all revenues. Alternatively, it has all the integrity of seeking investment capital from equity investors or a loan from a bank by providing a financial model that has all the revenues and none of the expenditures.

What MTC and ABAG are doing here by using one MPG number in their model to produce their CO<sub>2</sub> numbers--this is the disclosed MPG number, in order to report high CO<sub>2</sub> numbers--then an entirely different MPG number, hidden deep inside the model and not disclosed, in the same model to produce their particulate and pollutant results in order to report declines in those particulates and pollutants, is the same as if the same entity was reporting to the SEC and IRS as per above, while at the same time seeking investment capital or bank loans as per above.

**C187-37** This is all before considering the Plan's vast underfunding of maintenance of local streets and roads and another dozen or two egregious and disingenuous elements in the Plan and its analysis.

ABAG and MTC, and their closely aligned non-governmental organizations (NGOs) and powerful political and financial supporters assure us that ABAG and MTC are honourable agencies, and their actions only seek to do good. But if an individual citizen, or a business organization or nonprofit were to engage in the above manipulation of analysis and results, the individual, or the organization's principals, would more likely be looking at a 20 year residency in one of state of California's high density housing facilities—those where residents are not permitted to leave for the duration of their sentence—for their actions, rather than receiving the huzzahs and praise of supporters.

Peter Singleton, Bay Area Citizens, Public Comment on Draft Plan Bay Area and Draft Plan Bay Area Draft Environmental Impact Report

What are we to make of all this? How should we characterize ABAG and MTC's manipulation of the models and the results in order to get their Preferred Alternative adopted?

Let's first look at how ABAG and MTC characterize their analysis, and their Plan. They call it "smart" and "sustainable." How does the dictionary define these terms?

According to dictionary.com,<sup>77</sup> "smart" is defined as, alternatively:

2. to be the cause of a sharp, stinging pain, as an irritating application, a blow, etc.
3. to feel a sharp, stinging pain, as in a wound.
- ...
6. to cause a sharp pain to or in.

or,

7. quick or prompt in action, as persons.
8. having or showing quick intelligence or ready mental capability

The term "smart" is actually a marvelously clever use of language. It impliedly discloses to the public on the one hand, how the public will experience the mandates and impacts of the Plan's policy elements, in the primary definition noted above, "to be the cause of a sharp, stinging pain, as an irritating application, a blow," and this describes the impact of the Plan on the public to a "t." But the language used also cleverly imports the alternative meaning of the term "smart"—that being "having or showing quick intelligence or ready mental capacity." This alternative meaning of the term "smart" elicits in the listener a positive emotional affect, as in, "I don't know what 'smart growth' is, but I know that I like it because the way it makes me feel when I hear the term. I'm sure I don't want what 'smart growth' is not, because that must be 'dumb growth.'"

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<sup>77</sup> *smart definition, dictionary.com, Appendix W.*



Peter Singleton, Bay Area Citizens, Public Comment on Draft Plan Bay Area and Draft Plan Bay Area Draft Environmental Impact Report

But though “smart” is used often to describe the Plan, the flagship characterization used by ABAG and MTC is indisputably “sustainable.” Thus, it is the definition of “sustainable” that we must look to, to understand how ABAG and MTC themselves characterize their Plan, and their analysis.

The dictionary does not disappoint. According to dictionary.com,<sup>78</sup> “sustainable” is defined as:

1. capable of being supported or upheld, as by having its weight borne from below.
2. pertaining to a system that maintains its own viability by using techniques that allow for continual reuse: sustainable agriculture. . . .
3. able to be maintained or kept going, as an action or process: . . .
4. able to be confirmed or upheld: a sustainable decision.
5. able to be supported as with the basic necessities or sufficient funds: a sustainable life.

This is exactly what ABAG and MTC are asking the public to believe about their Plan and their analysis. That it is “capable of being supported or upheld,” it represents “a system that maintains its own viability,” “is able to be maintained or kept going,” “is able to be supported as with . . . sufficient funds.”

However, are these definitions of “sustainable” a fair characterization of the Plan and its analysis? As we’ve noted above, the Plan is a land use plan that does not reduce GHGs, and it is a transit plan that will not reduce GHGs. Nor will the transit plan increase ridership, nor does it adopt the only known strategies that will actually increase ridership and help lower income residents who are dependent on mass transit for personal mobility (and will do so cost effectively). Thus, the Plan will not do anything that it says it will do, and yet its policy elements come at an astronomical cost, tremendous risks, leads to significant limitations on the choices of individual residents and businesses to live or locate where and how they wish, and dramatically

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<sup>78</sup> *sustainable definition, dictionary.com, Appendix X.*



Peter Singleton, Bay Area Citizens, Public Comment on Draft Plan Bay Area and Draft Plan Bay Area Draft Environmental Impact Report

erodes the ability of local jurisdictions to decide for themselves how they will change and grow.

Further, the Plan has been justified to the public with models that incorporate the impacts of California MPG regulations to show dramatically decreased particulates and pollutants in order to show that the Plan's mandate that 80% of all new housing be built in high density multistory multifamily units near mass transit in suburban and urban downtowns looks better, because the adverse health impacts of those housing mandates are substantially lessened by the declining amounts of particulates and pollutants due to those increases in fleetwide MPG. But at the same time, the Plan completely ignores the impact of those same MPG regulations on that same exhaust stream from that same vehicle, on reducing CO<sub>2</sub> emissions. And the Plan ignores that impact because incorporating those inevitable and certain CO<sub>2</sub> reductions, which are many orders of magnitude greater than the speculative and uncertain<sup>79</sup> reductions in CO<sub>2</sub> from the Plan's transit and land use elements would render the Plan's justifications completely untenable, and make obvious that the Plan's costs and limitations on individuals, businesses, and cities are unnecessary and tragic. Which appears to be precisely why ABAG and MTC, though they performed this analysis of these regulations on CO<sub>2</sub> in their modeling work, nonetheless declined to disclose the results of that analysis to the public.

This is also a Plan that has been justified by arbitrarily defining No Project as disallowing any local zoning changes over the next 30 years, in order that No Project, by definition, performs more poorly than the Preferred Alternative, which is defined as allowing unlimited upzoning in local general plans. Is this analysis "sustainable" in the sense that it is fairly characterizes "a system that maintains its own viability," or "is able to be maintained or kept going"?

And does a Plan whose budgetary justification relies solely on its decision to ignore the massive budgetary impact of two sets of California regulations governing MPG that will, successively, reduce gallons of gas sold by first 31.98%, then by another 32% or so on top of the first reduction—a Plan that when in those first few years where the impact cannot be completely ignored, "mitigates" the impact of lowered gallons of gasoline sold by assuming exceptionally high annual increases in the retail price per gallon of

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<sup>79</sup> Actually, certain not to occur.

Peter Singleton, Bay Area Citizens, Public Comment on Draft Plan Bay Area and Draft Plan Bay Area Draft Environmental Impact Report

gasoline for those years? Is this “sustainable” in the sense that it “is able to be supported as with . . . sufficient funds”?

Finding ABAG and MTC’s own characterization of its Plan and its analysis justifying the Plan as lacking support as noted above, we must continue to look through the dictionary to see if there is a more apt or accurate characterization for the Plan, and for the analysis that ABAG and MTC have proffered to the public in justification for its stated firm intention to certify the final EIR and adopt this Plan on July 18, 2013.<sup>80</sup>

I offer the following terms, and definitions, in this comment letter as a possible alternative characterization of the Plan and the analysis that ABAG and MTC have used to justify their intended and certain certification of the final EIR and adoption of the Plan on July 18. These certainly aren’t the only possible alternative characterizations—I simply offer them here for the purposes of discussion and to contribute to the public debate.

C187-39

However, I do request here, as this is a comment submitted regarding the draft Plan and draft EIR, that ABAG and MTC respond with specifics as to why they consider that their characterization of the Plan and their analysis used to justify the Plan as “sustainable” accords with the dictionary definitions of that term in the light of the undisputed data and the

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<sup>80</sup> Note that ABAG and MTC’s stated intention to certify the final EIR and adopt the Plan on July 18, 2013 is further confirmation, if we needed any, that the entire public input process, and CEQA review, has been a sham. ABAG and MTC have left no time in the process to make substantive modifications to the Plan to respond to the public’s comments. This is an implied, though certain, admission that ABAG and MTC do not intend, and have never intended to consider any substantive comments that require the Plan or its analysis to be modified in any meaningful manner.

Yet it is precisely the possibility that the Plan or its analysis will need to be modified in a meaningful manner that the legislature established the CEQA review process in the first place, and that other state and federal statutes require public input and review of the Plan itself. Lead agencies stating, in effect, that there is no possibility and there are no circumstances under which they will modify their Plan or its analysis in a meaningful manner—e.g., in a manner that would require a delay in their schedule--in responding to public comment on the Plan and the draft EIR makes a mockery of the legislative intent behind these mandated public input processes.

unassailable analysis offered in this comment letter and in its attachments.<sup>81</sup> I also, specifically request ABAG and MTC to respond with specifics why the following alternative possible characterizations are not a more accurate description of the Plan and of ABAG and MTC's analysis used to justify the Plan. And, actually, perhaps the most honest and honourable action that ABAG and MTC can take in response would be simply to acknowledge that their Plan and the analysis they have used to justify it are not "sustainable," and rather, have significant deficiencies that are more accurately characterized with terms more similar to those below.

Returning again to the dictionary, I considered the following definition of "fraudulent":<sup>82</sup>

1. characterized by, involving, or proceeding from fraud, as actions, enterprise, methods, or gains: a fraudulent scheme to evade taxes.
2. given to or using fraud, as a person; cheating; dishonest.

Clearly, the term "fraudulent" is much more apt and accurate in characterizing the Plan and ABAG and MTC's analysis used to justify the Plan than the term "sustainable" that ABAG and MTC have used. However, we need a bit more information. The meaning of "fraudulent" depends on the meaning of "fraud." How does the dictionary define "fraud"?

And, here, we appear to hit pay dirt. According to dictionary.com,<sup>83</sup> "fraud" is defined as:

1. deceit, trickery, sharp practice, or breach of confidence, perpetrated for profit or to gain some unfair or dishonest advantage.
2. a particular instance of such deceit or trickery: mail fraud; election frauds.

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<sup>81</sup> And in other comment letters that provide similarly compelling data and analysis regarding the flaws of the Plan and of ABAG and MTC's analysis.

<sup>82</sup> *fraudulent definition, dictionary.com, Appendix Y.*

<sup>83</sup> *fraud definition, dictionary.com, Appendix Y.*

3. any deception, trickery, or humbug: That diet book is a fraud and a waste of time.

And what about synonyms of the term “fraud” such as “deceit”?<sup>84</sup>

1. the act or practice of deceiving; concealment or distortion of the truth for the purpose of misleading; duplicity; fraud; cheating: Once she exposed their deceit, no one ever trusted them again.

2. an act or device intended to deceive; trick; stratagem.

Again, a much closer fit here as well, than ABAG and MTC’s own characterization of “sustainable.”

ABAG and MTC are honourable agencies—at least they assure us that they are, and their closely aligned NGOs and powerful political and financial supporters claim they are as well. However, given the radical disconnect between ABAG and MTC’s own characterization of their Plan and their analysis used to justify the Plan—a more inapt or more inaccurate characterization cannot be found than “sustainable.” Given the seemingly close fit of the above suggested characterizations, “fraudulent,” “fraud,” and “deceit,” I hereby request in this comment a response by ABAG and MTC that either

C187-40

(1) purports to show, despite the above, that their characterization of “sustainable” is nonetheless accurate and apt, and purports to show, despite the above, that an alternative characterization of “fraudulent,” “fraud,” or “deceit” is not accurate and apt, or

(2) does the honourable thing and admits that “sustainable” is not an accurate or apt characterization of their Plan and the analysis they have used to justify the Plan, and that an alternative characterization such as “fraudulent,” “fraud,” or “deceit” would be a more accurate and apt characterization.

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<sup>84</sup> *deceit definition, dictionary.com, Appendix AA.*

## Appendix

- Appendix A: CA PRA requests, January, 2013
- Appendix B: Judicial Watch PRA to MTC, March 13, 2013
- Appendix C: MTC PRA response March 25, 2013
- Appendix D: MTC PRA response April 8, 2013
- Appendix E: Requests for modeling data from modeling staff, April, 2013
- Appendix F: MTC's modeler, Dave Ory, response to question, May 2, 2013
- Appendix G: MTC Model Run 2035\_03\_84, 2013 RTP/SCS CO2 and Criteria Pollutant Summary Results, September 11, 2012
- Appendix H: Pavley I + Low Carbon Fuel Standard Postprocessor Version 1.0 User's Guide
- Appendix I: Regional Fuel Tax worksheet, 2013 RTP Model (State and Federal)\_Final
- Appendix J: Worksheet 2013 values - 2013 RTP Model (State and Federal)\_Final
- Appendix K: CA Energy Commission gasoline price forecast 2010-2030
- Appendix L: Regional Targets Advisory Committee Final Report pp. 16-19
- Appendix M: California Air Resources Board Approves Advanced Clean Car Rules, 20120127
- Appendix N: California Air Resources Board Advanced Clean Car Rules, Final Approval, December 31, 2012

|              |                                                                                                                         |
|--------------|-------------------------------------------------------------------------------------------------------------------------|
| Appendix O:  | Tom Rubin conformity comment                                                                                            |
| Appendix P:  | Bob Silvestri comment                                                                                                   |
| Appendix Q:  | DEIR section 2.2(d) Mitigation measures                                                                                 |
| Appendix R:  | Appendix R - MTC Model Run 2040_03_78, 91, 2013<br>RTP/SCS CO2 and Criteria Pollutant Summary Results, November 6, 2012 |
| Appendix S:  | October 3, 2012 Regional Modeling Working Group<br>meeting minutes                                                      |
| Appendix T:  | PDA-List, January, 2010                                                                                                 |
| Appendix U:  | Cities Resist Regional Plan to Limit Sprawl, SF Public<br>Press, June 13, 2012                                          |
| Appendix V:  | ABAG-MTC meeting transcript, 20130308                                                                                   |
| Appendix W:  | smart definition, dictionary.com                                                                                        |
| Appendix X:  | sustainable definition, dictionary.com                                                                                  |
| Appendix Y:  | fraudulent definition, dictionary.com                                                                                   |
| Appendix Z:  | fraud definition, dictionary.com                                                                                        |
| Appendix AA: | deceit definition, dictionary.com                                                                                       |

MAY 16 11:34 AM  
*Rebecca LaPedus*

[REDACTED]  
Orinda, CA 94563

May 15, 2013

Amy Rein Worth, Chair  
Metropolitan Transportation Commission  
Joseph P. Bort Metro Center  
101 Eighth Street  
Oakland, CA 94607

President Mark Luce, Chair  
Association of Bay Area Governments  
Joseph P. Bort Metro Center  
101 Eighth Street  
Oakland, CA 94607

**RE: Comments on Plan Bay Area / Draft Environmental Report**

Ms. Worth and Mr. Luce:

This letter accompanies my comments on the Plan Bay Area and the Draft Environmental Impact Report. In the short period allotted for public comment, I limited my comments predominantly to the DEIR chapter/section 2.5 "Climate Change and Greenhouse Gases", albeit there is also commentary on a few issues outside that particular chapter/section. Exhibits are referenced within my document and are to be found at the end of the document text.

Since I have gone to some length to describe where and why I have found the DEIR and Plan's assertions and policies to be sometimes deficient, often inaccurate and disturbingly misleading, I request that full review be given to the content presented herewith and hold an expectation that the material will be responded to substantively.

Sincerely,

*15/ Rebecca LaPedus*  
Rebecca LaPedus

RAB

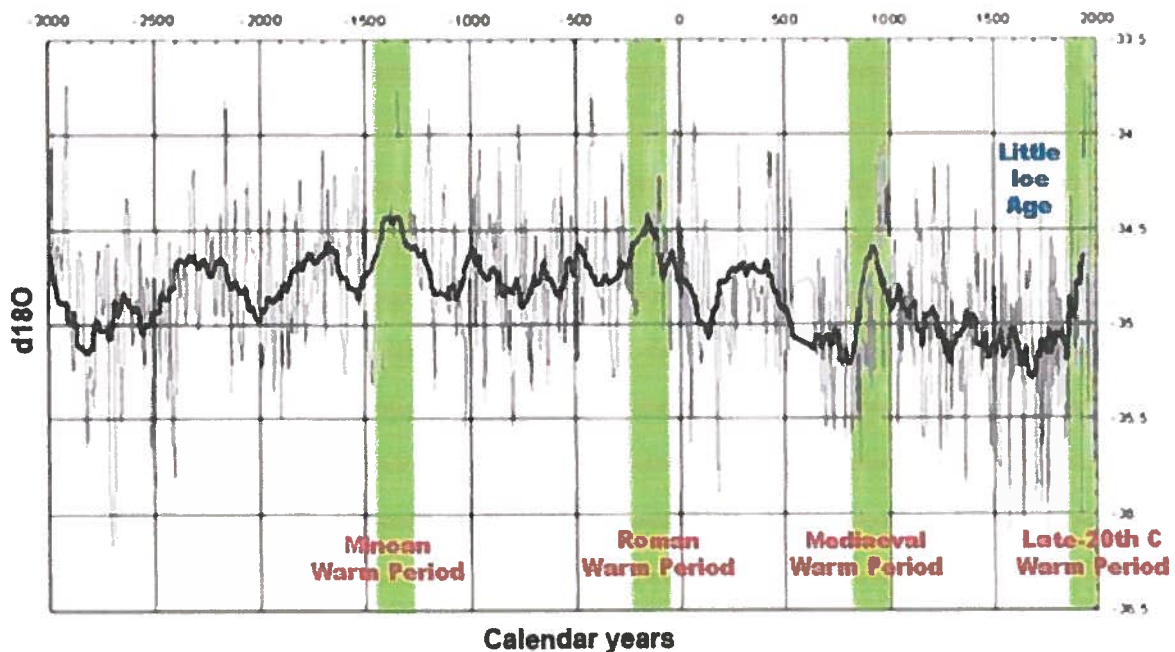
1 Original, 1 Copy to Ms. Amy Worth (MTC) ✓  
1 Copy to Mr. Luce (ABAG)

## Comments on April 2013 Draft Environmental Report (DEIR) for Plan Bay Area

### State Clearing House Number 2012062029

Page 423, Part Two, 2.5 section title, "Climate Change and Greenhouse Gases", is the subject upon which my comments herein will largely but not entirely focus. There are a number of stated assumptions within this section that run contrary to scientific *research* and, importantly, relevant scientific *data* is curiously missing from this section's content. Such *errors* and *discrepancies* render misleading and deficient conclusions.

The third paragraph of very first sentence asserts, "Global climate change (GCC) poses an *immediate* threat to the Bay Area's economy, environment, and public health" (italics added). I can find no evidence that GCC - in whatever that change may consist - has happened in an instantaneous fashion. Indeed, further down the same page, the Report states, "Over the last 10,000 years, the rate of temperature change has typically been incremental, with warming and cooling occurring over the course of thousands of years". The graph below indicates precisely that.





1 The sentence following then selectively refers to the past 150 years to  
 2 indicate that an increase in warming is *unprecedented*.<sup>1</sup> Using a small  
 3 data set to prove a theory is not sound science and must only be used  
 4 in context with larger data sets to reveal patterns. Exhibit A shows both  
 5 short & long term graphs that provide a perspective on temperature  
 6 fluctuations within different periods to demonstrate reoccurring  
 7 oscillations.

8 But even if one chose to use the small data set of the past 150 years,  
 9 the claims for that data must reflect correct information. Section 2.5 -1,  
 10 page 423 asserts that an unprecedented increase in the rate of warming  
 11 occurred over the past 150 years, roughly coinciding with the global  
 12 industrial revolution . . .” (Underscoring added) But industrial  
 13 production in the early decades of the 20<sup>th</sup> century was still in its infancy  
 14 and restricted to a few European countries. And these countries were  
 15 handicapped by war and economic depression. It wasn’t until the time  
 16 *following* the second world war that consumer goods began to be  
 17 massed produced for an international market. If one examines the  
 18 temperature records with the industrial timeline, from the mid-19<sup>th</sup>  
 19 century forward, the earth’s temperature was rising. But most of the  
 20 temperature rise took place before the 1940’s when industrial  
 21 production was relatively insignificant. Following the war, GDP rose  
 22 and demand for products grew. There was rapid industrial development  
 23 and cars took the road and planes to the sky in increasing numbers.  
 24 Just when one might expect a temperature rise for the increase in  
 25 manufacturing, commercial farming, garment factories, etc.,  
 26 temperatures fell for four decades. It is during this period. that

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<sup>1</sup> ~ 150 years is what is available to us in instrumental temperature records kept in weather stations and aboard ships. But these records, while useful in conjunction with other records, contain inconsistencies and were never intended to provide a climatic record.

1 environmental extremists began predicting a coming ice age. It wasn't  
2 until the 1970s, during an economic recession, that temperatures again  
3 saw a temperature rise.

4 \_\_\_\_\_

5 Multiple perspectives on the *causes* of GCC would demonstrate the  
6 most reliable direction or trends of GCC, provided those contributions  
7 are not generalized into biased conclusions. The DEIR heavily depends  
8 for its GCC computer data upon the United Nations Intergovernmental  
9 Panel on Climate Change (IPCC),<sup>2</sup> which has received substantial  
10 criticism for its paradigmatic approach to explanations for climate  
11 change. There is some good science around the peripheries of the  
12 IPCC reports, but largely, the IPCC uses computer models to  
13 synthesize input and its consequent forecasting trends, trends in global  
14 warming that have already proved inaccurate against actual  
15 declinations in global temperatures. Political influence on the IPCC has  
16 been documented, and the UK House of Lords Select Committee on  
17 Economic Affairs stated: "We have some concerns about the objectivity  
18 of the IPCC process, with some of its emissions scenarios and  
19 summary documentation apparently influenced by political  
20 considerations. There are significant doubts about some aspects of the  
21 IPCC's emissions scenario exercise, in particular, the high emissions  
22 scenarios."<sup>3</sup> And quoting from the same Committee, "The Government  
23 should press the IPCC for better estimates of the monetary costs of  
24 global warming damage and for explicit monetary comparisons between

C188-2

<sup>2</sup> Such is also the case with the ARB and the EPA, frequently cited in other sections of the DEIR. The ARB also uses the IPCC for the California Greenhouse Gas Inventories for global warming potentials.

<sup>3</sup> The DEIR uses 3 of the IPCC scenarios on Page 430, Section 2.5-8

the costs of measures to control warming and their benefits.”<sup>4</sup> In February 2010, in response to mounting controversies regarding claims in the IPCC’s 2007 Fourth Assessment Report, scientists who had actually contributed to IPCC reports called for changes to the IPCC. The following March, the InterAcademy Council (IAC) made a number of recommendations, including:

“[E]ncourage review editors to ensure that all reviewer comments are adequately considered and genuine controversies are adequately reflected in the assessment reports”; and “Quantitative probabilities (as in the *likelihood* scale) should be used to describe the probability of well-defined outcomes only when there is sufficient evidence”.<sup>5</sup> and <sup>6</sup> (italics added) These recommendations are not unlike Section 15151 of the CEQA Guidelines, which governs the Standards for Adequacy of an EIR.

“... the EIR should summarize the main points of disagreement among the experts. The courts have looked not for perfection but for adequacy, completeness, and a good faith effort at full disclosure.”

On 2.5-3 page 426, the DEIR identifies six GHGs that the EPA listed as the most threatening due to their *global warming* potential (GWP) and on the following page, it states:

“Gases with a higher [global warming potential] (GWP) absorb more energy per pound than gases with a lower GWP, and thus contribute more to *warming* Earth.” and

<sup>4</sup> I could find no cost/benefit analysis in the DEIR within the time framed allowed for public comment. Review of the March Financial Assumptions only listed estimated Revenues. Coincidentally, the Grand Total for those revenues exactly match the Plan’s estimated total cost of the Plan, the latter of which is not detailed. This tests the credulity of the numbers when listed revenues and total cost both balance perfectly.

<sup>5</sup> See DEIR, Page 424, 2.5-2 for usage of IPCC’s “likely” bullet points.

<sup>6</sup> The next (5<sup>th</sup>) IPCC Report is scheduled for release in 2014. Wikipedia

1 “GWP is alternatively described as ‘carbon dioxide  
2 equivalents’, or CO<sub>2e</sub>” (Italics added)

3 The DEIR shows that CO<sub>2</sub> has the GWP of 1 vs. much higher GWPs for  
4 other GHGs. Therefore, CO<sub>2</sub> is clearly not a potent greenhouse gas by  
5 comparison. One can only assume the DEIR focuses on CO<sub>2</sub>, on the  
6 basis of its percentage when compared to the other GHGs listed, which  
7 will be treated later in this commentary on page 10. Nonetheless, the  
8 science of CO<sub>2</sub>’s GWP and, hence, its actual threat to the public’s  
9 welfare is not as verifiable as we are led to believe in the DEIR, and any  
10 reading of studies on this subject demonstrates that there certainly is  
11 not “consensus” by scientists as the DEIR so assuredly quotes the  
12 IPCC in 2.5-2 on page 424. Nonetheless, it is CO<sub>2</sub> (and/or CO<sub>2e</sub>)  
13 emission reduction that drives the Plan and the DEIR per AB 32.

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14  
15 One of the ignored influences on climate change is the Pacific Decadal  
16 and Atlantic Multidecadal Oscillation cycles (PDO & AMO respectively).  
17 This 25-30 year cycle indicates a sinking and rising movement with cold  
18 ocean waters below replacing warm ocean waters above and then  
19 reversing that flow. The PDO (and similarly the AMO) was, not  
20 coincidentally, in tandem with the change in temperatures in the 1940’s  
21 to the late 1970s, when temperatures dropped steadily. However, when  
22 the warmth of the PDO and AMO coincide, the atmosphere warms.  
23 This explains the rise in temperature beginning in 1970. In 2000, the  
24 IPCC forecasted a rise by 1°C by 2010, ignoring the fact that in 1999,  
25 the PDO had turned cold causing instead a *drop* greater than 1 degree  
26 in global temperatures. This is what comes of using computer models  
27 that assume that a current or previous condition, e.g. a period of  
28 warming, is the effect of some sole agency, e.g. CO<sub>2</sub>, rather than  
29 warming being the very *cause* of an increase in CO<sub>2</sub>. Howard Hayden,

C188-4

1 Professor of Physics (Emeritus) at the University of Connecticut <sup>7</sup>,  
 2 states in his 2009 letter to the EPA - another governmental body, which  
 3 the DEIR frequently references - that "The first principle of causality is  
 4 that the cause has to come before the effect. The historical record  
 5 shows that climate changes precede CO<sub>2</sub> changes." The complete  
 6 letter is contained in Exhibit B. Supporting this principle, Canadian  
 7 Astrophysicist and climate analyst, Joseph E. Postma <sup>8</sup> posits:  
 8 "Thousands of years of proxy data proving increases in levels of  
 9 atmospheric carbon dioxide are proven to *follow*, not cause, all prior  
 10 increases in global temperatures." (Italics added) During the cycles of  
 11 the last four glacial periods, temperature changes *always preceded*  
 12 changes in atmospheric CO<sub>2</sub> levels. Likewise, CO<sub>2</sub> level decline begins  
 13 after temperature has dropped. 700,000 years of this pattern cannot be  
 14 discounted. That is not to suggest that this pattern is perfectly smooth.  
 15 The Medieval period experienced a 300-year period of warming;  
 16 however, that period cannot possibly constitute anthropogenically  
 17 caused CO<sub>2</sub> levels,

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19 Attending to the possible multiple *causes* that may influence GCC  
 20 cannot be limited to those factors that best support the DEIR's adopted  
 21 IPCC & EPA positions on GCC. Sound climate science demands that a  
 22 postulation of anthropogenic influences on GCC must, *pari passu*,  
 23 include whatever data might unseat the theory. Exemptions of those  
 24 studies that contradict that anthropogenic CO<sub>2</sub> is the driving factor that

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<sup>7</sup> Howard Hayden's research interests include ionic and atomic collisions, charge transfer, ionization, energy loss, energy-level crossings, ion-surface collisions, ion implantation, relativity considerations and energy for society (fossil fuels, nuclear, hydro, wind, biomass, photovoltaics, solar heating). He is the author of *A Primer on CO<sub>2</sub> and Climate*, among other publications.

<sup>8</sup> Joseph Postma: M.Sc. astrophysics. Played a central role in the design, management & coordination of the development of a space-based instrument package (Ultra Violet Imaging Telescope).

1 is causing an “irrevocable shift”<sup>9</sup> in weather related patterns is not  
 2 sound scientific analysis. The IPCC and EPA seem plagued with an  
 3 inability to consider the distinction between what their models observe  
 4 (the “what”) from the controlling agent (the “why”). The debate cannot  
 5 be based entirely on whether warming/cooling and up/down of CO<sub>2</sub> are  
 6 correlative but rather which is driving which. There is no compelling  
 7 evidence that CO<sub>2</sub> has ever driven the climate in the past or is doing so  
 8 now. According to global warming theory, if increased CO<sub>2</sub> results in a  
 9 rise of GHGs and hence, warming, then the rate of temperature rise  
 10 should be greatest in that part of the earth’s atmosphere known as the  
 11 troposphere (tropics).<sup>10</sup> Nevertheless, satellites show the contrary.

12 If we return to the earlier discussion of the PDO/AMO oscillations, study  
 13 after study confirms that the oceans are the dominant source and sink  
 14 for CO<sub>2</sub>. Water - as a gas, not a condensate or cloud - is the major  
 15 radiative absorbing-emitting gas in the atmosphere, not CO<sub>2</sub>. As with  
 16 the *oscillations* of the PDO/AMO, the tripping point of temperature  
 17 extremes coincides with the opening and closing oscillations of the ice  
 18 cap in northern polar regions. It is important to note that the ice cap  
 19 developed and then expanded because the Arctic Ocean supplies the  
 20 cap’s moisture (not a conjecture). The cap’s expansion or shrinkage  
 21 depends upon whether the Arctic Ocean is frozen over or not. It  
 22 currently is frozen over, meaning that it does not provide the moisture  
 23 necessary for the cap’s expansion and hence, its shrinkage. And  
 24 consequently, the earth’s absorption of radiation from the sun increases  
 25 and voila! warming. At this time, oceanographic reporting shows that  
 26 with this warming of temperature, the Arctic Ocean thaws (not  
 27 completely, of course) and once again supplies moisture to the cap for

<sup>9</sup> DEIR page 423, 2.5, Paragraph 3

<sup>10</sup> John R. Chirsty: “Tropospheric Temperature Change Since 1979 from Tropical Radiosonde and Satellite Measurements” Journal of Geophysical Research, Vol 109

1 its expansion. Recent oceanographic reports suggest that such  
2 reversal has begun and we can expect a gradual cooling period, some  
3 of which we are already experiencing.

4 To remain in the icecap subject a bit longer, the arctic icecap ice melt is  
5 the most frequently referenced in claims for the detrimental effects of  
6 greenhouse gases (GHG). But the antarctic icecap contains about 90%  
7 of the earth's ice. While the arctic icecap reached 30-year lows in 2007  
8 and again in 2012, satellite images indicate that antarctic sea ice has  
9 been expanding for the last 30 years. (Could this be partly due to the  
10 shift in the earth's magnetic field?)

11 Greenland holds about 8% - 9% of earth's ice. Data shows Greenland's  
12 surface temperature was warmer in the 1930's and 1940's than the  
13 present day. Many are familiar with the story of the "Glacier Girl"  
14 squadron that crashed in Greenland in 1942. The crew was eventually  
15 rescued, but the Allies were forced to abandon the wrecked planes,  
16 unable to retrieve them as they slowly disappeared under drifting snow.  
17 In 1988, exploration for the crashed planes began. Forty-six years  
18 since the planes had crash-landed, "an astonishing 268 feet of ice had  
19 accumulated over them". In 1992 a rig called the "Super Gopher" finally  
20 retrieved pieces of a P-38. It took the better part of a month for the  
21 gopher to chew its way to the bounty.<sup>11</sup> One wonders where so-called  
22 "... scientists have observed an unprecedented increase of warming  
23 over the past 150 years".<sup>12</sup> (Italics added)

24 Swimming in ocean waters for just a bit longer, Argo is a global array of  
25 3,500 floating robot sensors that descend to 6,562 feet and then rise to  
26 the surface. They record up to 1,000 measurements of temperature,  
27 salinity and other key parameters. When the probes resurface, they

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<sup>11</sup> "Exhuming the Glacier Girl" by Alan Bellows

<sup>12</sup> DEIR, Page 423, Section 2.5

1 beam the data up to satellites.<sup>13</sup> Since full deployment of the system,  
 2 the ocean heat content has declined, irrespective of any rise in GHGs.  
 3 While radiation from the sun does penetrate the surface of ocean  
 4 waters causing heat, this is a relatively stable process and not  
 5 (obviously) anthropogenically caused. However, the long-wave infrared  
 6 radiation (LWIR) from GHG's can only penetrate a few microns past the  
 7 water's surface, causing evaporation and consequently cooling. Roy  
 8 Clark, PhD explains that "It is impossible for a 1.7 W.m<sup>2</sup> increase  
 9 [predicted by the IPCC due to man-made greenhouse gases] in  
 10 downward 'clear sky' atmospheric LWIR flux to heat the oceans." This,  
 11 of course, goes back to the earlier question this comment paper raised  
 12 re *what* drives *what*. The probes indicate that GHGs cause increased  
 13 evaporation and ocean surface cooling, and the sequence of global  
 14 temperature change is from the ocean surface to land to the lower  
 15 troposphere.<sup>14</sup>

16 There are a number of studies and stubborn scientific facts that  
 17 contradict the stance taken by the Plan and DEIR, not the least of which  
 18 is that, as mentioned heretofore, the IPCC computer models are  
 19 meeting with failure in IPCC forecasts. Another fact is that global  
 20 cooling has taken over for sixteen years now, and less warming than

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<sup>13</sup> From NOPP article by Will Ramos, February 20, 2013

<sup>14</sup> "An important new paper published in Global and Planetary Change finds that changes in CO<sub>2</sub> follow rather than lead global air surface temperature and that CO<sub>2</sub> released from use of fossil fuels have little influence on the observed changes in the amount of atmospheric CO<sub>2</sub>. The paper finds the overall global temperature change sequence of events appears to be from 1) the ocean surface to 2) the land surface to 3) the lower troposphere; in other words, the opposite of claims by global warming alarmists that CO<sub>2</sub> in the atmosphere drives land and ocean temperatures. Instead, just as in the ice cores, CO<sub>2</sub> levels are found to have a lagging effect in ocean warming and not significantly related to man-made emissions, and not the driver of warming. Prior research has shown only shortwave radiation from the Sun is capable of penetrating and heating the oceans and thereby driving global surface temperatures." Anthony Watts, August 30, 2012 WUWT



the forecasted warming of the IPCC has occurred over the last 22 years, with 30,000 stations around the world finding that the earth stopped warming in 1997. It is a source of much confusion in reading the DEIR whether its reduction in GHGs is driven by *warming* or *climate change* - cool or warm - since the content refers to both interchangeably. Is it warming or the asserted prevalence of "extreme weather" in certain regions that demands reduction of CO<sub>2</sub>?

Water vapor, a GHG that the Plan & DEIR inexplicably dismisses from discussion, comprises approximately 90% - 95% of the greenhouse gases. CO<sub>2</sub> is no more than 4%. Of that 4%, a little more than 3% is anthropogenic. 3% of 4% = 0.12% of GHGs in the atmosphere.

Exhibit C displays a chart that provides a perspective of the relationship of CO<sub>2</sub>, including man-made CO<sub>2</sub>, to other GHGs.

The bulk = water vapor ~95% (green dots);  
Nitrous oxide, methane, misc. make up 1.4% (yellow);  
Carbon dioxide divided into natural 3.48% (grey) and  
anthropogenic .0.12% (black).

Other GHGs, excluding CFCs, HCFCs PFCs and SF<sub>6</sub>, are also mostly of natural origin. Human activities, as the DEIR points out, contribute to GHGs through farming, manufacturing power generation, and transportation. However, these emissions are so dwarfed in comparison to those from natural sources, that costly efforts at reduction would have an infinitesimal effect on climate.

The ARB's GHG reduction targets (by years 2020 and 2035) that SB 375 authorized and which the MTC & ABAG incorporated into the

C188-5

C188-6

1 Plan & DEIR for CO<sub>2</sub> vehicle emissions are stated as being 7% and  
 2 15% respectively. A 15% reduction in man-made CO<sub>2</sub> results in a  
 3 0.00018 reduction (.0012 x .15) of CO<sub>2</sub> in the atmosphere. How can the  
 4 Plan's overly ambitious strategies to comply with AB 32 be justified by  
 5 this insignificant reduction?

6 AB 32's first page states:

7 "The bill would require the state board to adopt rules and  
 8 regulations in an open public process to achieve the maximum  
 9 technologically feasible and cost-effective greenhouse gas  
 10 emission reductions, as specified." (underscoring added)

11 Even the Contra Costa Transportation Authority balked at Plan Bay  
 12 Area estimates, citing very little reduction on GHGs from land-use  
 13 strategies. That was further supported by ABAG President, Mark Luce,  
 14 who stated, "We're not going to move the greenhouse gas numbers  
 15 substantially with this Plan . . . anyone who says that we are is  
 16 dreaming."<sup>15</sup>

17 \_\_\_\_\_  
 18 Another aspect of temperature change is consideration of the equator to  
 19 pole temperature gradient (EPTG) because major climate changes in  
 20 the past correlate with large changes in equator to pole temperature  
 21 differences and relatively constant equatorial temperature. Changes in  
 22 the mean temperature of the earth appear to have been a by-product of  
 23 these changes rather than a *cause*.<sup>16</sup> There is an absence of empirical  
 24 data contesting this proposition. What controls the equator to pole  
 25 temperature distribution of the earth's surface is a very efficient system  
 26 to transfer energy from the equator to the north pole causing it to warm.  
 27 This has large implications for CO<sub>2</sub> and temperature rise theories. The

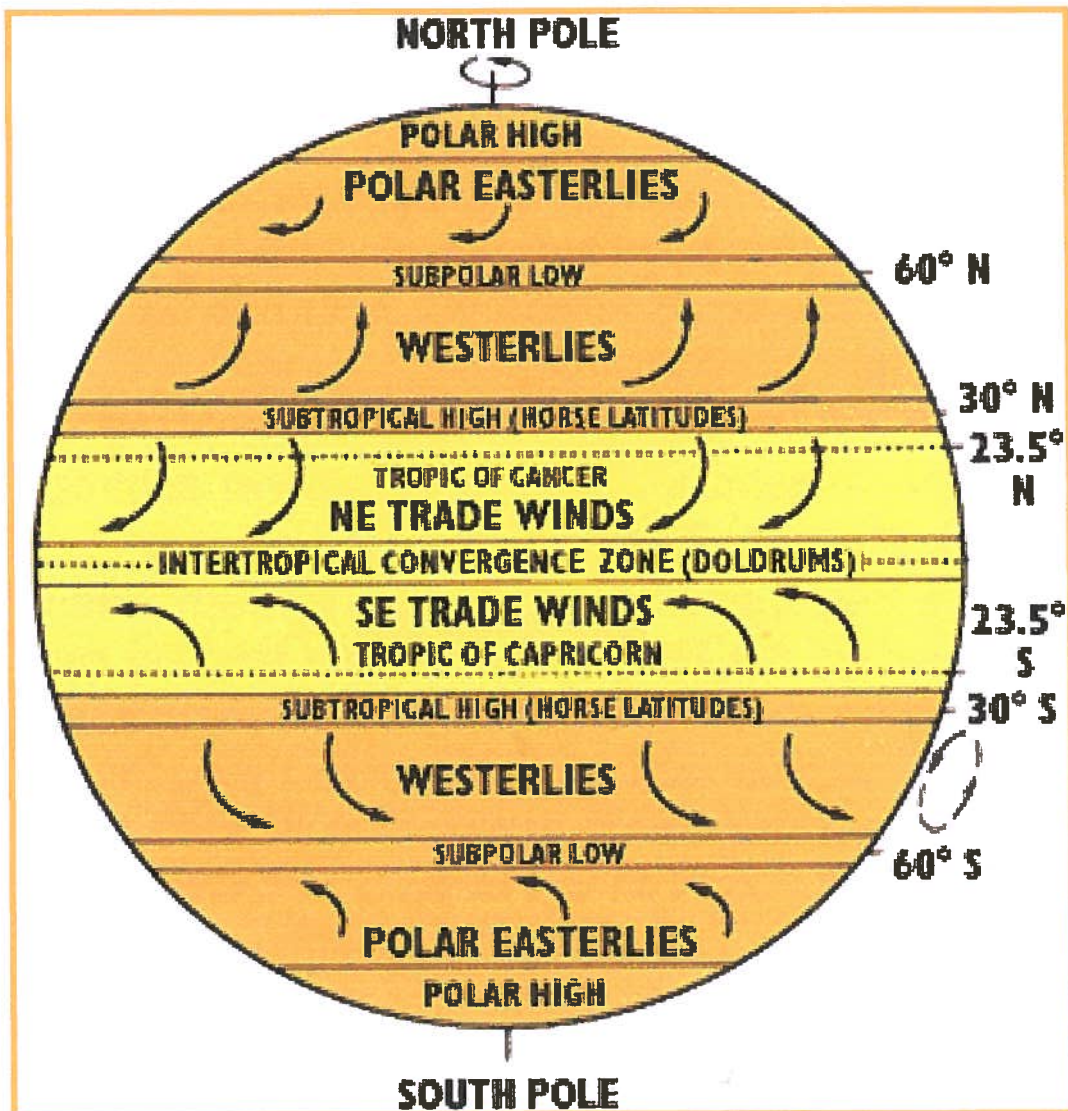
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<sup>15</sup> Video of ABAG Board meeting: March 9, 2012 available upon request

<sup>16</sup> Richard Lindzen: Annual Review of Fluid Mechanics

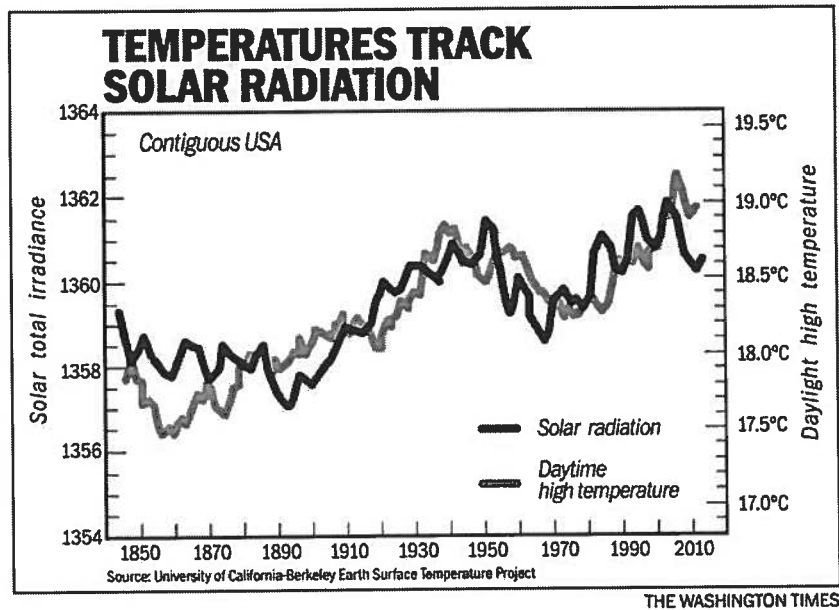
- 1 image on the next page better lends a quick view of how this complex
- 2 mechanism works than would a lengthy description in text.
- 3 (Remainder of this page intentionally left blank.)

1



1 EPTG cannot be divorced from the influence of the sun on temperature  
2 fluctuations. Why the activity of the sun and its impact on climate  
3 change is so infrequently addressed (as is the case with the DEIR) is a  
4 curiosity. Scientists have been exploring and keeping detailed records  
5 of the influence of the sun on climate for centuries. The chart on the  
6 following page shows the relationship between solar radiation and  
7 daytime high temperatures. This relationship suggests that the way sun  
8 cools and warms the earth is through the penetration of incoming solar  
9 radiation. Recent work by the National Center for Atmospheric  
10 Research's Gerald Meehl and Harry van Loon stated that even small  
11 changes in solar radiation can seriously effect earth's temperature.  
12 "The close relationships between the abrupt ups and downs of solar  
13 activity and of temperature that we have identified occur locally in  
14 coastal Greenland, regionally in the Arctic Pacific and North Atlantic,  
15 and hemispherically for the whole circum-Arctic, suggesting that  
16 changes in solar radiation drive temperature variations in at least many  
17 areas." And "Pictures like these cannot be drawn for temperature and  
18 CO<sub>2</sub> concentration. There just is no such *close match* between the  
19 steady rise in atmospheric CO<sub>2</sub> concentration and the often dramatic  
20 ups and downs of surface temperatures in and around the Arctic, China  
21 and the United States." (italics added)

22



The sun and climate correlations that were studied also demonstrated the ETPG link to total solar irradiance, as briefly touched upon heretofore, and validates that the Plan's & DEIR premise that CO<sub>2</sub> drives climate change is a distortion. At the moment, we are in a phase of low sunspot activity, which parallels with colder temperatures. This pattern was seen during a period called the Dalton Minimum (1790 - 1830). A period known as the Maunder Minimum (1645 - 1715) saw ~50 sunspots during a thirty year period within that cycle. Typical range of sunspots is 40,000 to 50,000 during modern periods. The Maunder Minimum coincided with the coldest part of the little Ice Age.

Linked into solar and equatorial-to-pole gradients, one must also include cosmic ray flux. An image by Nir Shaviv.<sup>17</sup> is provided

<sup>17</sup> Nir Joseph Shaviv is an physics professor, carrying out research in the fields of astrophysics and climate science. He is currently an associate professor at the Racah Institute of Physics of the Hebrew University of Jerusalem. He is most well known for his solar and cosmic rays hypothesis of climate change. In 2002, Shaviv hypothesized that passages through the Milky Way's spiral arms appear to have been the cause behind the major ice-ages over the past billion years. In his later work, co-authored by Jan Veizer,, a low upper limit was placed on the climatic effect of CO<sub>2</sub> (Wikipedia)

1 in Exhibit D. Increased galactic cosmic ray (GCR) flux theory suggests  
 2 association with a cooler climate and a weakening of monsoon rainfalls,  
 3 and vice versa. Dr. Shaviv argues that in contrast to a carbon-based  
 4 scenario, the model and proxy based estimates of atmospheric CO<sub>2</sub>  
 5 levels - especially for the early Phanerozoic period - do not show  
 6 correlation with the Paleozoic climate picture that emerged from  
 7 geological criteria, while cosmic ray flux does.

8 There is a large contingent of contributors to climate science that  
 9 acknowledges that the sun dominates earth's climate. The earth's orbit  
 10 around the sun, the earth's axial tilt, the earth's fluctuating albedo,  
 11 cosmic radiation, and the earth's water cover all influence warming and  
 12 cooling.

### 13 --- 14 **Conclusion to Section 2.5 Climate Change and Greenhouse Gases**

15 The time allotted for commentary on the Plan/DEIR is insufficient to  
 16 address comprehensively still more unsupported assertions contained in  
 17 DEIR section 2.5 "Climate Change and Greenhouse Gases". Briefly then,  
 18 the forecasted events that the Plan/DEIR portends - such as rising sea  
 19 levels, heat, wildfires from "climate change" - apparently warm or cool<sup>18</sup> -  
 20 public health and, last but not least, detrimental GHGs from a proliferation  
 21 of single family homes - carries no hard evidence that CO<sub>2</sub> is the throttle  
 22 that drives such ill effects. Nor does the Plan/DEIR provide evidence for  
 23 the harmful effect-threshold-level of anthropogenic CO<sub>2</sub>. .

24 "Given the importance of CO<sub>2</sub> to life on this planet; the large naturally  
 25 occurring CO<sub>2</sub> exchanges between land masses, oceans and atmosphere,  
 26 and the lack of conclusive proof that anthropogenic CO<sub>2</sub> can cause

<sup>18</sup> DEIR 2.5-19, page

1 significant detrimental global warming . . .”<sup>19</sup> demands that the DEIR  
2 jettison the section/chapter 2.5 in the interests of the communities the MTC  
3 and ABAG are meant to serve. The Plan’s cost to curtail CO<sub>2</sub> emissions is  
4 excessive and robs cities of funds essential to maintaining thriving  
5 communities.

6 The influences on climate brought into play in this commentary are to  
7 demonstrate the complexities of climate change and to underscore that  
8 legitimate scientific analysis *objectively* assesses *all* data available in order  
9 to arrive at conclusions that can be validated for purposes of scientific  
10 progress. The Plan/DEIR is essentially a policy-driven document that uses  
11 corrupted climate simulation models to obtain validation for its “social  
12 equity” agenda.

13 (Remainder of page intentionally left blank)

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<sup>19</sup> Anthropogenic Global Warming Science Assessment Report, April 2013, Right Climate Stuff Research Team





Image by Greg Groesch

The environmental leg of the Plan Bay Area's three Es<sup>20</sup> cannot provide any "incontrovertible evidence", to steal 2 words from the IPPC, to support the DEIR's claim that increasing amounts of GHGs are endangering public health and welfare or will cause catastrophic ecological disruptions. Nor does there exist scientific evidence for anthropogenic global warming.

### Three Comments apart from DEIR Section/Chapter 2.5

- SB 375 mandates that each metropolitan planning organization and the agencies within those organizations have outreach efforts to inform the public (including landowners) and to encourage participation in the planning of any sustainable communities strategy. Those few citizens in Contra Costa County who had heard of Plan Bay Area through means other than the MTC and ABAG, such as unaffiliated newspaper editorial writers and radio programs, thought the policies being created by the Plan warranted public awareness. To that end, these few

<sup>20</sup> Economy, Equity, Environment

citizens sponsored and promoted a Lamorinda 2013 Town Hall informational meeting. Seventy-seven percent of those who completed the provided survey form indicated that they were completely unaware of the policies proposed in Plan Bay Area. Of that seventy-seven percent%, few had even heard of "Plan Bay Area". Only two conclusions can account for this revelation:

- Lamorinda is atypical of the San Francisco Bay Area population; or
- The mandate of SB 375 was not met.

ABAG posits that the Bay Area has an advantage over the rest of the U.S. because the tech industry dominates here. Thus the Bay Area share of national jobs will increase and, *pari passu*, population will increase. Ergo, a population increase is cause for housing development to accommodate that increase. Two factors contradict this premise:

- The assumed comparative advantage in the 1990's and 2,000's was the same but the Bay Area still experienced sluggish job growth and actually lost share of national jobs during those 2 decades. .

- From 2001 - 2012, the San Jose-Sunnyvale-Santa Clara STEM<sup>21</sup> occupations dropped to minus 12.6%<sup>22</sup> compared to a positive growth during the same period in :

21.1% Washington-Arlington-Alexandria, DC-VA-MD-WV  
 18.3% San Antonio-New Braunfels, Texas;  
 17.9% Raleigh-Cary, North Carolina  
 16.3% Salt Lake City, Utah

<sup>21</sup> Science, Technology, Engineering, Math

<sup>22</sup> Praxis Strategy Group

1 12.2% Austin-Round Rock-San Marcos, Texas  
2 11.3% San Diego-Carlsbad-San Marcos, California  
3

4 The only major metropolitan areas below San Jose-Sunnyvale-Santa  
5 Clara during that same period were New Orleans-Metairie-Kenner,  
6 Louisiana at minus 16.0% and Detroit-Warren-Livonia, Michigan at  
7 minus 17.7%. Perhaps a lesson here is an old one: never put all your  
8 eggs in one basket.

9 • In order to justify that more housing is required, ABAG uses for its  
10 number of employed persons per household the 1.2 person per  
11 household figure from 2010, which was the peak year for  
12 unemployment, the peak of the recession. (10.6 % Bay Area  
13 unemployment)

14 If employment rebounds, some of the unemployed in existing  
15 households regain jobs and the ratio of employed persons per  
16 household necessarily rebounds to a higher level than 1.2 persons per  
17 household. But ABAG doesn't factor that into its calculations. Thus the  
18 lower the number of employed persons per household, the more  
19 households that are required with any increase in employment. Not  
20 incidentally, 2010 was the year of the U.S. Census.

21 • The Plan states on Page 3 that Plan Bay Area derives from  
22 SB 375. However, anyone familiar with the Bay Area Alliance for  
23 Sustainable Communities established in 1997 knows that it developed  
24 the "Compact for a Sustainable Bay Area", finalized in 2003. SB 375  
25 was passed in 2008 and was preceded by AB 32 in 2006. This timeline  
26 is crucial to understanding "what drives what". The Bay Area Alliance  
27 for Sustainable Communities was composed of special interest & non-  
28 profit groups and ABAG & MTC representatives. It was funded by  
29 corporations and foundations with a partisan agenda. Exhibit E. The

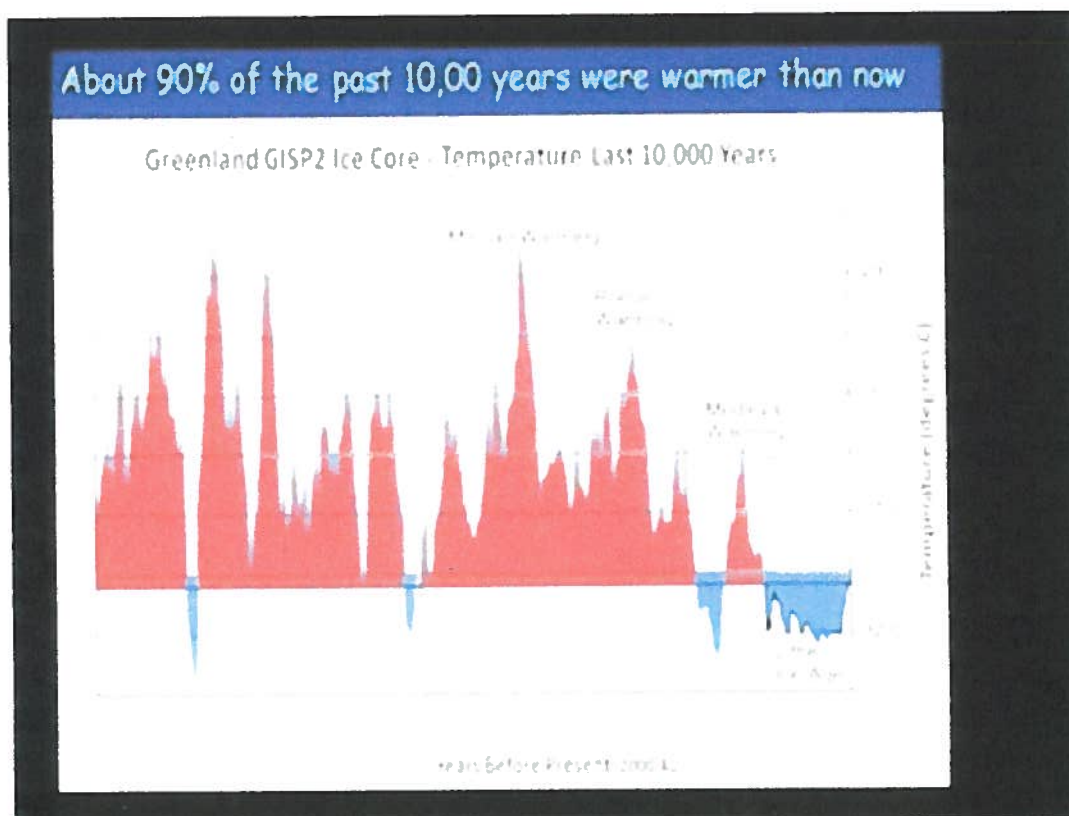
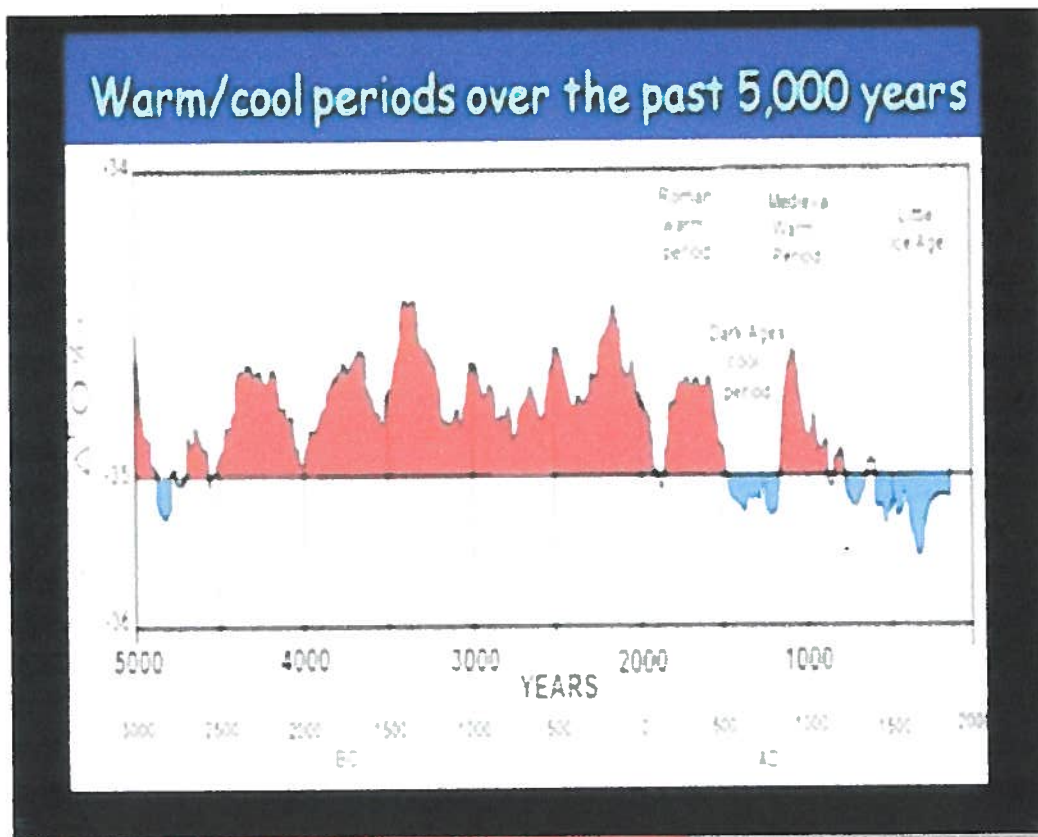
C188-11

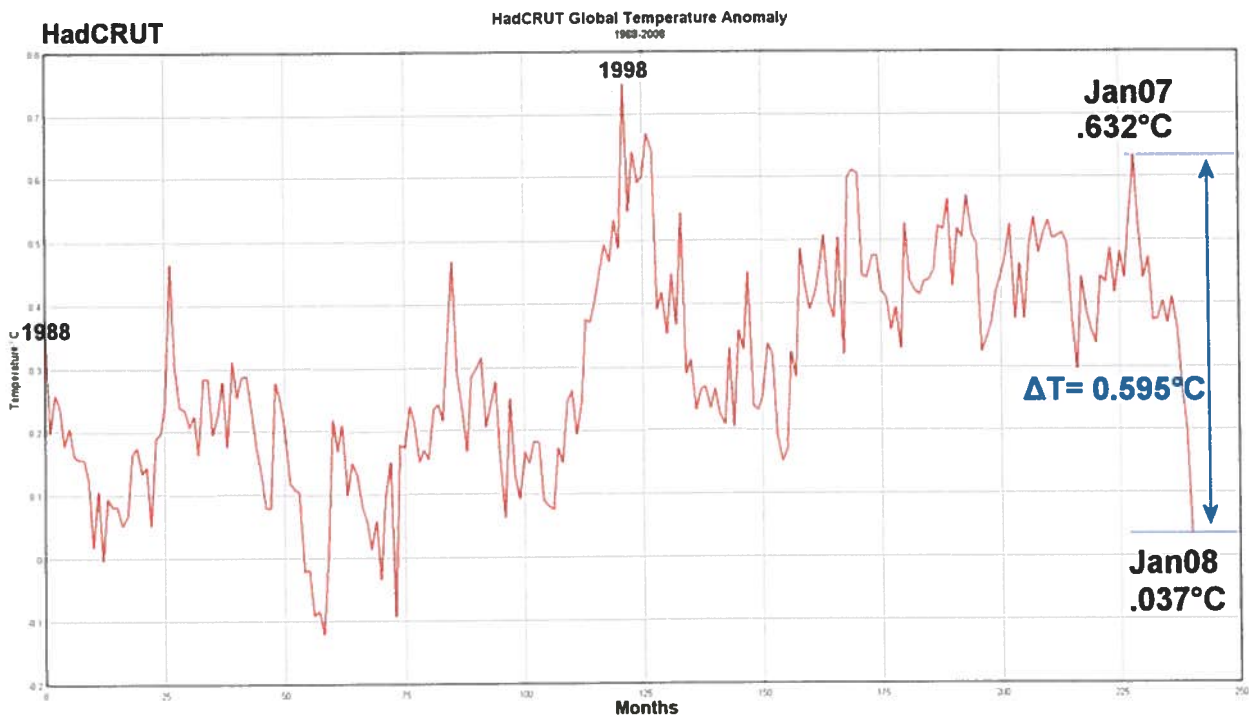
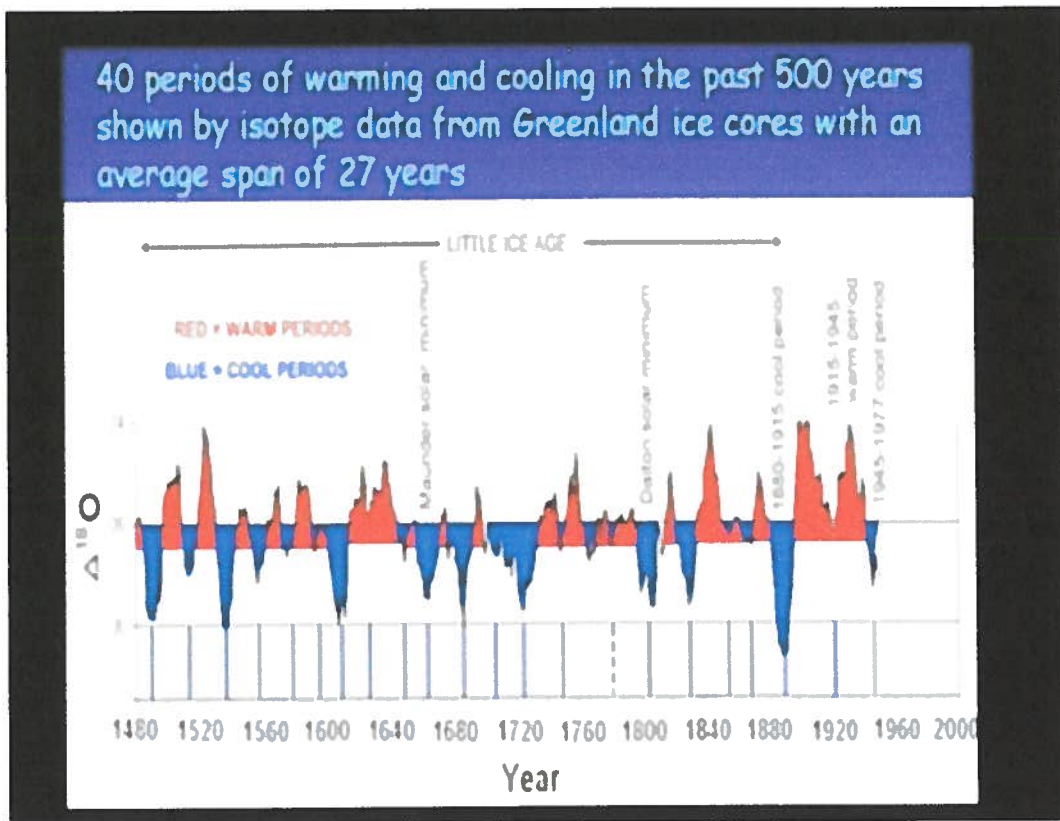
C188-12

1 policies of Plan Bay Area are essentially in lock step with the action  
2 items of the Compact for a Sustainable Bay Area. MTC and ABAG  
3 have created a regulatory scheme through Plan Bay Area for which  
4 there is no actual basis in law. If the legislature does not exercise its  
5 oversight function and authority, the courts must reign in these two  
6 lawless bureaucracies, the MTC and ABAG. Plan Bay Area is a perfect  
7 example of “mission creep” by these two agencies.

8

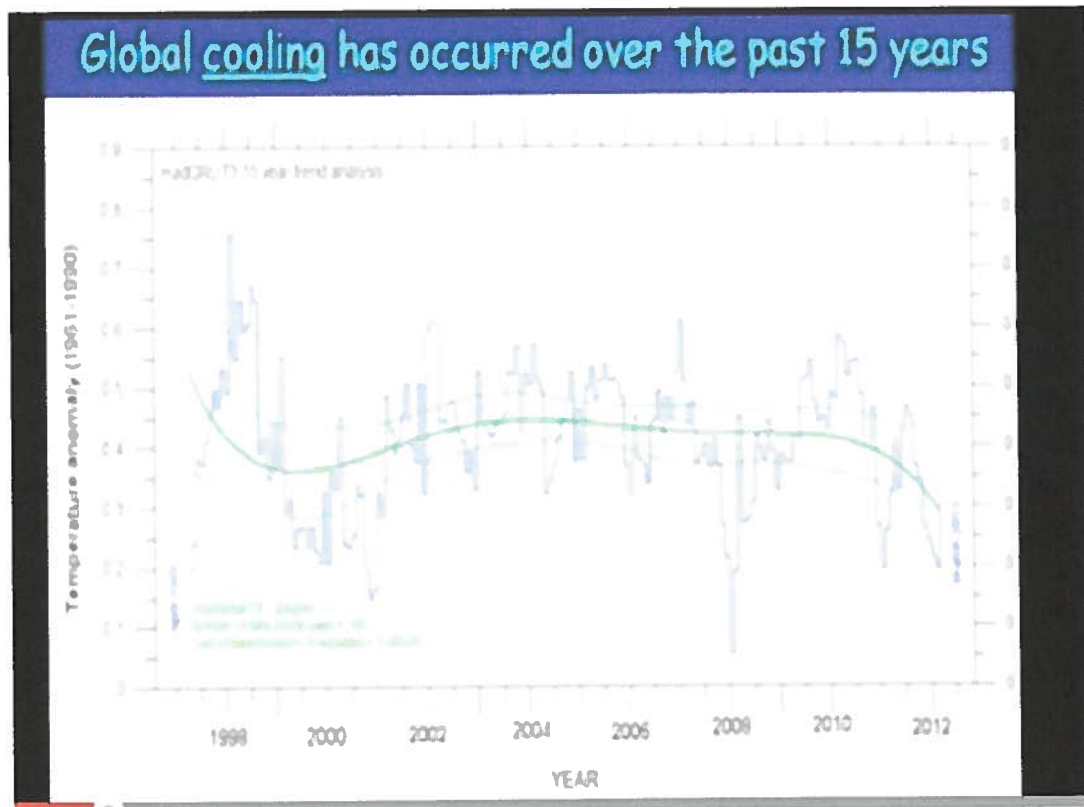
9





20 year period showing temperature fluctuations





October 27, 2009

The Honorable Lisa P. Jackson, Administrator  
Environmental Protection Agency  
1200 Pennsylvania Ave., NW Washington, DC 20460

Dear Administrator Jackson:

I write in regard to the *Proposed Endangerment and Cause or Contribute Findings for Greenhouse Gases Under Section 202(a) of the Clean Air Act, Proposed Rule*, 74 Fed. Reg. 18,886 (Apr. 24, 2009), the so-called “Endangerment Finding.”

It has been often said that the “science is settled” on the issue of CO<sub>2</sub> and climate. Let me put this claim to rest with a simple one-letter proof that it is false.

The letter is *s*, the one that changes *model* into *models*. If the science were settled, there would be precisely one model, and it would be in agreement with measurements.

Alternatively, one may ask which one of the twenty-some models settled the science so that all the rest could be discarded along with the research funds that have kept those models alive.

We can take this further. Not a single climate model predicted the current cooling phase. If the science were settled, *the model* (singular) would have predicted it.

Let me next address the horror story that we are approaching (or have passed) a “tipping point.” Anybody who has worked with amplifiers knows about tipping points. The output “goes to the rail.” Not only that, but *it stays there*. That’s the official worry coming from the likes of James Hansen (of NASA’s GISS) and Al Gore.

But therein lies the proof that we are nowhere near a tipping point. The earth, it seems, has seen times when the CO<sub>2</sub> concentration was up to 8,000 ppm, *and that did not lead to a tipping point. If it did, we would not be here talking about it.* In fact, seen on the long scale, the CO<sub>2</sub> concentration in the present cycle of glacials (ca. 200 ppm) and



interglacials (ca. 300-400 ppm) is lower than it has been for the last 300 million years.

Global-warming alarmists tell us that the rising CO<sub>2</sub> concentration is (A) anthropogenic and (B) leading to global warming.

(A) CO<sub>2</sub> concentration has risen and fallen in the past with no help from mankind. The present rise began in the 1700s, long before humans could have made a meaningful contribution. Alarmists have failed to ask, let alone answer, what the CO<sub>2</sub> level would be today if we had never burned any fuels. They simply *assume* that it would be the “pre-industrial” value.

- The solubility of CO<sub>2</sub> in water decreases as water warms, and increases as water cools. The warming of the earth since the Little Ice Age has thus caused the oceans to emit CO<sub>2</sub> into the atmosphere.

(B) The first principle of causality is that the cause has to come before the effect. The historical record shows that climate changes *precede* CO<sub>2</sub> changes. How, then, can one conclude that CO<sub>2</sub> is responsible for the current warming? Nobody doubts that CO<sub>2</sub> has *some* greenhouse effect, and nobody doubts that CO<sub>2</sub> concentration is increasing. But what would we have to fear if CO<sub>2</sub> and temperature actually increased?

- A warmer world is a better world. Look at weather-related death rates in winter and in summer, and the case is overwhelming that warmer is better.
- The higher the CO<sub>2</sub> levels, the more vibrant is the biosphere, as numerous experiments in greenhouses have shown. But a quick trip to the museum can make that case in spades. Those huge dinosaurs could not exist anywhere on the earth today because the land is not productive enough. CO<sub>2</sub> is plant food, pure and simple.
- CO<sub>2</sub> is *not* pollution by any reasonable definition.
- A warmer world begets more precipitation.
- All computer models predict a smaller temperature gradient between the poles and the equator. Necessarily, this would mean fewer and less violent storms.
- The melting point of ice is 0 °C in Antarctica, just as it is everywhere else. The highest recorded temperature at the South Pole is -14 °C, and the lowest is -117 °C. How, pray, will a putative few degrees of warming melt all the ice and inundate Florida, as is claimed by the warming alarmists?

Consider the change in vocabulary that has occurred. The term *global warming* has given way to the term *climate change*, because the former is not supported by the data. The latter term, *climate change*, admits of all kinds of illogical attributions. If it warms up, that's climate change. If it cools down, ditto. Any change whatsoever can be said by alarmists to be proof of climate change.

In a way, we have been here before. Lord Kelvin "proved" that the earth could not possibly be as old as the geologists said. He "proved" it using the conservation of energy. What he didn't know was that nuclear energy, not gravitation, provides the internal heat of the sun and the earth.

Similarly, the global-warming alarmists have "proved" that CO<sub>2</sub> causes global warming.

Except when it doesn't.

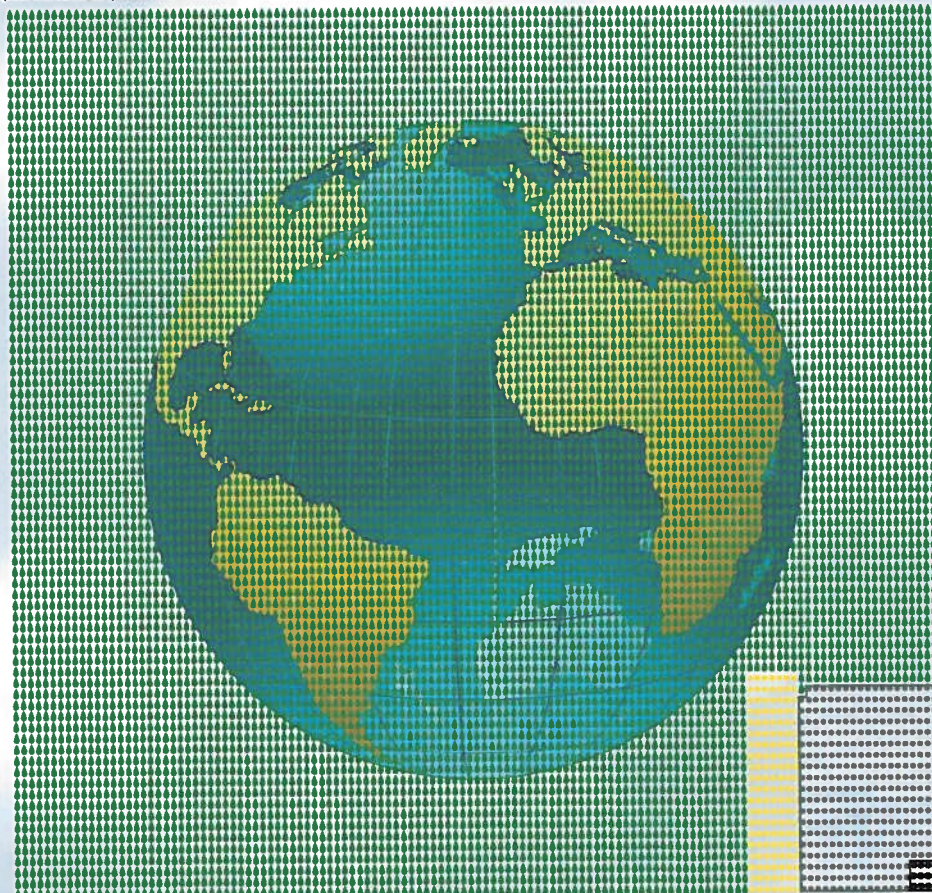
To put it fairly but bluntly, the global-warming alarmists have relied on a pathetic version of science in which computer models take precedence over data, and numerical averages of computer outputs are believed to be able to predict the future climate. It would be a travesty if the EPA were to countenance such nonsense.

Best Regards,

Howard C. Hayden  
Professor Emeritus of Physics, UConn

## WATER VAPOR IS EARTH'S PREDOMINANT GREENHOUSE GAS MAN-MADE CARBON DIOXIDE HAS NEGLIGIBLE IMPACT ON EARTH'S TEMPERATURE

THE 10,000 SYMBOLS (DROPLETS AND DOTS) REPRESENT THE PROPORTIONAL PRESENCE OF ALL GASES IN EARTH'S GREENHOUSE ENVELOPE



DATA SOURCE: [http://www.geocraft.com/WVFossils/greenhouse\\_data.html](http://www.geocraft.com/WVFossils/greenhouse_data.html)

💧 WATER VAPOR...9500 GREEN DROPLETS 95%\*

CARBON DIOXIDE (CO<sub>2</sub>): 3.6%\*

● - NATURALLY OCCURRING CO<sub>2</sub>...348 GRAY DOTS 3.48%\*

● - MAN MADE CO<sub>2</sub>...12 BLACK DOTS 0.12%\*

● NITROUS OXIDE, METHANE, MISC...140 YELLOW DOTS 1.4%\*

\*PERCENTAGE OF EARTH'S TOTAL GREENHOUSE ENVELOPE

MAN MADE  
CO<sub>2</sub>

NATURALLY OCCURRING WATER VAPOR IS EARTH'S PREDOMINANT GREENHOUSE GAS, BENEFICIALLY RETAINING THE SUN'S RADIANT HEAT SO THAT PLANT, ANIMAL, AND HUMAN LIFE CAN FLOURISH. WITHOUT WATER VAPOR, OUR EARTH WOULD FREEZE OVER, MAKING PLANET EARTH UNINHABITABLE.

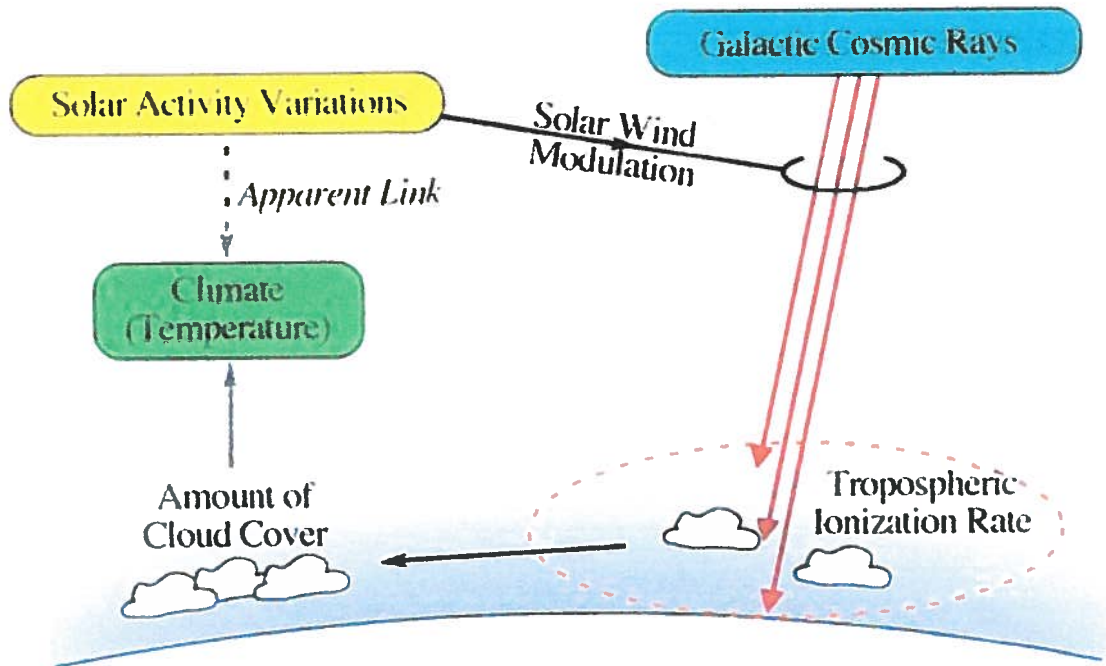
CARBON DIOXIDE PLAYS A SMALL ROLE IN RETAINING THE SUN'S HEAT. 96.6% OF ATMOSPHERIC CO<sub>2</sub> IS PRODUCED BY NATURE AS REPRESENTED BY THE 348 GRAY DOTS. MAN'S ADDITION TO THE TOTAL AMOUNT OF CO<sub>2</sub> IS NEGLIGIBLE, AS REPRESENTED BY THE 12 BLACK DOTS.

THE GOAL OF GLOBAL WARMING ALARMISTS IS TO REDUCE CO<sub>2</sub> EMISSIONS SO THAT OVER DECADES OF TIME THESE 12 DOTS MIGHT BE DECREASED TO PERHAPS 8 OR 9 DOTS.

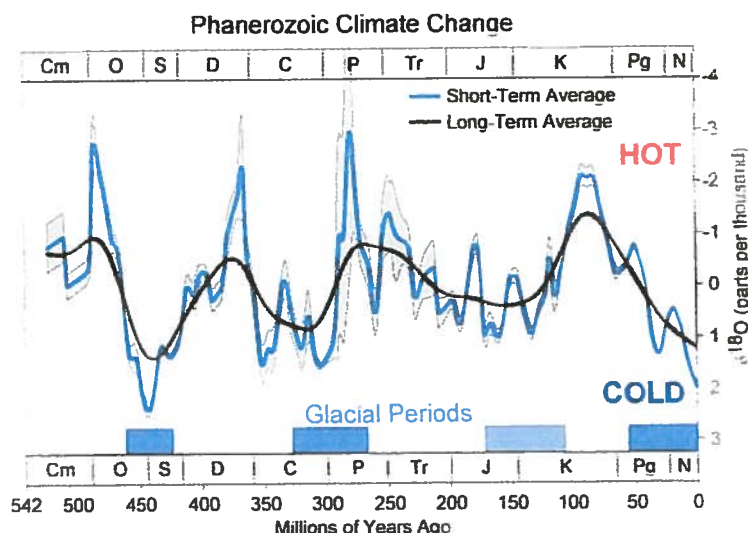
REDUCING MAN MADE CO<sub>2</sub> WILL HAVE NO MEASURABLE EFFECT ON EARTH'S TEMPERATURE READINGS.

Exhibit C





The image above shows the cosmic ray link between solar activity and the terrestrial climate. The changing solar activity is responsible for a varying solar wind strength. A stronger wind will reduce the flux of cosmic ray reaching Earth, since a larger amount of energy is lost as they propagate up the solar wind. The cosmic rays themselves come from outside the solar system (cosmic rays with energies below the "knee" at  $10^{15}$  eV, are most likely accelerated by supernova remnants). Since cosmic rays dominate the tropospheric ionization, an increased solar activity will translate into a reduced ionization, and empirically (as shown below), also to a reduced low altitude cloud cover. Since low altitude clouds have a net cooling effect (their "whiteness" is more important than their "blanket" effect), increased solar activity implies a warmer climate. Intrinsic cosmic ray flux variations will have a similar effect, one however, which is unrelated to solar activity variations.



## **e-vision the future: environment, equity, economy**

**"We envision a Bay Area where the natural environment is vibrant, healthy and safe, where the economy is robust and globally competitive, and where everyone has equitable opportunities to share in the benefits of a quality environment and prosperous economy."**

**Bay Area Alliance for Sustainable Communities, 1997**

### **Steering Committee**

Juliet Ellis, Executive Director of Urban Habitat  
Robert L. Harris, Vice President Environmental Affairs of Pacific Gas and Electric Company  
Sunne Wright McPeak, President and CEO of the Bay Area Council  
Michele Perrault, International Vice President of the Sierra Club  
Gwen Regalia, President of the Association of Bay Area Governments

### **Staff**

Peter Melhus, Bay Area Alliance  
Carmen Rojas, Urban Habitat  
Andrew Michael, Bay Area Council  
Sherman Lewis, Sierra Club  
Ceil Scandone, Association of Bay Area Governments

### **Member Organizations**

Alameda-Contra Costa Transit District\*  
Architects, Designers and Planners for Social Responsibility  
Association of Bay Area Governments  
Bank of America  
Bay Area Air Quality Management District  
Bay Area Council  
Bay Area Economic Forum  
Bay Conservation and Development Commission  
Bay Planning Coalition  
Building Opportunities for Self Sufficiency  
Contra Costa Council  
Contra Costa Economic Partnership  
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East Bay Asian Local Development Corporation  
Economic Development Alliance for Business  
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Greenbelt Alliance  
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League of Women Voters of the Bay Area  
Legal Aid of Marin  
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National Economic Development and Law Center  
Natural Resources Defense Council  
The Nature Conservancy  
Non-Profit Housing Association of Northern California  
Pacific Gas and Electric Company  
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San Francisco Bay Regional Water Quality Control Board  
San Jose/Silicon Valley Chamber of Commerce  
Sierra Club  
Silicon Valley Manufacturing Group  
Urban Ecology  
Urban Habitat  
Urban Strategies Council  
Youth in Focus

\*This organization has affirmed the final Compact and has submitted additional comments to advance the work of the Bay Area Alliance, which can be viewed at <http://www.BayAreaAlliance.org/comments.html>

### **Contributors**

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For more information, contact:

Bay Area Alliance for Sustainable Communities  
(510) 464-7978

[www.BayAreaAlliance.org](http://www.BayAreaAlliance.org)

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t

**This letter is submitted as a public comment on the draft Plan Bay Area and the draft Plan Bay Area Environmental Impact Report (state clearinghouse 2012062029).**

*John A. Charles, Jr.  
President & CEO, Cascade Policy Institute  
Portland OR, May 15, 2013*

## Introduction

The fundamental GHG reduction strategy embedded within the *Plan Bay Area* and the accompanying DIR emulates the land-use/transportation philosophy that has been in effect for over three decades in Portland, Oregon. The assumption behind this concept is that individual travel patterns can be significantly and permanently altered through a combination of regulatory interventions in the market: strict limits on new roadway construction, massive expenditures on new transit service (especially light rail), and land-use mandates that both require and subsidize mixed-use, high-density development in transit corridors while simultaneously prohibiting lower-density growth. A partial list of plans and policies (state, regional and local) demonstrating this commitment includes the following:

- Creation of a regional public transit district (TriMet) for the Portland metro area in 1969. This agency has a ***dedicated source of non-farebox revenue*** – a regional payroll tax -- that provides TriMet with stable and growing general fund revenues that are ***70% higher than peer agencies.***<sup>i</sup>
- Cancellation of a planned urban freeway for east Portland in 1975, with the federal funds for that project transferred to TriMet to allow construction of one of North America's first light rail lines, which opened in 1986;<sup>ii</sup>
- Adoption of a regional Urban Growth Boundary in 1979, which prohibits most forms of land development outside of existing built-up neighborhoods;
- Cancellation of a new highway on the west side of Portland in 1991, replaced with light rail expansion and mandated TOD in the light rail corridor as a means of reducing VMT;
- Enactment of a state Transportation Planning Rule in 1992, requiring the four largest cities in Oregon to reduce per-capita VMT by 20% over 30 years and to reduce total parking spaces by 10%;
- Adoption of the Metro 2040 Plan in 1995, committing the Portland region to a regulatory plan to densify the region, build out an extensive rail transit network, and accommodate most future jobs and housing in a limited number of transit-oriented "regional centers" and "town centers";

- Adoption of the Portland Central City Management Plan in 1995, establishing a goal of 60% transit mode share for commuting in the central city by 2010;
- Opening of new light rail lines in 1998, 2001, 2004, and 2009, with additional extensions scheduled for service in 2015 and 2019; and
- Opening of a 16-mile suburb-to-suburb commuter rail line in 2009, in lieu of roadway expansions in the same corridor.

Because of these and many other policies, the Portland region has become an international leader in the application of New Urbanist development principles and Smart Growth regulatory policies.

This author has been conducting field research since 1996 to determine if such policies actually work once they are applied. A particular research focus has been on the functioning of high-density, mixed-use transit-oriented developments (TODs) at light rail and streetcar stations. Unlike much of the literature on this subject, which attempts to measure travel patterns based on self-reported survey data, modeling exercises, or pneumatic tubes placed at curb cuts of TODs, the methodology of the Cascade Policy research has been to place observers out in the field and count every passenger-trip in and out of TODs by all modes, for selected hours. These observations have been done mostly on good weather weekdays at the morning peak period of 6:30 a.m. – 8:30 a.m., but have also included mid-day counts, afternoon peak period counts, and weekend observations at TODs deemed worthy of such effort.

The research has included observations at over 30 rail transit stations in downtown Portland as well as suburban locations, covering thousands of residential units and hundreds of employers. The results have been presented at academic conferences at the state, regional and national levels during the past four years. This research informs the following critique.

### **Assessing the *Plan Bay Area***

The draft *Plan* mimics the Portland strategy in most respects. It includes a much larger geographical region, a larger population base, and various heavy rail lines that Portland does not have, but the fundamental approach is the same: funnel most future development into a limited number of centers served by transit; spend most transportation dollars on maintenance of the existing system with capacity expansions focused on transit, not highways; and assume that transit use will increase substantially, resulting in improved air quality and reduced GHGs.

However, before Bay Area officials adopt such a plan, they should consider the results from the Portland regional experience. Virtually every assumption about changing travel behavior has proven to be wrong.

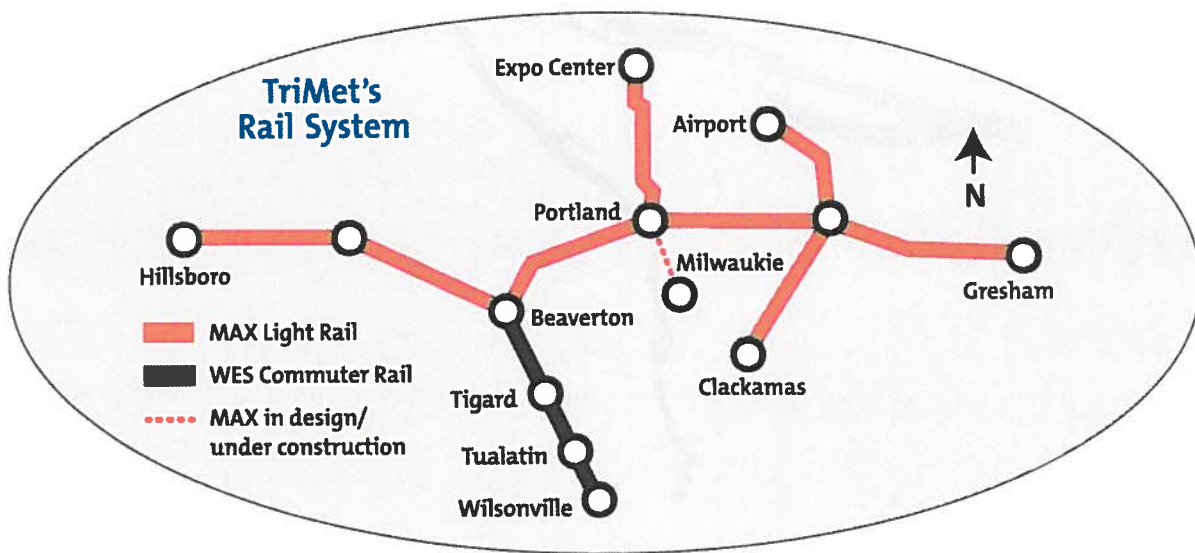


C189-1

**Failed Assumption #1:** Transit market share can be substantially increased through integration of land-use and transportation planning with a heavy emphasis on TOD.

**Reality:** Peak-hour transit use is flat or declining in every major Portland market, despite a moratorium on new highways since 1982, billions of dollars in additional transit subsidies, and mandatory TOD throughout the region.

The graphic below displays the crown jewel of TriMet's transit system, the light rail network along with the sole commuter rail line. Although buses carry 67% of daily boardings, rubber-tired service is not considered glamorous by local officials so it receives little in the way of investment capital or publicity.



### Trends in Transit Market Share for Various Geographic Markets in the Portland Region

#### Transit Mode Share for Weekday Commuting Portland metropolitan region, 1970-2010

| 1970 | 1980 | 1990 | 2000 | 2010 |
|------|------|------|------|------|
| 7.0% | 9.8% | 6.7% | 7.7% | 6.1% |

Source: US Census

**Transit Mode Share for Weekday Commuting  
Portland Citywide, 1997-2011**

| Mode          | 1997 | 2000 | 2004 | 2008 | 2010 | 2011 |
|---------------|------|------|------|------|------|------|
| Auto          | 80%  | 77%  | 80%  | 73%  | 69%  | 69%  |
| Transit       | 10%  | 12%  | 11%  | 11%  | 12%  | 12%  |
| Drive/transit | 2%   | 2%   | 2%   | 4%   | --   | --   |
| Bike          | 3%   | 3%   | 4%   | 8%   | 7%   | 7%   |
| Walk          | 5%   | 5%   | 4%   | 4%   | 6%   | 6%   |

*Source: Portland Auditor, Annual Survey*

**Transit Mode Share for Weekday Commuting  
Downtown Workers, 2001-2011**

| Mode      | 2001 | 2003 | 2005 | 2009 | 2010 | 2011 |
|-----------|------|------|------|------|------|------|
| Auto      | 49%  | 52%  | 52%  | 41%  | 47%  | 48%  |
| Bus/MAX   | 45%  | 40%  | 37%  | 44%  | 38%  | 34%  |
| Bike      | 3%   | 4%   | 6%   | 10%  | 9%   | 11%  |
| Walk      | 2%   | 3%   | 4%   | 4%   | 5%   | 5%   |
| Streetcar | 1%   | 1%   | 1%   | 1%   | 1%   | 2%   |

*Source: Annual Downtown Employer Census, Portland Business Alliance*

The most natural market for transit use is in the downtown core. Here, ***transit market share has plummeted over the past decade***, from 46% of commute trips via transit to 36% (including the streetcar), while auto commuting has only dropped from 49% to 48%. The big gains have been in biking and walking, but those modes have taken market share from transit, not auto commuting.

In 1995, the Portland City Council adopted a land-use/transportation plan called the Central City Management Plan. This plan established a goal of 60% transit mode share for peak-hour commuting by 2010. The actual number turned out to be 39%.

However, this has not stopped Portland planners from continuing to make absurd predictions. When the City Council adopted its latest sweeping vision for the future – the **Portland Plan**, adopted in April 2012 – it doubled down on Smart Growth, approving a goal of ***reducing SOV commuting in Portland from 69% in 2011 to 30% by 2035***. There is no reason to believe that this projection will be met.

The plan also predicts that average daily VMT per capita in Portland will drop from 18.7 miles to 11 miles, despite the fact that daily per capita VMT has only dropped by .1 since 1990 in Portland.

In essence, Portland politicians continue to believe that if they simply predict less driving in the future, it will happen. Bay Area officials should be more realistic.

**Failed Assumption #2:** Requiring and/or subsidizing transit-oriented development (TOD) should be the centerpiece of any urban planning strategy to reduce GHGs and VMT.

**Reality:** TOD can marginally increase transit mode share compared to low-density neighborhoods, but auto travel remains the dominant mode. The following case studies are illustrative.

### **Case Study: Gresham Civic Station TOD TriMet Blue Light Rail Line (MAX)**

Gresham Civic Station has been intensively planned for more than 25 years, with expectations that this would be a showcase for suburban TOD. The entire 100-acre site was bare dirt when the Blue MAX line opened in 1986, and offered the possibility of a “blank slate” for planners to create high-density, mixed-use developments focused around light rail.



***Gresham Civic Station. Light rail bisects the site running east-west from Gresham to Portland.***

Unfortunately, the land was sold several times and various development concepts were conceived but never built into the 1990s. A major north-south road, Civic Drive, was built to link Burnside with Division (two east-west arterials), but for years no other construction took place. Eventually much of the site was built-out (with various local, state and federal subsidies), featuring a shopping center, a medical complex, and several hundred units of housing.

Initially the neighborhood did not have its own dedicated light rail station, so anyone who wanted to get to the site had to walk a short distance east to the Gresham City Hall station. However, on December 1, 2010, TriMet celebrated the opening of the Gresham Civic light rail station.



*In 1995, Gresham Civic Station was just a dream. The MAX light rail line bisected the large site, but only a road had been built. Multiple developers bought and sold the site before a profitable formula could be found.*

Since this TOD has both a large housing component and a shopping center, traffic counting was done for two different peak periods on a mid-week day in December 2010. For work commuting, observations were made from 7:00 a.m. to 9:00 a.m., focusing especially on the four east portals where many of the on-site residents would leave from. For the shopping peak period, monitoring was done from 10:30 a.m. to 12:30 p.m.

**Gresham Civic Station  
Summary of Observations for Peak-Hour Commuting  
7:00 a.m. – 9:00 a.m.**

|            | All trips,<br>in/out | Avg. Vehicle<br>Occupancy | Total pass.-<br>trips | Mode share,<br>pass.-trips |
|------------|----------------------|---------------------------|-----------------------|----------------------------|
| Light rail | 24                   | n/a                       | 24                    | <b>2.2%</b>                |
| Auto       | 953                  | 1.12                      | 1,070                 | <b>96.3%</b>               |
| Bicycle    | 2                    | n/a                       | 2                     | <b>0.18%</b>               |
| Pedestrian | 15                   | 1.0                       | 15                    | <b>1.4%</b>                |
| Total      | 994                  | n/a                       | 1,111                 | <b>100%</b>                |

**10:30 a.m. – 12:30 p.m.  
Peak shopping hours during Christmas Season**

|            | All trips, in/out | Average vehicle occupancy | Total passenger-trips | Mode Share, pass.-trips |
|------------|-------------------|---------------------------|-----------------------|-------------------------|
| Light Rail | 96                | n/a                       | 96                    | 2.30%                   |
| Auto       | 3,181             | 1.27                      | 4,031                 | 96.8%                   |
| Pedestrian | 37                | n/a                       | 37                    | 0.9%                    |
| Bicycle    | 1                 | 1                         | 1                     | 0.02%                   |
| Total      | 3,315             |                           |                       | 100%                    |



*Today, Gresham Civic Station offers a mix of office, retail, educational and housing products.*



***The “Crossings” at Gresham Civic is a high-density, mixed-use building with ground-floor retail and residential on top, across the street from the light rail station. The cost premiums related to TOD design totaled \$3.2 million; Metro contributed \$950,000 in public funds to help offset those costs.<sup>iii</sup>***

As a TOD, Gresham Civic Center offers all the amenities that TriMet/Metro planners originally hoped for: a mixture of high-density housing products (apartments, condos, townhomes and single family houses), numerous retail shopping choices, and office space. The site also offers a mixture of transportation modes.

However, parking is reasonably available in all areas, and for some of the housing projects there are even gated parking lots. Private auto use is the dominant mode choice for most trips to and from the site. The TOD probably has a higher than normal percentage of people walking from their homes to retail sites (*intra*-site trips as opposed to the *inter*-site trips we were monitoring) at certain times and days, but overall more than 96% of passenger-trips are taken via the private automobile.

The light rail station itself has not proven to be a “catalyst for mixed-use development”, as Portland planners commonly assume. In fact, for most development concepts, proximity to a light rail station is a nuisance, not an amenity. Thus despite commercial success building out other parts of the TOD, land closest to the LRT station remains undeveloped. The regional government, Metro, bought up 13 acres of land adjacent to light rail to land-bank for future development, and most of that remains in public ownership.





*Twelve years after the successful build-out of Gresham Civic Station, the light rail station remains isolated.*

**Case Study: Russellville TOD, Portland  
Blue light rail line**

Russellville is an 11-acre, PDC-sponsored project built to a density of 52 units per acre, located immediately south of the 102<sup>nd</sup> street MAX station. Despite the density and location, light rail ridership during the morning peak is only 13% of all trips, while auto use (mostly SOV) accounts for 79% of all person-trips (both in and out).



*Russellville TOD at the intersection of E. Burnside and 102<sup>nd</sup>. The light rail station is in the foreground.*



*Internal street parking at Russellville is usually near capacity due to inadequate off-street parking. The parking restrictions are based on the assumption that many trips will be taken on nearby light rail.*

**Transit Use at AM Peak Period, 6:15 a.m. – 8:30 a.m.**

**Russellville Commons TOD**

**Density: 52 units/acre**

| Observation points           | Auto Passenger-trips | MAX        | Pedestrian | Bike      |
|------------------------------|----------------------|------------|------------|-----------|
| 102 <sup>nd</sup> & Ankeny   | 89                   | 27         | 2          | 1         |
| 102 <sup>nd</sup> & Pine     | 67                   | 5          | 9          | 0         |
| 105 & Stark                  | 120                  | 0          | 7          | 2         |
| 105 <sup>th</sup> & Burnside | 55                   | 23         | 7          | 4         |
| <b>TOTAL:</b>                | <b>331</b>           | <b>55</b>  | <b>25</b>  | <b>7</b>  |
| <b>Mode split in %</b>       | <b>79%</b>           | <b>13%</b> | <b>6%</b>  | <b>1%</b> |

Russellville was built from the ground up as a high-density TOD because the land was vacant and publicly owned at the time the light rail line opened. Thus, it was a “boutique” project that was subsidized (at least \$325,000 in cash grants plus a 10-year property tax abatement) and did not face many of the traditional market barriers for development. Across the street to the north of the light rail station, a traditional Portland neighborhood already existed in 1986, built-out to a much lower density of five units per acre. Since this neighborhood has never densified after 27 years of light rail, it offers an interesting “control” group to compare with Russellville, since both have equal access to light rail. Monitoring of this neighborhood was done in June 2010.





*Across the street from Russellville (north of Burnside) is an older Portland neighborhood that never densified after MAX was built. The mode split for that neighborhood is below.*

Transit use at peak commuter period, 6:15 a.m. – 8:30 a.m.  
 Glisan-Burnside Neighborhood  
 Density: 5 units/acre  
 June 29, 2011

| Observation points                            | Auto Passenger-trips | MAX | Pedestrian | Bike |
|-----------------------------------------------|----------------------|-----|------------|------|
| 104 <sup>th</sup> /103 <sup>rd</sup> & Glisan | 31                   | 0   | 2          | 0    |
| 105 <sup>th</sup> /106 <sup>th</sup> & Glisan | 27                   | 0   | 0          | 1    |
| 102 <sup>nd</sup> /Davis St path              | 0                    | 5   | 0          | 2    |
| TOTAL:                                        | 58                   |     |            |      |
| Mode split in %                               | 85%                  | 7%  | 3%         | 4%   |

The transit use at Russellville is 86% higher, but the density at Russellville is **10 times** that of the Burnside-Glisan neighborhood. This suggests that simply increasing density and providing transit service is not enough to offset the vast increase in driving and parking associated with TOD. Moreover, the 13% light rail usage observed at Russellville is not high in absolute terms, and is near the citywide average for transit use.

**Case Study: Portland's South Waterfront District**  
**Streetcar, aerial tram, bus, bikeway, and future Orange light rail line**

Portland's South Waterfront urban renewal project is one of the most audacious brownfields redevelopment schemes ever planned in the country. Located on the west bank of the Willamette River in downtown Portland, the South Waterfront was long dominated by low-rise manufacturing and machining facilities, serviced by gravel roads. The 133-acre district is highly constrained for transportation infrastructure: there are no outlets to the east or south, and the roads leading in from the west and north are narrow and congested.

In the late 1980's, the Portland City Council adopted a series of land-use/transportation plans committing hundreds of millions of dollars in public subsidies to transform the district into a neighborhood of high-rises, with a large employment cluster provided by Oregon Health and Sciences University (OHSU), which planned to move much of its existing and future campus operations down from a nearby hilltop location.



***Portland's South Waterfront district has very high densities, limited roads, and very low parking ratios.***

In order to facilitate the redevelopment as a walkable, transit-oriented district, the Council prohibited any significant new road infrastructure. Instead, the City opted for a suite of transit and non-auto options including an aerial tram connecting the OHSU hilltop campus to the waterfront, a streetcar extension, an elevated pedestrian walkway connecting the district to adjacent residential neighborhoods, the widest bikeway in Portland, and access to a new light rail line.



*The South Waterfront features a streetcar, aerial tram (considered part of the transit network), a new elevated pedestrian walkway (right, just below the support tower for the tram), bus service, a huge bikeway (far right), and will soon have a new light rail station.*

As part of the light rail project, a new bridge is being constructed across the Willamette River to service the South Waterfront, but **no cars or trucks will be allowed** – only light rail, streetcar, bikes and pedestrians.

In addition, when fully built out, the district will allow no surface parking lots, and parking ratios for commercial and office properties will be the lowest in Portland – 2.0 per 1,000 square feet of space. This is being imposed as part of the city's goal of achieving 50% non-auto mode split for commuting and 40% for all travel.

Much of the district has been redeveloped, and additional construction by OHSU is underway. Just prior to groundbreaking for the light rail project, Cascade Policy Institute conducted a thorough traffic observational study of the entire district to obtain baseline data that will be used to compare travel patterns after light rail opens in late 2015. The research team counted every trip into and out of the district by all modes, from 6:00 a.m. to 10:00 p.m. The results show that despite the heroic efforts to encourage non-auto travel, private motor vehicles remain the dominant mode in the South Waterfront.

**Bi-directional person-trips to/from the South Waterfront District**  
**Average Weekday, all portals**  
**6:00 a.m. – 10:00 p.m.**

|            | All passenger-trips | Market share of trips by mode |
|------------|---------------------|-------------------------------|
| Auto/truck | 17,023              | 79%                           |
| Streetcar  | 1,832               | 9%                            |
| Bicycle    | 1,076               | 5%                            |
| Bus        | 926                 | 4%                            |
| Pedestrian | 642                 | 3%                            |
|            |                     |                               |

*Note: Research was conducted on various good-weather weekdays during the months of May-January, 2010-2011. Excludes aerial tram ridership, which is primarily internal trips to/from the OHSU campuses.*

It is clear that the city's goal of 40% non-auto mode share for all trips to/from the district will be difficult or impossible to achieve, despite extensive subsidies and regulatory interventions. Moreover, even if the mode split goals could be achieved, the types of non-auto options that have been provided in the district could never be replicated anywhere else in the city.

**Case Study: Cascade Station at Portland International Airport**  
**Red light rail line**

Cascade Station is a new shopping mall built just to the east of the Portland International Airport on the south side of Airport Way. It was originally envisioned as a TOD centered around the Red MAX line, which opened for revenue operation in September 2001. In fact, TOD was put forward by planners at the time as **the primary** justification for building the 5.5 mile light rail extension.

Cascade Station was considered an ideal site for TOD because it was flat, easily served by infrastructure, and completely vacant. Total acreage of the site is 120 acres. Bechtel Co. partnered with Trammel Crow development to build the MAX line in a public-private partnership, in exchange for an exclusive, 99-year lease to develop the site. However, for the first five years after MAX opened, no development took place. The primary reason was that the Portland City Council placed a 60,000 square foot limit on the size of any new retail establishments, in order to avoid "big box" development that would be in conflict with TOD principles. The market rejected this concept.

In February 2005, in a rare admission of a planning mistake, the City Council began the process to re-zoned Cascade Station to allow one large-format store of over 200,000 square feet, and one over 150,000 square feet. The anchor tenant turned out to be IKEA, which takes up 280,000 square feet.

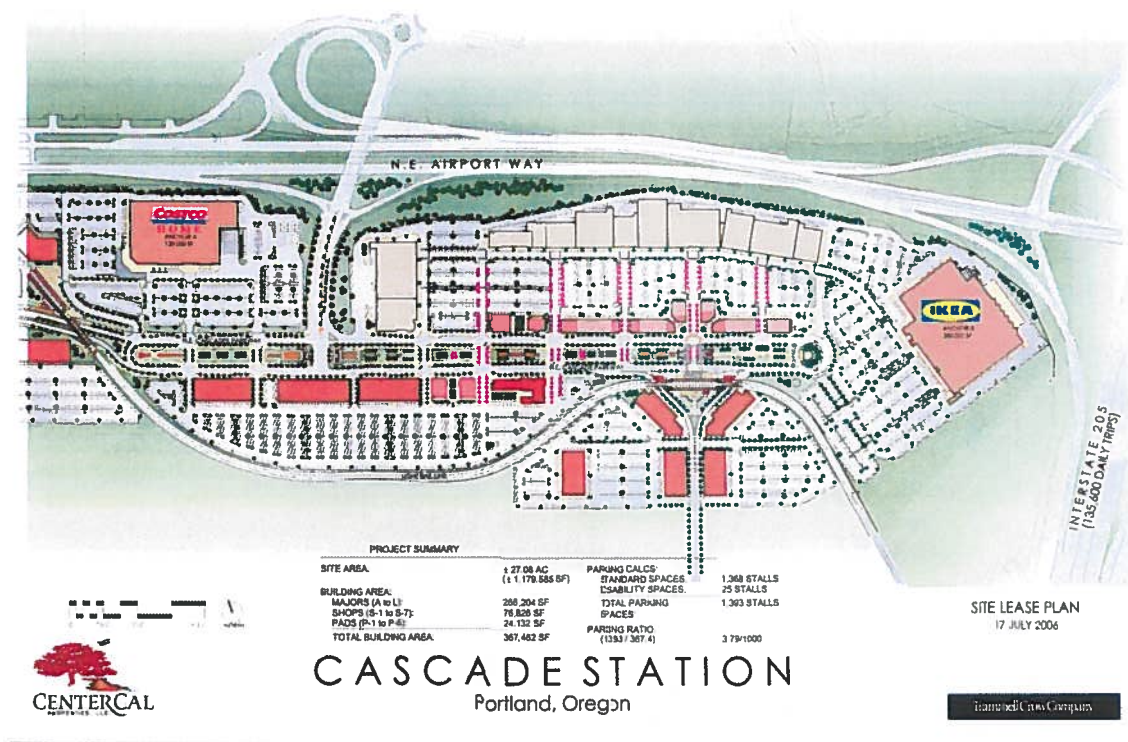




***Cascade Station TOD located at Portland International Airport. The large area to the south of light rail remains vacant 12 years after the opening of light rail. The anchor tenant – IKEA – is located at the Northeast corner.***



***Three years after the opening of the Red Line, Cascade Station remained just a dream.***



*In 2006, after the City Council changed the zoning code to allow large-format stores and parking, the market finally responded. Ground-breaking for IKEA (below) occurred in July 2006.*







*One of the many large-format stores now dominating Cascade Station.*



*IKEA is a short walk from the light rail station, but the train is irrelevant to most customers.*

**Travel behavior at Cascade Station during the peak shopping period**  
**Friday, November 26, 2010**  
**1:00 p.m. – 3:00 p.m.**

|            | All trips, in and out | Avg. vehicle occupancy | Total passenger-trips | Mode share |
|------------|-----------------------|------------------------|-----------------------|------------|
| Light rail | 120                   | N/A                    | 120                   | 2.2%       |
| Auto       | 4,803                 | 1.725                  | 8,286                 | 98.5%      |
| Bicycle    | 2                     | N/A                    | 2                     | 0.2%       |
| Pedestrian | 2                     | N/A                    | 2                     | 0.2%       |
| Total      | 4,927                 |                        | 8,410                 | 100%       |

**Saturday, November 27, 2010**  
**2:00 p.m. – 4:00 p.m.**

|            | All trips | Avg. vehicle occupancy | Total passenger-trips | Mode share |
|------------|-----------|------------------------|-----------------------|------------|
| Light rail | 213       | N/A                    | 213                   | 2.2%       |
| Auto       | 5,087     | 1.825                  | 9,284                 | 97.7%      |
| Bicycle    | 1         | N/A                    | 1                     | 0.01%      |
| Pedestrian | 0         | N/A                    | N/a                   | 0%         |
| Total      | 5,300     |                        | 9,497                 | 100%       |

The observations for this study were limited to the east end of Cascade Station, which is clearly delineated by a traffic light at the entrance to the project near the Airport Way overpass. The east end is substantially built out, it has its own dedicated light rail station, and it is dominated by retail stores that would be of interest to shoppers on Black Friday. Also, the access is entirely controlled; there are only two entrances for automobiles/cyclists/pedestrians, and one light rail station. Thus, every trip in and out of the project can easily be observed.

The observations show that notwithstanding the availability of light rail, the ***travel patterns at Cascade Station are indistinguishable from those at any suburban mall.***

**Failed Assumption #3:** If we artificially constrain parking through regulation and density mandates, drivers will be incentivized to drive less and/or get rid of their vehicles.

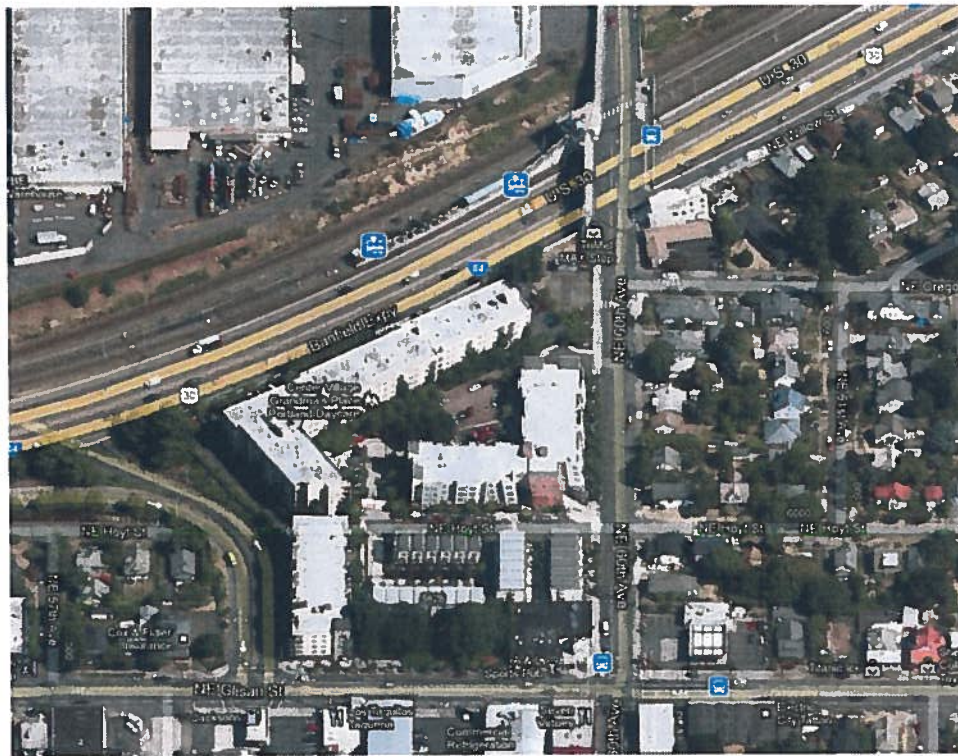
**Reality:** While it is certainly true that the shortage of parking in dense, geographically constrained urban centers such as Manhattan and San Francisco encourages higher rates of non-auto travel, the same strategy is likely to fare poorly when applied across a large region. The Portland experience shows that limiting parking at TODs leads to a number of undesirable effects: illegal parking, refusal by



investors to build on parking-limited sites, lack of investment in retail, and risks to public health and safety due to inadequate access for fire and other emergency service vehicles.

**Case Study: Center Commons, NE Portland  
Blue, Red and Green MAX lines, bus service**

Center Commons is a mixed-use, mixed-income TOD sponsored by Portland's urban renewal agency, Portland Development Commission. The project is located next to a light rail station close to downtown Portland. It has a parking ratio of 0.6 spaces per unit and residential density of 65 units/acre. Due to the inadequate parking, dozens of cars are parked illegally on a daily basis, and additional vehicles regularly park in adjacent neighborhoods, despite high levels of transit service.



*Center Commons, located at NE 60<sup>th</sup> and Glisan, is adjacent to a MAX stop on the south side of I-84.*



***In 1997, ODOT owned this under-utilized 5-acre site on the south side of the Banfield Expressway (I-84), adjacent to a light rail station. It was sold to PDC in cooperation with Metro, to be re-sold to a private developer in accordance with TOD mandates.***



***The former DMV site became Center Commons, which opened in 2000.***





***Sidewalks are routinely blocked by cars (above and below) inside Center Commons due to the designed shortage of parking.***





*Parking is prohibited by city code on this 20' internal street, but Center Commons management has allowed parking for over a decade due to chronic shortages. This creates a fire hazard.*

C189-2

**Failed Assumption #4:** TOD development will work on a vast scale if we plan it in green fields where the lack of existing development will create a “blank slate” for the vision of planners.

**Reality:** *Even when TOD neighborhoods can be built as new neighborhoods, individual reliance on the automobile does not go away.*

#### **Case Study: Westside Light Rail**

The Portland to Hillsboro light rail line opened on September 12, 1998. Westside MAX was unlike any light rail line previously built in America: it was deliberately routed through vacant land in Washington County with the expectation that it would be a catalyst for TOD. The Federal Transit Administration (FTA) recommended against full federal funding for the project, on the grounds that the population density along the planned route was so light that the line would not attract sufficient ridership to justify federal funds.

In desperation, TriMet offered to make a binding legal agreement to force all local jurisdictions along the corridor to re-zone neighborhoods near rail stations at urban densities to generate future riders – much as the *Plan Bay Area* seeks to do across the Bay region. The agreement also required Metro to

adopt the “2040 plan”, approved by Metro in 1995, which limits urban growth boundary expansion, constrains the supply of new roads, and mandates high densities along rail lines.

In agreeing to these conditions, TriMet was stating that the Westside MAX would not be just a people-mover; it would change the nature of development in Washington County. A leading promoter of this vision said at the time, ***“MAX is more than a transportation investment. MAX is part of a conscious strategy to shape regional growth by coordinating transportation investments with land use policies.”***<sup>iv</sup>

As such, evaluation of the project would be different than with the Eastside line. TriMet planners admitted: ***“The success or failure of the public’s nearly \$1 billion investment in the Westside [MAX] will be determined in large part by what happens around its 20 stations. Unlike the East side MAX line, a substantial amount of land around the Westside is primed for development.”***

The agency boldly promoted this vision, garnering national attention. For example, *Newsweek* magazine gushed in May 1995: Portland is ***“building transit first, literally in fields, in the hope development will follow.”***

What did it mean to create transit-oriented neighborhoods from cow pastures? According to agency commitments in 1996, ***“TriMet is asking local governments along the rail corridor to take action to make development physically more dependent on transit by limiting parking, constraining automobile access, widening sidewalks, improving pedestrian access, allowing a mix of uses, and higher density development.”***

## LUTRAQ

At roughly the same time Westside MAX was being planned, debate raged in transportation and land-use circles about long-standing plans to expand highway capacity on HW 26, and to build the Western by-pass. Both HW 26 and HW 217 were already experiencing congestion problems, and ODOT managers felt that more capacity was needed on HW 26 from Portland to Hillsboro, and that an entirely new alternative was needed to HW 217. The southern portion of the Western by-pass was planned to run through mostly farmland from the Hillsboro region down to Wilsonville.

The local land-use advocacy group 1000 Friends of Oregon strongly opposed highway expansion. In order to generate more intellectual ammunition, 1000 Friends designed a modeling exercise to test the hypothesis that extensive use of “New Urbanist” principles in Washington County would reduce driving so much that it would obviate the need for new highway investments. They raised substantial funds for the analysis, and retained consultants such as Peter Calthorpe and Parsons Brinckerhoff to calculate the transportation effects of high-density zoning on a county-wide scale. The project was named LUTRAQ, which stood for Land Use, Transportation, and Air Quality.

The analysis concluded that Westside TODs along light rail could achieve 28% transit use by commuters in the weekday morning peak period (if the use of modest highway pricing was also implemented), and that overall vehicle use would be reduced sufficiently that new highway capacity would not be needed.

The study received substantial attention in international planning circles, and plans for new highway capacity were terminated by Oregon political officials.

### Fifteen Years Later

Westside MAX is now in its 15th year of operation. The evidence shows that TOD has failed to meet the criteria laid out by its promoters in the early 1990s.

Perhaps the prime example is Beaverton Creek light rail station. This was considered by TriMet planners to be the *single best TOD site* on the entire MAX line, east or west. Planners predicted that the development potential of the 134 acre Beaverton Creek site included 2,000 multi-family dwelling units, a 200 room hotel, 1.1 million square feet of retail, office and campus industrial, and 6,000 parking spaces.<sup>vi</sup>

Unfortunately, reality intruded. Little of that development actually occurred. Planners neglected to factor basic market forces into their vision. NIKE bought up the 74 acres of forestland immediately north of the LRT line in 1995 to land-bank for future campus expansion, and that land remains undeveloped.

The six acres immediately southwest of the LRT station, owned by Specht Development, remain vacant. This is not because the owners are opposed to TOD; it's primarily the result of unrealistic zoning by Beaverton related to parking and density. According to a representative of the landowners,



*Beaverton Creek light rail station – which TriMet planners believed would be the most successful TOD on the Westside light rail line – in construction, 1997. This project was designed with multi-story residential over retail with limited parking, a daring concept for suburban Portland.*





***Fifteen years after the opening of light rail, the ground-floor retail continues to go unleased. A lack of foot traffic and limited parking doomed the concept. Note that the land closest to light rail has never attracted any developers.***



***The mandated retail space at Beaverton Creek has had various tenants since 1998, including a pizza shop, a convenience store, and a computer service center, but none lasted more than a few years.***



*This six-acre site adjacent to Beaverton Creek light rail station should be ideal for a TOD, but stringent requirements for high density and limited parking has stifled investment.*

*"The primary reason it's never been developed is the **mandated lack of parking**. The Beaverton zoning ratio is 2.7 spaces per thousand square feet of office space; the market rate is 4. **We think light rail is an amenity but it doesn't take the place of parking in the suburbs. Lenders aren't going to go for a project like that.** Moreover, the high-density requirements are going to be expensive."*<sup>vii</sup>

The residential complex to the south, LaSalle Apartments, was built as hoped for, and quite a few of its residents (13%) take light rail on a regular basis. But the ground-floor retail, always part of the TOD vision, was poorly thought-out. It was mandated by planners who had no financial stake in its eventual implementation, and as a result the plan ignored market realities.

The retail spaces fronting the LRT station have been consistently vacant for at least the past nine years. The reasons are simple. According to the leasing agent in 2002: *"It's been tough, to say the least; it's not one of those 'field of dreams' things where you just open the door and people come through. **If I had to summarize the problem in one word, it would be parking. When I show prospective tenants around, they say, 'where will my customers park?', especially on the spaces fronting light rail. It would be nice to get Starbucks there, to become an anchor tenant of sorts, but they aren't remotely interested.**"*<sup>viii</sup>



According to the current leasing agent, the retail spaces continue to be a challenge, and rents are available at a discount. They hope to attract service-type tenants such as lawyers or CPAs, people who don't rely on foot traffic, because there isn't any.<sup>ix</sup>



***The Beaverton Round, one stop east of Beaverton Creek station, is one of TriMet's most celebrated TODs, but it has never fulfilled expectations for it by planners.***



***Architectural renderings for TODs are notoriously misleading. In this sketch for the Beaverton Round, light rail is featured, along with a pedestrian plaza and high density housing – but no parking. The actual project today is entirely dominated by parking.***



***The first two developers for The Round went bankrupt, as the concept was financially infeasible.***



***The partially-built Round in 1999. The Westside light rail line opened in 1998.***





***Contrary to early promises, parking proved to be necessary at the Round, as it is at all development projects.***



***Not only does the Round have substantial surface parking, it has the largest structured parking facility in Beaverton.***



***Water damage to the residential structure during the first bankruptcy required extensive repairs later. Unlike the predictions seen in architectural drawings, it occasionally rains in Portland.***



***The Round has had chronic problems attracting and keeping retail tenants.***

**Peak-Hour Counts at Westside MAX TODs**  
**All passenger-trips in/out, 6:30 – 8:30 a.m., Weekdays**  
*Midweek days, various months during 2008*

|                         | <b>Total Passenger-<br/>Trips</b> | <b>Auto</b> | <b>Ped</b> | <b>MAX</b> | <b>Bike</b> |
|-------------------------|-----------------------------------|-------------|------------|------------|-------------|
| Beaverton Creek station | <b>4,510</b>                      | 93%         | 2.2%       | 4.0%       | 0.7%        |
| Millikan Way station    | <b>1,542</b>                      | 88.9%       | 4.0%       | 6.0%       | 1.1%        |
| Elmonica station        | <b>785</b>                        | 91.3%       | 4.2%       | 3.5%       | 1.0%        |
| Quatama station         | <b>1,050</b>                      | 88.6        | 3.1%       | 7.8%       | 0.4%        |
| Hawthorn Farm (Intel)   | <b>650</b>                        | 94.9%       | 1.5%       | 3.4%       | 0.3%        |
| Orenco Gardens          | <b>689</b>                        | 86.2%       | 3.0%       | 8.5%       | 2.3%        |

Promoters of the Westside MAX hoped to fundamentally change the development patterns of Washington County, and thereby change travel behavior as well. While reduced auto use has been observed at many Westside TODs during peak commuting hours, reliance on private transport is not significantly different from more traditional neighborhoods. The LUTRAQ projection of 28% rail use for morning commute trips proved to be a fantasy; there are no Westside TODs where light rail use exceeds 9% in the morning peak, and at the largest employment centers such as NIKE and Intel, the use is below 4%.

C189-3

**Failed Assumption #5:** Politically-imposed high-density mandates of TOD will have no adverse effects on the livability of neighborhoods.

**Reality:** Portland planners have long used the power of zoning to limit development on the urban fringe (“stopping sprawl”), which means they have had to concurrently **mandate higher densities within the Urban Growth Boundaries**. As a consequence, large private yards for new homes anywhere in the Portland region have essentially been outlawed.

Moreover, even older homes are at risk of losing their private open space. Under Portland’s extensive urban renewal program, hundreds of acres of neighborhoods have been declared Urban Renewal Districts (thus by definition they are “blighted”) and upzoned for higher density. This process pits neighbor against neighbor, as individual homeowners on relatively large lots sell out to developers who tear down the one-story bungalows and build five-story apartment bunkers right up to the lot line, blocking sunlight to adjacent properties and invading their privacy.

As the photo below demonstrate, Portland developers are also incentivized through SDC waivers and property tax abatements.





***Portland planners consider large private yards near light rail to be a form of “urban blight” that must be filled in for the greater good. They are willing to subsidize high-density development in order to generate small increases in transit ridership.***



***It is doubtful that many Portland residents would consider this back yard to be a “problem” that needs solved with a 56-unit apartment building. These family-friendly yards are not available in new homes and are increasingly being lost in older neighborhoods due to Smart Growth mandates.***

**C189-4** **Failed Assumption #6:** Transit-oriented development on a mass scale is financially sustainable.

**Reality:** TOD requires substantial subsidies for both the high-density land development and the accompanying transit infrastructure, and no region in the country has the capacity to pay for these expenditures. Contrary to popular mythology, *density costs money*.

Urban growth restrictions make the cost of raw dirt far more expensive in Portland than in areas such as Texas where land development is relatively unconstrained. In addition, in highly regulated regions, the soft costs of lawyers, lobbyists, traffic consultants, and various exactions will make many forms of development infeasible without subsidies.

If a high-density, mixed-use project does get built, everything in the construction process will be more costly than a low-density project on the urban fringe. Any project requiring crane operators and iron workers will necessitate some of the highest unionized labor costs in America; the construction materials will be more expensive; safety/fire codes for residential on top of retail are complex and costly; and parking will be vastly more expensive if it requires going below-grade.

The chart below reflects the results of a Portland construction survey. Elsewhere in the country the costs would vary, but the basic correlation between density and price would not.

| Cost of New Housing in Portland |          |          |            |           |
|---------------------------------|----------|----------|------------|-----------|
|                                 | SFH      | Plexes   | Multi-Fam. | Mixed Use |
| Per person                      | \$17,961 | \$20,407 | \$28,377   | \$31,488  |
| Per Sq.Ft.                      | \$74     | \$74     | \$91       | \$96      |

| Building Cost by Density |                 |
|--------------------------|-----------------|
| Units per acre           | Cost per sq.ft. |
| 0-20                     | \$62            |
| 21-50                    | \$81            |
| 51-200                   | \$104           |
| 200+                     | \$125           |

Source: Portland Housing Cost Study, 1997

In addition to development costs, it is virtually impossible to pay for the transit service the many TOD projects being required by planners in Portland. The *Plan Bay Area* draft indicates that there will be financial challenges, and in Portland those challenges are already so severe that TriMet is likely to be insolvent by 2020.

As seen in the chart below, despite an all-funds budget increase of 125% since 2005, TriMet's service levels have dropped by 14%. Even with a dedicated (and growing) revenue source, TriMet's expenditures have risen so fast due to labor costs and rail transit construction that the agency has had to cut service five times in the past four years.

**TriMet Financial Resources, 2004-2013 (000s)**

|                           | FY 04/05  | FY 08/09  | FY 10/11  | FY 11/12<br>(est) | FY 12/13<br>(budget) | % Change<br>04/05-12/13 |
|---------------------------|-----------|-----------|-----------|-------------------|----------------------|-------------------------|
| Passenger fares           | \$ 59,487 | \$ 90,016 | \$ 96,889 | \$ 104,032        | \$117,166            | +97%                    |
| Payroll tax revenue       | \$171,227 | \$209,089 | \$224,858 | \$232,832         | 244,457              | +43%                    |
| Total operating resources | \$308,766 | 397,240   | \$399,641 | \$476,364         | \$465,056            | +51%                    |
| Total Resources           | \$493,722 | \$888,346 | \$920,044 | \$971,613         | \$1,111,384          | +125%                   |

**Annual Fixed Route Service Trends, 2004-2012**

|                              | FY 04      | FY 06      | FY 08      | FY 10      | FY 12      | Change |
|------------------------------|------------|------------|------------|------------|------------|--------|
| Veh. revenue hours           | 1,698,492  | 1,653,180  | 1,712,724  | 1,682,180  | 1,561,242  | -8.1%  |
| Veh. revenue miles           | 27,548,927 | 26,830,124 | 26,448,873 | 25,781,480 | 23,625,960 | -14.2  |
| Average veh. speed - bus     | 15.8       | 15.8       | 14.9       | 14.7       | 14.6       | -7.6%  |
| Average veh. speed - L. Rail | 20.1       | 19.4       | 19.3       | 19.4       | 18.4       | -11.5% |
|                              |            |            |            |            |            |        |

Source: TriMet annual service and ridership report; TriMet budget documents and audited financial statements, various years.

C189-5

## Conclusion

The draft *Plan Bay Area* attempts to reduce VMT-related emissions through regional land-use regulation, parking restrictions, minimal roadway expansion, and large transit subsidies. It is largely modeled on a Portland regional plan that has already been in effect for over 30 years and has failed.



One of the most important metrics for such plans is daily VMT per person, yet VMT has barely declined in Portland since 1990 (from 18.8 VMT per capital to 18.7 in 2011). Since 2000, VMT has dropped more significantly across the Columbia River in Vancouver, WA, yet Vancouver has no light rail and relatively modest growth containment policies. If Smart Growth policies are actually effective at changing travel behavior, these trends would be reversed.

**Daily VMT per person  
Portland and Vancouver since 2000**

|           | <b>2000</b> | <b>2011</b> | <b>% change</b> |
|-----------|-------------|-------------|-----------------|
| Portland  | 20.0        | 18.8        | -6%             |
| Vancouver | 21.8        | 17.6        | -19%            |

*Source: Metro, <http://library.oregonmetro.gov/files//dailyvmt-1990-2011-portland-vancouver-us.pdf>*

In other key metrics, such as transit use, TriMet is losing mode share even in its most natural market, downtown Portland, despite growing levels of subsidies.

The Bay Area market share for SOV travel has been 68% for 20 straight years, while transit share has stagnated at 10% for the same period. There is little reason to think that the types of interventions contemplated in the *Plan Bay Area* will nudge those numbers to any great degree.

C189-6

On a more optimistic note, perhaps the most interesting shift over the past twenty years has been the increase in working at home: from 3% to 6% in the Bay Area region. Given the explosion in high-speed wireless communication technologies in recent years, and the declining real costs of telecommuting, Bay Area officials should consider dropping the costly planning emphasis on land-use controls and transit, and embrace a strategy of encouraging remote employment. Significant VMT reductions could be achieved simply by employees working from home one or two days per week, at very little public cost.

<sup>i</sup> TriMet, *Long Term Fiscal Sustainability Plan*, p.7, December 2012.

<sup>ii</sup> G.B. Arrington and Sheldon Edner, *Urban Decision Making for Transportation Investments: Portland's Light Rail Transit System*, Portland State University and TriMet.

<sup>iii</sup> Andrew Cotugno, Metro, presentation to *RailVolution* conference, 2007, <http://library.oregonmetro.gov/files/railvolution06.pdf>.

<sup>iv</sup> G.B. Arrington, *Beyond the Field of Dreams: Light Rail and Growth Management in Portland*, 1996

<sup>v</sup> IBID

<sup>vi</sup> IBID

<sup>vii</sup> Todd Schaefer, Specht Development, interview with author, April 2002.

<sup>viii</sup> Andy Sisavec, Norris, Beggs and Simpson, personal communication with author, April 2002.

<sup>ix</sup> Representative of Norris and Simpson, interview with author, September 2008.

## ***Curriculum Vitae***

***John A. Charles, Jr.***

### **Employment**

- 2004-present – President and CEO, Cascade Policy Institute
- 1997-2004 – Environmental Policy Director, Cascade Policy Institute
- 1980-1996 – Executive Director, Oregon Environmental Council
- 1977-1979 – Executive Assistant, Environmental Defense Fund, New York, NY

### **Education**

- 1990 – MPA, Portland State University
- 1977 – BA, University of Pittsburgh

### **Selected papers and presentations**

***Portland's Eastside Light Rail Line: A 25-year Retrospective***, presentation to the NW Transportation Conference, Corvallis OR, February 2012.

***Transit-Oriented Development in Portland: Comparing the Vision with Reality***, presentation to the TRB Transportation, Planning, Land Use, Air Quality conference, San Antonio, May 2011.

***Portland's Westside MAX: Comparing the Vision with Reality***, keynote presentation to the NW Transportation Conference, Corvallis, OR, February 2010.

***Mandatory Markets vs. Voluntary Markets: What's the Difference?***, presentation to the Carbon Credits CLE seminar, March 9, 2009, Seattle.

***Economic Impacts of Cap-and-Trade***, presentation to *The Business of Forest Carbon* seminar, Stoel Rives LLP, Tacoma, WA, October 2008.

***Money for Nothing: Carbon Cartels and the Rise of a Phantom Industry***, *Brainstorm NW*, April 2008.

***Environmental Benefits of Market-Based Road Pricing***, plenary presentation to the International Bridge, Tunnel and Turnpike Association, Orlando, April 2008.

***The Mythical World of Transit Oriented Development: Orenco Station*** (with Michael Barton, Ph.D.), Cascade Policy Institute, 2003.

***Ditching the Doctrine: The Church of Urban Planning***, *Oregonian*, December 8, 2002.

***Daydream Believers: Portland's Plan for North Macadam***, *Brainstorm NW*, September 2002.

***Congestion Pricing is Inevitable***, guest editorial, *Innovation Briefs*, March 2001.

***Lessons from the Portland Experience***, in *A Guide to Smart Growth*, Utt and Shaw, Ed., Heritage Foundation and PERC, 2000, pp. 119-134.

May 16, 2013

Metropolitan Transportation Commission  
Plan Bay Area Public Comment  
101 Eighth Street  
Oakland, CA 94607

*re:* Public Comment on Draft Plan Bay Area and Draft Plan Bay Area Draft  
Environmental Impact Report

Dear Metropolitan Transportation Commission,

This letter plus attachments from University of <sup>Southern</sup> California Professor Peter  
Gordon are submitted as public comment on the Draft Plan Bay Area and  
Draft Plan Bay Area Draft Environmental Impact Report (State  
Clearinghouse No. 2012062029).

MTC-ABAG  
Plan Bay Area Public Comment 101 8<sup>th</sup> Street  
Oakland, California 94607

May 16<sup>th</sup>, 2013

*re:* Public Comment on Draft Bay Area Plan and Draft Bay Area Plan Draft Environmental Impact Report

The *Bay Area Plan – Strategy for a Sustainable Region* (hereinafter Plan) suggests ways in which the Bay Area can meet mandated emissions targets. Specifically, it asserts that the decentralization of jobs in the region has fostered high levels of traffic congestion and suggests land use and transportation policies that will restrain auto use (“Preferred Scenario”).

But to assess the plausibility of all this, three questions must be addressed. (i) What do we know about modern American cities (actually U.S. metropolitan and urbanized areas; differences noted below)? (ii) How does what we know impact the efforts of Bay Area planners and their affiliates as they address air quality issues? (iii) Are the identified long-term trends durable and likely to continue? I will show that substantial available evidence suggests that the Plan’s efforts to funnel job growth to designated areas within the region are (a) unnecessary; and (b) unlikely to have beneficial effects.

## U.S URBAN DEVELOPMENT

Urban growth data are best understood using the Census Bureau’s urbanized areas (UZAs) [http://www.census.gov/geo/maps-data/maps/thematic\\_2010ua.html](http://www.census.gov/geo/maps-data/maps/thematic_2010ua.html). Unlike “metropolitan areas” (Metropolitan Statistical Areas, MSAs) which rely on fixed boundaries (usually clusters of counties), the UZAs define the actual footprint of development in any year. Table 1 shows population density data for the largest UZAs for each decennial census year since 1950. We see that average population densities fall in most places in most years. Suburbanization has been

the dominant trend for many years and is likely to continue. Cities everywhere are auto-oriented developments. The only exceptions are the surviving pre-auto downtowns and the relatively few walking districts scattered through various suburban areas across America. But these are not representative of the urbanized areas surrounding them.

## BAY AREA DEVELOPMENT TRENDS

The conventional two-way central city-suburb classification is misleading because there is variability in settlement patterns and residential densities and job availabilities within any major metropolitan area. The nine-county Bay Area is best understood if studied in terms of smaller-than-county geographic units. A useful source is the U.S. Census Public Use Microdata Sample (PUMS [http://www.census.gov/acs/www/data\\_documentation/public\\_use\\_microdata\\_sample/](http://www.census.gov/acs/www/data_documentation/public_use_microdata_sample/)) which reports data for areas designated as PUMAs. The nine-county Bay Area includes 54 PUMAs. Selected data for these PUMAs are in Table 2. In 2009, the Bay Area's PUMAs had an average population of 131,783 (standard deviation 23,403), an average area of 331 square kilometers (standard deviation 634) and average population density of 2,220 (standard deviation 2,468).

The Census chooses area boundaries to keep population counts roughly similar. Coefficients of variation (CV) are normalized standard deviations, e.g., the standard deviation divided by the mean. For example, the CV of Bay Area PUMA population is 0.18 (below 1.0, considered low) while that of areas is 1.92 and population densities is 1.11. Over the 54 areas, an array of densities and neighborhood types is included. But note that average journey-to-work travel time (all modes, one-way) was 27.2 minutes in 2009, with a standard deviation of 3.5 and coefficient of variation of just 0.13. The correlation between PUMA population density and PUMA average trip times was 0.004, zero for all practical purposes. By these measures, commuting durations were remarkably even throughout the Bay Area.

The PUMA data also include local jobs available. We see that the mean value was 71.6 jobs per local resident (aged 16-64 in the previous year), with a minimum value of 59.8 and a maximum of 81.5. It would be hard to label areas "job rich" or

“job poor.” There is substantial jobs-housing “balance.” But we have to dig deeper. Many of us drive past plenty of jobs on our way to work. We don’t stop until we reach the job that (all things considered) is the one that is right for us.

## COMMUTING AND DEVELOPMENT

Planners interested in air quality improvements focus on journey-to-work and see it as amenable to policy-based modifications. But when choosing locations, workers as well as employers consider a large number of trade-offs; workers understandably want to avoid costly commutes (mostly assessed in terms of time costs), but they have many other accessibilities and interactions to consider. The quality of local schools is a dominant consideration for families with school-age children, but there are also many other attractions that matter (including shopping, recreation, friends and family, etc.). This is why Professors Genvieve Giuliano and Ken Small (“Is the Journey to Work Explained by Urban Structure?” *Urban Studies*, 30:9, p 1485-1500) wrote “... we conclude that attempts to alter the metropolitan-wide structure of urban land use via policy intervention are likely to have disappointing impact on commuting patterns, even if successful in changing the degree of jobs-housing balance.” One of the reasons for this finding, they argue, is that most people’s commute is not that onerous and also some people prefer some buffer between home and work.

The dominant U.S. urban growth pattern has been one of substantial co-location of employers and employees because it is in the interest of each to avoid great distances between them.<sup>1</sup> Writing about the Bay Area, Robert Cervero (“Jobs-Housing Balance Revisited: Trends and Impacts in the San Francisco Bay Area” *Journal of the American Planning Association*, 62:4, p 492-511) concludes, “Changes in ratios of jobs to employed residents in the Bay Area during the 1980s suggest a general trend toward balance, lending some credibility to the co-location hypothesis. However, this was primarily attributable to jobs moving to labor markets ....” This pattern has evidently persisted.

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<sup>1</sup> The phenomenon has been documented many times. See, for example, Edward L. Glaeser and Matthew E. Kahn, “Decentralized Employment and the Transformation of the American City” (Feb. 2001) National Bureau of Economic Research Working Paper # 8117.

Bumsoo Lee (2007)<sup>2</sup> examined the 79 largest U.S. metropolitan areas and compared commute times by drive-alone mode with job location in each area. He placed all commuters as either working in the traditional central business district, the various subcenters or outside of either, e.g. “dispersed.” The proportions of each for the largest (3-million or more population) metropolitan areas were 18, 14 and 68 percent, respectively. Plotting commute time vs. metropolitan area population, he found that steepest slope was for the CBD commuters while the least steep slope describes the dispersed workplace commuters; average trip times increase the least for those commuting to the dispersed workplaces. This is the spontaneous co-location tendency which explains the avoidance of the “traffic doomsday” that so many fear (and predict). Attempts to channel job growth to specific areas cannot reach this level of spontaneous worker-job matching. In the cases of establishing “greenbelts”, the experience has been that workers leapfrog the restricted areas in order to find the housing they want. This results in longer commutes.<sup>3</sup> People’s preferences usually assert themselves.

But this tendency, when unhampered, has been beneficial. Co-location explains the fact that travel times in the U.S. have been remarkably stable for many years. This also explains the conclusion by Prof Alex Anas (2012) that, “The data on the largest U.S. MSAs show that commute times increase only slightly with city size: the elasticity of the average commute with respect to the number of workers is about 0.1 in 1990 and 2000” (p. 146).<sup>4</sup>

Figure 1 shows the *distribution* of Bay Area commuting durations from the 2009 National Household Travel Survey <http://nhts.ornl.gov/> (solo-auto trips only shown here). This source includes data for individual trips reported and allows the nature of the distribution of trip characteristics to be studied.<sup>5</sup> The mean trip time (one-way) was 24.9 minutes. The important finding is that most trips were of shorter-than-average duration; the mean is pushed up by the outlier lengthy trips.

<sup>2</sup> Lee, Bumsoo “Edge” or “edgeless” cities? Urban spatial structure in U.S. metropolitan areas, 1980 to 2000. *Journal of Regional Science* 47 (3):479-515.

<sup>3</sup> Vyn, Richard J. (2012) “Examining for Evidence of the Leapfrog Effect in the Context of Strict Agricultural Zoning” *Land Economics*, 88:3. <http://le.uwpress.org/content/88/3/457.abstract>

<sup>4</sup> Anas, Alex (2012) “Discovering the Efficiency of Urban Sprawl” Ch 6 in Nancy Brooks, et al. *The Oxford Handbook of Urban Economics and Planning*. New York: Oxford University Press.

<sup>5</sup> Unfortunately, only a three-county area (San Francisco, Oakland and San Jose) was studied.



A recent University of Minnesota study ranks the San Francisco area as #2 in generalized accessibility in the U.S. <http://www.cts.umn.edu/access-study/acrossamerica/>. Unlike the other sources cited, this study employed a weighting scheme; not all accessibilities are equal.<sup>6</sup> To be sure, there are always pockets of congestion, but these are most likely to occur in the absence of rationing by pricing and/or the inability of planners to keep up via capacity expansion.

## POLICIES VS. TRENDS

Coincident with the documented benign unfolding of events have been the dashed hopes that people's housing and commuting preferences could be altered, that shorter commutes, less congestion, less auto-induced air pollution could be achieved from various land use regulations or policies. A recent Brookings Institution study ("From Traditional to Reformed: A Review of Land Use Regulations in the Nation's 50 largest Metropolitan Areas")<sup>7</sup> itemizes the many types of measures that have been adopted. But an analysis of recent urbanized area settlement trends (for 2000-2010) reveals no connection between policy regimes and outcomes. The last column of our Table 1 indicates thirteen UZAs which experienced increased population densities in the most recent decade, the period during which the policies studied should have had an effect. There is no observable connection between increased population densities and regulatory approach as discovered via the Brookings typology (Table 3 and Appendix table of their study). The 1,800 jurisdictions that were surveyed reported their efforts in six areas of land use regulation (zoning, comprehensive planning, containment, infrastructure regulation, growth control, and affordable housing programs and funding). These were detailed in terms of twelve measures. Factor analysis was then applied to classify metropolitan areas in terms of their dominant regulatory approach, e.g. twelve "clusters" of policies. The authors then arrayed the clusters into four "typologies of land use regulations" ("Traditional," "Exclusion," "Wild West

<sup>6</sup> "To generate the rankings for this study, Levinson created a weighted average of accessibility, giving a higher weight to closer jobs. Jobs reachable within 10 minutes are weighted most heavily, and jobs are given decreasing weight as travel time increases up to 60 minutes. Based on this measure, the 10 metro areas that provide the greatest average accessibility to jobs are Los Angeles, San Francisco, New York, Chicago, Minneapolis, San Jose, Washington, Dallas, Boston, and Houston."

<sup>7</sup>[http://www.brookings.edu/~media/research/files/reports/2006/8/metropolitanpolicy%20pendall/20060802\\_pendall.pdf](http://www.brookings.edu/~media/research/files/reports/2006/8/metropolitanpolicy%20pendall/20060802_pendall.pdf)

Texas,” “Reform”). There were very few increased average density UZAs and they were scattered *across* these groups.

But there is also an ominous well documented outcome. The intuition that reduced supply (or less responsive, e.g. less elastic supply) pushes up prices has been corroborated many times.<sup>8</sup> While sensitive areas should be protected, efforts to restrict development to fixed urban “footprints” have had the effect of raising land and housing costs. The extent to which people’s preferences can be altered by restricting choices is dubious. It is much more likely that people will search, settle and travel further to find a bundle of housing characteristics they like.

These results undermine the Plan’s stated interest shorter trips as well as in equity and improved housing affordability. In terms of recent events, the 1996-2006 house price bubble was most severe in the supply-constrained cities. Glaeser and Gyourko (2002) report that, “the price of housing is significantly higher than construction costs only in a limited number of areas, such as California and some eastern cities ... our evidence suggests that zoning and other land use controls ... play the dominant role in making housing expensive.”

<http://www.nber.org/papers/w8835>

## CONCLUSIONS

What is it most safe to say about the future of U.S. cities, including the Bay Area?

(i) The cars we drive will continue to get cleaner; more of us will choose hybrids and the like as they continue their technological evolution; (ii) Telecommuting will make inroads on traditional commuting habits.<sup>9</sup> These are some of the bright spots that will augment policy efforts to safeguard our environment.

The best plans are the ones that are evidence-based. The weight of the evidence with respect to what we know about U.S. metropolitan areas points to various powerful (and benign) trends, including the co-location of workers and jobs, which

<sup>8</sup> E.J. Glaeser, J. Gyourko, R E Saks (2006) “Urban Growth and Housing Supply” *Journal of Economic Geography* 6:1, <http://joeg.oxfordjournals.org/content/6/1/71.abstract>. Also Theo S. Eicher (2008) “Municipal and Statewide Land Use Regulations and Housing Prices Across 250 Major US Cities.” [http://depts.washington.edu/teclass/landuse/housing\\_020408.pdf](http://depts.washington.edu/teclass/landuse/housing_020408.pdf)

<sup>9</sup> Pengyu Zhu (2012) “Are telecommuting and personal travel complements or substitutes?” *Annals of Regional Science* 48:2.

serves to mitigate the traffic effects of growth. Plans that recognize and exploit these trends are the most promising. Plans that do not incorporate what we have learned about cities will fail and will even defeat their stated goals.

## Attachments

1 **Submitted to Orinda City Council on May 13, 2013 for submission to**  
2 **MTC and ABAG by May 16, 2013**

3  
4 May 13, 2013

5  
6  
7 Amy Rein Worth, Chair  
8 Metropolitan Transportation Commission (MTC)  
9 Joseph P. Bort MetroCenter  
10 101 Eighth Street  
11 Oakland, California 94607  
12

13 **RE: Comment on Draft Plan Bay Area and DEIR 2013 Clearinghouse**  
14 **No. 2012062029.**

15  
16 Dear Ms. Worth:  
17

18 California is in the greatest regulatory expansion in its history. These  
19 regulations effectively eat into the profits of existing industries, causing  
20 a necessary reduction in employees and job loss. The new jobs that  
21 will see an increase with the implementation of Plan Bay Area and the  
22 Bay Area Jobs Connection Strategy will be for regulators and  
23 compliance officers. This is hardly a prescription for a productive  
24 thriving California economy.

25  
26 In the Financial Assumptions of Plan Bay Area, under "Local Funding",  
27 it is stated that "The **majority** of funds that support Plan Bay Area come  
28 from **local** funding sources, primarily **dedicated** sales tax programs,  
29 revenues dedicated to local street and road maintenance and  
30 operations, transit fares and other transit revenues, and other local  
31 pricing initiatives." This amounts to stealing a city's funds, e.g.  
32 Orinda's, that are marked for specific and targeted uses (such as road  
33 maintenance and repair) for the development projects of Plan Bay Area.  
34 This is essentially taxation without representation.

C191-1

35 Under State Funding in this same "Financial Assumptions" report, the  
36 3<sup>rd</sup> paragraph refers to the Emission Factors forecasting software and

C191-2

Page 2

1 the MTC travel demand model, but does not provide either the software  
2 or the MTC model runs for public analysis. Further, in that same  
3 paragraph, it states that "Fuel consumption estimates reflect an assumption  
4 that the state gasoline consumption will decline at an increasing rate until  
5 2020 and then grow slowly at a constant long-term rate. The decline in the  
6 initial years for consumption is attributable to the improvements in the fuel  
7 efficiency of the fleet as brought about by AB 1493 (Pavley), Phase 1."<sup>1</sup>  
8 (Footnote added) First, what forecast prevails that Pavley 1 and its  
9 consequent decrease in MPG has an expiration date of 2020? Secondly,  
10 the MTC modeling indicates that because of Pavley 1, a 32 MPG by  
11 2035 is indicated. But that contradicts both the content above and the  
12 Plan's MPG statistic for 2010 - 2035 at ~20 MPG. How are these  
13 numbers reconciled?

14  
15 Sincerely,

16  
17  
18 Herbert L. Brown  
19 Orinda, CA 94563

---

<sup>1</sup> California's Clean Car Standard regulations

Submitted to Orinda City Council on May 13, 2013 for submission to  
MTC and ABAG by May 16, 2013

May 13, 2013

Supervisor Mark Luce  
Association of Bay Area Governments (ABAG)  
Joseph P. Bort MetroCenter  
101 Eighth Street  
Oakland, California 94607

RE: Comment on Draft Plan Bay Area and DEIR 2013 Clearinghouse  
No. 2012062029.

Dear Mr. Luce:

California is in the greatest regulatory expansion in its history. These regulations effectively eat into the profits of existing industries, causing a necessary reduction in employees and job loss. The new jobs that will see an increase with the implementation of Plan Bay Area and the Bay Area Jobs Connection Strategy will be for regulators and compliance officers. This is hardly a prescription for a productive thriving California economy.

In the Financial Assumptions of Plan Bay Area, under "Local Funding", it is stated that "The **majority** of funds that support Plan Bay Area come from **local** funding sources, primarily **dedicated** sales tax programs, revenues dedicated to local street and road maintenance and operations, transit fares and other transit revenues, and other local pricing initiatives." This amounts to stealing a city's funds, e.g. Orinda's, that are marked for specific and targeted uses (such as road maintenance and repair) for the development projects of Plan Bay Area. This is essentially taxation without representation.

Under State Funding in this same "Financial Assumptions" report, the 3<sup>rd</sup> paragraph refers to the Emission Factors forecasting software and

Page 1

1 the MTC travel demand model, but does not provide either the software  
2 or the MTC model runs for public analysis. Further, in that same  
3 paragraph, it states that "Fuel consumption estimates reflect an assumption  
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5 2020 and then grow slowly at a constant long-term rate. The decline in the  
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12 Plan's MPG statistic for 2010 - 2035 at ~20 MPG. How are these  
13 numbers reconciled?

14  
15 Sincerely,

16  
17  
18 Herbert L. Brown  
19 Orinda, CA 94563

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<sup>1</sup> California's Clean Car Standard regulations

MAY15 3:51PM

From: Debbie Coffey [REDACTED]  
Subject: public comment/Draft Plan Bay Area  
To: [eircomment@mtc.ca.gov](mailto:eircomment@mtc.ca.gov)  
Cc: [REDACTED]  
Date: Tuesday, May 14, 2013, 11:25 PM

May 14, 2013

Metropolitan Transportation Commission/Association of Bay Area Governments

Joseph P. Bort MetroCenter

101 Eighth St.

Oakland, CA 94607

RE: Public Comment/Objections

Draft Plan Bay Area: Strategy for a Sustainable Region

March 2013

**C192-1** | **I urge Alternative 1: No Project.**

**C192-2** | This Program EIR is fraudulent because, admittedly, it bases cumulative planning and cumulative regional planning on **ASSUMPTIONS**. Very few varied data sources were used for such an encompassing Program EIR, and some data (1.2-8) was even sourced by ABAG, instead of other outside sources.

**C192-3** | The public is aware that billions of dollars will be spent to grease the way for any new transportation and land use plans. Of concern, per the Executive Summary, what “**incentives**” does MTC and ABAG plan for the implementation of changes to land use policy?

**C192-4** | What corporations, non-governmental organizations (NGOs) or government agencies will be “**project sponsors**?” Does MTC and ABAG have any sponsors in mind? If so, names of possible sponsors should have been revealed to the public in this Program EIR.



MAY 15 3 51 PM

**C192-5** While overly broad and restrictive in regard to some development issues, other issues are completely omitted. For instance, it is my opinion that this Program EIR did not fully consider or analyze all of the ramifications and impacts of a **major earthquake** with the proposed (and more centralized) development of housing and transportation.

**C192-6** Neither MTC nor ABAG have jurisdiction over land use regulations, but yet, this Program EIR is a manifesto for extreme land use regulations. This Program EIR discriminates against private property owners and favors corporate developers. Specifying that development can be done in one location but not another is not about saving the environment, it is about **controlling** the location of **development**.

**C192-7** This Program EIR should have no jurisdiction over public lands, and unless concurrent Environmental Impact Statements are done by both Department of Interior and USDA agencies (for example, the Bureau of Land Management and the Forest Service). MTC and ABAG may be overstepping its authority and jurisdiction.

**C192-8** Many aspects of this Program EIR go far beyond ground transportation planning and seem unconstitutional. For example, on page 1.2-25 it states "Priority Development Areas (PDAs) are nominated by local jurisdictions as appropriate places to concentrate future growth." Exactly **WHO** in the "local jurisdictions" is going to "nominate" the PDAs? Who decides what is "appropriate?" Will the decisions be made by an appointed committee? Will there be public meetings and agendas to notify the public? Will PDAs be voted on in an election by the people?

**C192-9** The Plan also states "using options along with amenities and services to meet the day-to-day needs of residents in a pedestrian-friendly environment." What if the "amenities" the local people want are private property rights for Americans in rural areas? What if the "amenities" the local people want are what is aesthetic to them, like seeing older, historical parts of a town? Why do vaguely referenced "jurisdictions" get to "nominate" development and/or specific types of development?

**C192-10** This Program EIR makes one cookie cutter plan for diverse geographical and cultural areas. For example, Vacaville, CA, is very different in many ways from San Francisco CA.

**C192-11** ES-40 mentions Integrated Pest Management. Specifically, what is this "integrated" with?

**C192-12** On page 1.2-11, it is stated: "RTPs must reflect the most recent assumptions for population, travel, land use, congestion, employment, and economic activity..." Again, the word "ASSUMPTIONS" indicates this Program EIR is **subjective** (not science-based) and biased by interpretation, including that of various laws and regulations, seemingly "cherry picking" certain phrases for a desired outcome that favors

MAY15 3 55 PM

corporate developers and special interests.

**C192-13** While world leaders worry about food security, this Program EIR plan puts an undue burden on rural areas and agriculture with restrictions to infrastructure “development.” This Plan will restrict agricultural economic growth.

**C192-14** I urge Alternative 1: No Project.

Debbie  
Coffey



**Bruce R. London, Public Comment on Draft Bay Area Plan and Draft Bay Area Plan Draft  
Environmental Impact Report**

**MTC-ABAG  
Plan Bay Area Public Comment  
101 8<sup>th</sup> Street  
Oakland, California 94607**

**May 16<sup>th</sup>, 2013**

***re:* Public Comment on Draft Bay Area Plan and Draft Bay  
Area Plan Draft Environmental Impact Report**

**Submitted by: Bruce R. London  
[REDACTED]  
Orinda, CA 94563**

*Bruce R. London*

Bruce R. London, Public Comment on Draft Bay Area Plan and Draft Bay Area Plan Draft Environmental Impact Report, page number 1

1. This letter is submitted as public comment on the Draft Bay Area Plan and Draft Bay Area Plan Draft Environmental Impact Report (State Clearinghouse No. 2012062029).
2. I lived in San Francisco from 1977 to 1984. My wife and I decided that, for us, the suburbs offered the best surroundings in which to raise a family, and so we made the difficult work-related choices and financial sacrifices necessary to achieve our goal of purchasing an expensive single family home in a nice neighborhood. Orinda certainly met our needs, and we have enjoyed living in this city for the past twenty-nine years. Our personalities are such that we love the beauty of this semi-rural community. We agree with the description cited on the City of Orinda web-site, namely, a “serene setting in contrast to the more urban existence of the surrounding area.”<sup>1</sup>
3. Environmental concerns are important to my family. Our home contains a multitude of environmentally-friendly and extremely energy-efficient installations, many of which were quite expensive. We also own three hybrid vehicles. We have chosen this lifestyle as a matter of personal preference.

***ADVERSE VISUAL IMPACT ON ORINDA***

- C193-1**
4. The Draft Bay Area Plan Draft Environmental Impact Report (DEIR) states in the section titled AREAS OF KNOWN CONTROVERSY, “Concerns about whether the degree and scale of growth proposed within existing communities would alter their appearance, quality of life...”<sup>2</sup> The report reiterates this problem in Table ES-2: SUMMARY OF IMPACTS AND MITIGATION, # 2.10-3, under Impact: “Implementation of the Proposed Plan could affect visual resources by creating significant contrasts with the scale, form, line, color, and/ or overall visual character of the existing community.” This Table states that the Significance After Mitigation is ***Significant and Unavoidable***.<sup>3</sup>

1 [Http://www.cityoforinda.org/](http://www.cityoforinda.org/)

2 DEIR, page ES-11, paragraph 8

3 DEIR, page ES-55, Table ES-2

Bruce R. London, Public Comment on Draft Bay Area Plan and Draft Bay Area Plan Draft  
Environmental Impact Report, page number 2

**C193-2** 5. The DEIR restates this impact in TABLE ES-2: SUMMARY OF IMPACTS AND MITIGATION #2.10-4, this time in terms that will resonate with every resident of Orinda: "Implementation of the proposed Plan could affect visual resources by adding a visual element of urban character to an existing rural or open space area..." The Significance After Mitigation is again designated by the DEIR as *Significant and Unavoidable*.<sup>4</sup>

**C193-3** 6. Later, the DEIR accentuates this concept : "development could impact local visual resources by disrupting local character... While local standards and design guidelines would ultimately be the primary tools in shaping neighborhood character, changes in density would also play an important role."<sup>5</sup> *Local character* is what brought all of us to Orinda in the first place.

**C193-4** 7. This theme continues: "...development and transportation projects both have the potential to produce significant impacts. However, even when they are not significant, impacts could aggregate to produce potentially significant (PS) permanent impacts to visual resources."<sup>6</sup>

**C193-5** 8. Aesthetics aren't the only issue. According to the DEIR, "High density residential and high intensity commercial development, in particular, could have potentially significant (PS) light and glare elements at the local level. Overall, local impacts are less significant (LS) in urbanized areas and potentially significant in rural areas."<sup>7</sup>

**C193-6** 9. Question: Has your Plan for semi-rural Orinda studied the likelihood of light and glare problems?

4 DEIR, page ES-56, Table ES-2

5 DEIR, page 2.10-25

6 DEIR, page 2.10-29

7 DEIR, page 2.10-31

Bruce R. London, Public Comment on Draft Bay Area Plan and Draft Bay Area Plan Draft  
Environmental Impact Report, page number 3

10. According to *The Lamorinda Weekly* published on February 15<sup>th</sup>, 2012, Orinda's then- mayor, Victoria Smith, stated in a letter sent to the chairs of ABAG and MTC on June 9, 2011, which was discussed in the Orinda City Council meeting on January 31, 2012: "...approximately 40% of the land area within ½ mile of the Orinda BART station is regional open space (primarily EBMUD watershed)..." The article continues, "She [Victoria Smith] strongly urged ABAG and MTC to expand their public hearings beyond Dublin and Richmond to ensure that area residents will have their voices heard at programs presented at Lamorinda locations."<sup>8</sup>

11. Questions:

C193-7

a. Why have there been no programs at Lamorinda locations as requested by then-Mayor Smith?

C193-8

b. Why has the public been kept in the dark about a plan which will so adversely affect Orinda?

C193-9

c. How do you justify not allowing the citizens of Orinda to vote on this significant issue, when your own Draft Environmental Impact Report *repeatedly* describes the likelihood of re-shaping the character of this semi-rural city.

(CONTINUED ON PAGE 4)

8 [Http://www.lamorindaweekly.com/archive/issue0525/Fighting-for-Paradise.html](http://www.lamorindaweekly.com/archive/issue0525/Fighting-for-Paradise.html)

Bruce R. London, Public Comment on Draft Bay Area Plan and Draft Bay Area Plan Draft  
Environmental Impact Report, page number 4

### ***FINANCIAL HARM TO ORINDA HOMEOWNERS***

C193-10

12. DEIR TABLE ES-2: SUMMARY OF IMPACTS AND MITIGATION, #2.14-1 states: "Implementation of the proposed Plan could result in the need for expanded facilities, the construction of which causes significant environmental impacts, in order to maintain adequate schools, emergency services, police, fire, and park and recreation services." The table states that the Significance After Mitigation is ***Significant and Unavoidable***.<sup>9</sup>

C193-11

13. United States Census Bureau data shows that between the years 2000 and 2010, the population of Orinda only grew from 17,599 to 17,643.<sup>10</sup> That is correct: an increase of only 44 people in a ten year period. The Draft Regional Housing Need Allocation for Orinda mandates 226 new units between 2014 and 2022.<sup>11</sup> Using ABAG's very conservative estimate of 2.75 occupants per unit, the Plan calls for at least 621 new Orindans in that short time span, with many more in subsequent years.

C193-12

14. The DEIR states: "To meet increased demand for these facilities, existing facilities would likely need additional personnel and equipment to maintain adequate service levels as the number of residents and jobs increases. In some cases, depending on the pattern of development, it will be necessary to construct new facilities to maintain adequate capital capacity, equipment, and personnel."<sup>12</sup>

15. Question: Who will pay for the required additional services and facilities?

<sup>9</sup> DEIR, page ES-75, Table ES-2

<sup>10</sup> [Http://censusviewer.com/city/CA/Orinda](http://censusviewer.com/city/CA/Orinda)

<sup>11</sup> [Http://www.abag.ca.gov/planning/housingneeds/pdfs/methodology/RHNA\\_Update\\_Le](http://www.abag.ca.gov/planning/housingneeds/pdfs/methodology/RHNA_Update_Le)

<sup>12</sup> DEIR, page 2.14-12



Bruce R. London, Public Comment on Draft Bay Area Plan and Draft Bay Area Plan Draft  
Environmental Impact Report, page number 5

C193-13

16. The DEIR assigns no responsibility to the Plan for these expenditures. Instead, it offers generalized remarks, such as: "...the California Department of Education relies on local control for the management of school districts. School district governing boards and district administrators allocate resources among the schools of the district."<sup>13</sup>

C193-14

17. The DEIR mentions four state regulations regarding fees levied on developers for school impacts, but does not specify whether these fees will be sufficient. In fact, the DEIR states that Senate Bill 50 (Leroy Green School Facilities Act of 1998) "eliminated the ability of cities and counties to require full mitigation of school impacts."<sup>14</sup>

18. Question: Will developer fees be adequate to cover the required additional teachers and school facilities?

C193-15

19. The DEIR does mention Proposition 1A, the Class Size Reduction Kindergarten-University Public Education Facilities Bond Act of 1998, which "allowed for eligible school districts to obtain state bond funds for the construction and modernization of educational facilities and accommodate for growth and overcrowding in educational facilities."<sup>15</sup> That was 1998. The state budget situation is quite different today. The media is replete with stories such as "California Retreats On Class-size Reduction" from *The Sacramento Bee*, 1/20/2013.<sup>16</sup>

13 DEIR, page 2.14

14 DEIR, page 2.14-7

15 DEIR, page 2.14-7

16 <http://sacbee.com/2013/01/20/5126801/california-retreats-on-class-size.html>



Bruce R. London, Public Comment on Draft Bay Area Plan and Draft Bay Area Plan Draft  
Environmental Impact Report, page number 6

20. Question: If the Plan is enacted in Orinda, should we expect additional parcel taxes to support our schools?

C193-16 22. The DEIR is just as vague regarding fire protection, stating, "Fire protection services are managed at the local level... Each fire protection agency is responsible for protecting its own prescribed area."<sup>17</sup>

C193-17 23. Similarly, for police services: "...each incorporated city and town has a police department responsible for police protection within its own jurisdiction... Cities and towns may also contract with the county sheriff department to provide law enforcement services."<sup>18</sup>

C193-18 24. Question: If Orindans will need to pay for additional required school, fire, and police services, isn't it only reasonable for us to vote on whether or not to accept the Plan?

## END OF COMMENTS

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<sup>17</sup> DEIR, page 2.14-3

<sup>18</sup> DEIR, page 2.14-4

## Plan Bay Area 2040 Final Environmental Impact Report

**From:** [REDACTED]  
**To:** <info@OneBayArea.org>  
**Date:** 5/14/2013 2:51 PM  
**Subject:** Deadline for comments on One Bay Area Plan and associated EIR

Dear Sir or Madam:

**C194-1** Given the magnitude of the documents released to the public in late March and early April, the period of time allotted for public review and comment (with a deadline of 16 May) seems far too short. Kindly extend this deadline by at least 60 days to permit the public the opportunity to review the analyses and proposals more thoroughly.

Yours faithfully

Piers Whitehead

Lafayette, California

C195

**From:** Allen Appell [REDACTED]  
**To:** <eircomments@mtc.ca.gov>  
**Date:** 5/12/2013 12:41 PM  
**Subject:** One Bay Area in Marin

The One Bay Area proposal to urbanize Marin county is a social, environmental and economic disaster for Marin County. Marin county needs to be left alone and free of the soviet style central planners who want to destroy its unique character. There are plenty of urban areas in the Bay Area with problems, such as Richmond and Oakland, where these officious intermeddlers can ply their trade. Leave us alone.

--

Allen L Appell, Ph.D.

[REDACTED]  
Kentfield, CA 94904  
[REDACTED]

## Plan Bay Area 2040 Final Environmental Impact Report

C196

**From:** Louisa Arndt <[REDACTED]>  
**To:** <eircomments@mtc.ca.gov>  
**CC:** Neigh Berries <[REDACTED]>  
**Date:** 5/16/2013 4:40 PM  
**Subject:** Draft Plan Bay Area

Gentlepeople:

As a long-time Marinwood resident — since 1969 — I can vouch for the fact that OUR COMMUNITY IS NOT BROKEN — SO PLEASE DO NOT TRY TO FIX IT!

We DO NOT NEED OR WANT OUR COMMUNITY TO "GROW"!

WE DO NOT WANT TO LOSE OUR PRECIOUS OPEN SPACE THAT WE TAXED OURSELVES TO BUY MANY YEARS BACK!

WE HUMANS LIVE ON A FINITE PLANET, the only one in our solar system that supports life!

Why would we muck it up through over-population, the results of which include over-use in all areas of human activity?? The abuse of farmland through corporate farming, pollution of rivers, lakes, and streams, the draining of aquifers, continual increase in air pollution, decimation of forests, decimation of fish stocks through over-fishing..... this is a LOSE-LOSE proposition, and it is not good for any community nor for the continued health and vitality of the human species!

L.M. Arndt  
[REDACTED]  
San Rafael CA 94903

Brenda Barron  
Oakland, California



C197 Hi. My name is Brenda Barron.

I urge you to invest in public transit operations to improve transit service.

I am currently a freshman in college at San Francisco State University. I was born and raised in Oakland California.

I've been taking public transportation since I was five years old when I started riding the bus to my mom's work. Public transit has changed a lot since I was five. Bus stops have moved farther from my house. There are fewer buses and I have to wait longer most of the time. Night service has been reduced; the bus I take stops at 10:00 pm. In the last few years, bus lines have been cut and changed, so that people get confused about which lines go to which place.

People want to see more bus routes and more frequent buses.

Many people take buses because they cost less than BART, but BART takes you farther and goes faster. I would like to see the BART and buses be less expensive, especially for young people who go to school. Most younger students don't have jobs, so they can't afford current transit fares, especially for BART.

There are other problems with current service levels. BART does not have enough trains so that people so that people can sit down. I often have to stand when I catch BART to go to school. BART has been having some issues lately with the tracks. I would also like to see cleaner buses and BART cars and stations.

Those are the transportation investments that matter to me, and matter to other younger people just like me.

Thank you.

**From:** bert bartsch <[REDACTED]>  
**To:** <info@OneBayArea.org>, <eircomments@mtc.ca.gov>  
**Date:** 5/16/2013 2:45 PM  
**Subject:** Comments on the Draft EIR for the One Bay Area Plan

Comments about the One Bay Area Plan

Problems with the One Bay Area Plan:

- It mandates growth but does not help pay for the infrastructure to support growth: A) roads B) Sewer C) Schools D) Water E) Transportation that low income people can afford- instead GG Transit is cutting bus lines
- The so- called 'One Bay Area Plan' subverts local control. It is being foisted on us by ABAG, MTC and local officials and is yet another giveaway to big developers.
- So-called affordable housing does not remain affordable because after a number of years it is allowed to be sold at market value.
- At this time Fairfax is at gridlock several times/day, yet we are slated under this plan for 280 new 'units' -how many people/with cars/unit unknown.
- According to a study the MBC, 50 % of the traffic coming through Fairfax at commute times is from Novato- I am assuming that that traffic diversion will only increase as you increase housing density San Rafael, north.
- I support increasing workforce housing but oppose giveaways to developers who will make huge profits, while local communities can only look on as local rights are eroded. In 4 years, ABAG- an unelected body, will 'revisit' these numbers- and so far, they have always demanded increase of numbers. ABAG reminds me of a greedy ravenous monster, whose belly is never full.
- Fairfax, has been compared to the Oakland Hills in terms of fire danger-narrow windy roads with a fire load that increases by the year. If a fire were to start, during a traffic standstill, how would people get out of town? We cannot provide safe exits to people at the current population density. Locally, we are worried about them getting out at ANY time!
  - \* I know that CALTRANS has had plans on the books for a 4 lane highway from San Rafael to Point Reyes. When we reach total gridlock, which this housing infill plan will bring us to, we will have no choice but to destroy yet another facet of our small town life. I speak about Fairfax, but every town is slated for more housing in Marin.
  - \* 25 % of housing is slated to be built in toxic sites.
  - \* Why locate marginalized communities in areas that are more polluted and toxic when they have fewer health resources?
  - \* There is a massive push towards geoengineering to meet our water needs at the national level, and, on top of this insanity, this plan will open the floodgates locally for MMWD's multi-million dollar desal plant (with intake next to a sewer outlet, a bay so polluted with pesticides, herbicides, toxic metals, pharmaceuticals etc. that fisherman are advised not to fish out of it, nor people to swim in it- a project which our struggling residents, towns and infrastructure can ill afford in a failing economy.
  - \* We cannot accept the parameters offered by this 'plan'. There needs to be more public meetings and a mechanism for public debate- the way Kinsey handled the one at the civic center was atrocious- his pro- plan people were lined up and allowed 3 minutes/speaker- not much time, granted, but when it came to those who opposed the plan, we were limited to 1-2 minutes. That is NOT public input.
  - \* Kinsey needs to back off from accusing those who oppose the plan of racism.
  - \* I do not believe that it is a plan to afford 'affordable' housing- I believe that it is a backdoor to subvert local governments deciding how and where they allow new housing.
  - \* We do need workforce housing -let's find a way to subsidize it and cut out the middlemen- let's make local policy- town by town to meet local needs, and-if we are going to spend millions, let's have a public discussion. Many of them.
  - \* This plan should go to the electorate for a vote. But the 'One Bay Area' planners must not be allowed to control the ballot language. It must be put together by a group from all sides.

## Plan Bay Area 2040 Final Environmental Impact Report

**From:** James G Bitter <[REDACTED]>  
**To:** <eircomments@mtc.ca.gov>  
**Date:** 5/16/2013 4:30 PM  
**Subject:** PLAN ONE BAY AREA

C199

MTC-ABAG  
5-16-2013

The Draft Plan bay area is another BIG GOVERNMENT program that is being forced on the people of the Bay Area by a very clever government vehicle called REGIONAL GOVERNMENT.

Our elected city council members, board of supervisors were not elected to inflict this kind of punishment on the public.

Corporations, special interest groups, City Planners, and consultants across the US have written these laws and regulations to serve their own interests and to line their pockets.

IT IS VERY SAD ! WHAT HAS HAPPENED TO OUR COUNTRY.

Sincerely,

James Bitter

Marin County

## Plan Bay Area 2040 Final Environmental Impact Report

**From:** linda <[REDACTED]>  
**To:** <eircorments@mtc.ca.gov>  
**Date:** 4/26/2013 6:44 PM  
**Subject:** Re developement Marin County...

C200

Unfortunately Marin County chose to block BART and so we have a major issue with traffic, to continue to develop Southern Marin is a nightmare... Yes Tiburon has room however Sausalito does not... Why can't we consider traffic issue's versus development issue's, other countries manage to have outstanding public transportation, our huge ferry's could stop like a bus south end of town north end of town, then keep it going until midnight and run every 30 minutes that makes more sense than what we have going with ferries right now....plus smaller ferry's (less fuel) built here so they can be repaired here. Thank You Linda Christopoulos a long long time resident of Marin County I have lived up & down 101 from Sausalito to San Rafael....





May 13, 2013

**C201** To: [info@OneBayArea.org](mailto:info@OneBayArea.org), [eircomments@mtc.ca.gov](mailto:eircomments@mtc.ca.gov)

**Subject: Recommendations for 2040 Plan Bay Area**  
[http://onebayarea.org/pdf/Draft\\_Plan\\_Bay\\_Area\\_3-22-13.pdf](http://onebayarea.org/pdf/Draft_Plan_Bay_Area_3-22-13.pdf)

In regards to Plan Bay Area Chapter 6, page 121:

*"In some cases, new legislation, updated regulations or additional resources will be needed to fully realize the Plan Bay Area vision and implement the plan's policies and programs. This chapter identifies the most important of these challenges, and proposes steps to address them."*

Please consider adding a new Chapter 6 section on Driving Pricing Measures that are outside of the direct influence of the One Bay Area Team, but help achieve the plan's Performance Targets 1, 7, 9A, 9B, and 10C. Driving Pricing Measures encompass both Plan Bay Area "Pricing Strategies" and "Climate Policy Initiatives." Regional advocacy of such policies within RTPs can influence development of statewide legislation and regulation.

As background, OneBayArea's 2010 PPT (<http://www.arb.ca.gov/cc/sb375/meetings/052510/mtcpresentation.pdf>) presented a driving pricing scenario to achieve large GHG reductions. The slide entitled "Auto Operating Costs Increase 4-fold" depicted a combination of {parking charges, congestion charging, and carbon/VMT tax}, raising auto operating cost from \$0.25 to \$1.20 per mile. OneBayArea indicated that "new legislation must be developed" to achieve this scenario. A 2010 memo ("Preliminary Report on Metropolitan Planning Organization (MPO)/Air Resources Board (ARB) Senate Bill 375 (SB 375) Target Setting Analysis" - <http://www.arb.ca.gov/cc/sb375/mpo/prelimreport.mtc.sacog.sandag.scaq.pdf>) from CA's four largest MPOs to CARB, similarly discussed implementing pricing measures to meet GHG reduction targets. In 2010, the 100-member MTC/ABAG SB375 Sustainable Communities Strategy Advisory Panel reached a strong consensus that driving pricing measures were needed.

Within the discussion of Driving Pricing Measures, three policies should be highlighted, the first two being of interest for having higher political popularity and viability compared to the policies that were described by OneBayArea in 2010.

#### **DRIVING PRICING MEASURE 1:**

##### **TITLE: Parking Charges + Incentives: Reduce Commuting VMT/GHG by 23%**

This measure helps with Performance Targets 1, 7, 9A, 9B, and 10C.

This pricing measure is related to Plan Bay Area's "commuter benefits ordinance" item, but brings about higher VMT/GHG reduction.

A 23% commuting reduction will produce 400,000 new green Bay Area commuters, saving 2B Bay Area VMT per year and 1M Bay Area tons of GHG/year. Transit ridership will more than double. Currently-struggling smartphone mobility services would thrive. HOV lanes will fill up. Traffic will go down. Lonely Bay Area workplace parking spaces encompassing 2,608 acres will be in-filled for higher and better use.

91% of US commuters are provided with free parking – this policy changes this with carrots and sticks. Each employee is charged \$0.25/day for SOV (single occupancy vehicle) commutes. This revenue is used to reward carpool/transit users with \$0.50 per day. Every 3 months, the charge and reward goes up, until the charge is \$2 and the reward is \$3. This cuts SOV from 77% to 54%.

To further increase political viability, the solution is zero-cost to employers. Employees report their commute mode (transit, carpool, SOV) in an on-line commute calendar. Smartphone LBS apps figure out the commute mode and auto-fill the calendar.

The policy has drawn supporting letters from MTC, Sierra Club, SVLG, VTA, samTrans, Transform, and Association for Commuter Transportation. The cost per ton of GHG removed is \$0.

From MTC's supporting letter, "There is no question that the provision of free parking is a huge incentive for people to drive to work. A 2000 survey of Bay Area commuters found that while 77 percent of commuters drove alone when free parking was available, only 39 percent drove alone when they had to pay to park. Additionally, among commuters with free parking, only 4.8 percent commuted by transit. By contrast, among commuters without free parking, 42 percent commute by transit." From the set of US employers with free workplace parking, there are four virtuous outliers: Google Mountain View at 52% SOV, Genentech South SF at 58%, Facebook Menlo Park at 59%, and Microsoft Redmond at 62% SOV. All four outliers spend much more on commute benefits than can be expected from marginally profitable firms. Traditional free-parked corporate commute trip reduction programs are comprised only of incentives without a driving price increase for SOV. These programs are disappointingly ineffective, often yielding only 1% commute shift.

From the Findings and Declarations of the stalled bill SB518 (California Senator Lowenthal's parking bill), "Eliminating subsidies for parking has enormous potential to reduce traffic congestion and greenhouse gas and other vehicle emissions by reducing vehicle miles traveled. If drivers must pay the true cost of parking, it will affect their choices on whether or not to drive. In the short term, changes to parking policy can reduce traffic congestion and greenhouse gas emissions more than all other strategies combined, and they are usually the most cost-effective." Free suburban office parking paid for by employers and provided freely to employees represents a perverse \$7.58 per day incentive for SOV commuting: employers pay for valuable parking space land that they give away to SOV commuters - transit commuters receive no such free land.

Similar parking charges + incentives policies were implemented twice in the late 1980's, at Twentieth Century Corporation in Los Angeles and at CH2M Hill in Bellevue Washington. SOV mode share decreased from 89% to 64% as a result of these policies.

- 10 min youtube + 3 page description with policy insights:  
<http://www.cities21.org/cms/index.php?page=we-solve-for-x-submission>
- Notes from policy discussions with Don Shoup, FHWA, CARB, MTC, SCAG:  
<http://www.cities21.org/dpwwg/parkingPolicy.htm>
- CA Legislative Counsel has helped to develop draft CA bill language.

#### Plan Bay Area Performance Targets

Policy increases GHG saved, so assists Target 1.

Policy helps with "falling short" Target #7 (reduce low-income budget necessary for transportation & housing - page 101). Compared to a gas tax increase, this policy is economically "progressive," meaning "a transfer of wealth from higher-income workers to lower-income workers." This is because higher income workers are more likely to commute by solo driving than lower income workers. The policy will not penalize low-income graveyard shift grocery/hospital workers and other low-income workers who have few alternatives to driving. The draft CA bill envisions developing "exception rules" to handle such cases. The Environmental Defense Fund has studied social equity impacts of policies to increase driving costs/pain. Their report concluded that exceptions have to be carved out of such policies to ensure social equity. The draft bill envisions fair, compassionate exceptions developed via a transparent process.

Policy helps with "falling short" Target 9A – increase non-auto mode share - page 103.

Policy helps with "falling short" Target 9B – reduce per capita VMT by 10% - page 103.

The policy generates \$750M per year in new revenue for public transit and other commute alternatives. This may help with Performance Target #10C (transit maintenance) and will provide much-needed transit agency budget improvement. The issue of developing increased Bay Area transportation funding is mentioned in the funding examples in Chapter 6.

#### **DRIVING PRICING MEASURE 2:**

**TITLE: Prop 103-compatible Pay-As-You-Drive (PAYD) Auto Insurance**

This measure helps with Performance Targets 1, 7, 9A, and 9B.

With PAYD auto insurance, drivers who drive less (and emit less GHG) save money. If humans lived in a rational world that was serious about reducing GHG, PAYD would be one of the first policies to be adopted. PAYD can be characterized as a "no-brainer" climate protection policy. Cost per GHG ton reduced is essentially \$0 - demand reduction policies tend to be extremely cost-effective. 13 states have included PAYD in their Climate Action Plans

California's auto insurance market is constrained by Proposition 103. Other states can implement a larger range of insurance policies, whereas CA pursues public policy consumer fairness objectives such as limiting redlining. CA Department of Insurance allows insurers to offer PAYD policies, but GHG reduction from such policies to date has been small.

For other states, PAYD can cut personal auto driving GHG and VMT (vehicle miles traveled) by 8%. Under Proposition 103, CA PAYD can cut GHG and VMT by 3.2%, providing the equivalent motivation to drive less as a \$0.70/gallon gas tax increase. State Farm's CA "Drive Safe and Save" PAYD policy achieves this 3.2% GHG reduction. The State Farm policy can be characterized as "modest flavor" PAYD. AAA (Auto Club of SoCal) has a "weak flavor" CA PAYD-like policy that produces minimal GHG reduction. 3.2% CA personal auto driving reduction calculates to 3.7 billion less VMT per year and 1.8 million CO2 tons reduced.

While CA PAYD cannot reduce GHG as much as other states, CA is one of the more aggressive states in adopting climate regulation, providing an opportunity to increase PAYD market penetration ahead of other states. CA Insurance Commissioner Jones is pro-climate and has "sought ideas on how to work with the industry to help protect the environment, diminish climate change, and properly evaluate environmental risks." Jones understands the benefits of PAYD and understands the difference between State Farm (3.2%) and AAA (0%) flavors. It is possible that Jones will advance measures to increase the adoption of modest flavor PAYD.

#### Implementation Details for Modest-Flavor, Proposition-103-compatible CA PAYD:

1. A high mandatory miles rating factor level of 31%, based on a strong actuarial case that a) miles are more correlated to losses than current policies. For example: 32% driver safety record, 31% number of miles driven, with the final 37% distributed between "years driving experience" and the optional factors. 31% provides equivalent driving reduction motivation of a \$0.70 per gallon gas tax increase.

Weak-flavor PAYD, such as offered by the Auto Club, should not be allowed. If a driver reduces annual driving mileage from 12,000 miles to 500 miles, they only save a few dollars.

Modest-flavor PAYD, such as State Farm's CA PAYD, saves drivers \$400 when they reduce annual mileage from 12,000 to 500. Spreadsheet analysis (<http://www.cities21.org/cms/StateFarmPAYD.xls>) shows that State Farm provides driving reduction motivation that would produce between 3.2% and 3.9% CA statewide VMT reduction (equivalent of \$0.70 per gallon gas tax increase).

2. Billing a minimum of 3 times per year. This would be based on a "miles correlation" finding: loss is highly correlated to miles driven, and hence, miles driven must be made more visible to drivers in order to increase safety. While some insurers believe frequent billing is burdensome, other industries bill efficiently 12 times per year. US DOT Connected Vehicle, GM OnStar, and Microsoft/Ford Sync are enabling technologies. Automakers might even testify in favor of the policy.

3. Mandate "verified miles," eliminating estimated miles, based also on the "miles correlation" finding.

4. Require a maximum mileage band of 100 miles (necessary given frequent billing), based also on the "miles correlation" finding.

#### Economic Benefits of PAYD - References

- Brookings Institution's The Hamilton Project, "Pay-As-You-Drive Auto Insurance: A Simple Way to Reduce Driving-Related Harms and Increase Equity." Significant net economic gains ensue from PAYD. [http://www.brookings.edu/~media/Files/rc/papers/2008/07\\_payd\\_bordoffnoel/07\\_payd\\_bordoffnoel.pdf](http://www.brookings.edu/~media/Files/rc/papers/2008/07_payd_bordoffnoel/07_payd_bordoffnoel.pdf)
- "Safe Travels: Evaluating Mobility Management Traffic Safety Impacts" ([www.vtpi.org/safetrav.pdf](http://www.vtpi.org/safetrav.pdf)). This report investigates the safety impacts of mobility management strategies that change how and the

amount people travel. It evaluates the safety impacts of various types of strategies including improvements to alternative modes, pricing reforms and smart growth land use policies. Evidence summarized in this report indicates that per capita traffic crash rates tend to increase with per capita vehicle travel, and mobility management strategies can provide significant safety benefits. This analysis indicates that mobility management is a cost effective traffic safety strategy, and increased safety is one of the largest benefits of mobility management.

**DRIVING PRICING MEASURE 3:**

**TITLE: The 2015 extension of California Cap and Trade to cover “combustion of transportation fuel”**

This measure helps with Performance Targets 1, 9A, and 9B.

Best regards,

- Steve Raney, Cites21, Palo Alto, CA

This letter is submitted as public comment on the Draft Bay Area Plan (State Clearinghouse No. 2012062029).

My name is Daniel G. DeBusschere. I reside in Orinda, CA.

The Draft Bay Area Plan (“PLAN”) which is designed to reduce Green House Gas (“GHG”) emissions completely ignores the requirement for additional BART parking (“PARKING”) and BART Bicycle lockers (“LOCKERS”). ABAG and MTC should run a joint survey of potential BART patrons to find out if additional PARKING and/or LOCKERS would increase the use of BART for transit (in lieu of other means) which would decrease Vehicle Miles Traveled (“VMT”).

Stack and Pack LOCKERS would allow significant leverage in the amount of land used to accommodate a BART patron. A suitable LOCKER would have a bright LED light that signals whether or not the LOCKER is empty or used. An electronic lock that reads CLIPPER cards would allow a person to check in the bicycle along with any weather resistant gear that would be used during inclement weather. ONLY the CLIPPER card that was used to check in the items could be used to open the LOCKER for retrieval and posting an appropriate charge to the CLIPPER account. It would be necessary to provide sheltered cover for the LOCKER as well as the access path to the BART station so that patrons could be sheltered from the weather during transit from the LOCKER to the BART station. Use of the CLIPPER card would allow multiple day rentals for those patrons who might choose BART for airport access and return. Use of the CLIPPER charge would allow electronic accounting of who uses the LOCKER and who is responsible for its contents.

I believe that PARKING and LOCKERS are important to reducing VMT and GHG. Why is such an important area not included in the PLAN? I am including this comment to insure that there is an appropriate placeholder for possible future litigation if ABAG and/or MTC continue to ignore these requirements in any approved PLAN.

Respectfully submitted,

Daniel G. DeBusschere

  
Orinda, CA 94563

May 16, 2013

C203

Carolyn Clevenger  
MTC EIR Project Manager  
Metropolitan Transportation Commission  
101 Eighth Street  
Oakland, CA 94607

## **RE: Recommendations on Local and Regional Sustainable Transportation Systems**

Dear Mrs. Clevenger,

Thank you for administering the Sustainable Community Strategy and considering my comments on the Draft Plan Bay Area and its Environmental Impact Report. As a native to the East Bay and educated in Southern California in environmental science and urban planning, my recommendations represent the potential of sustainable regional transportation plan based on a California-wide experience.

There are three strategies working at complementary levels to promote more efficient modes of mobility than single-occupancy car driving that receive little or no attention in Plan Bay Area.

- 1) Complete regional bicycle networks**
- 2) Official casual carpool systems**
- 3) Highway bus rapid transit (BRT) system**

Combined with existing efforts outlined in Plan Bay Area, implementing the following recommendations will help achieve the region's long-term emission reduction targets and other important goals.

### **Complete Regional Bicycle Network**

The Plan falls short in expressing a coordinated strategy for creating a region-wide bicycle network. The benefits of bicycling go beyond reducing the amount of transportation-related green house gas emissions for short-distance trips, but can also be seen in supporting local economies, healthier populations, and lower costs for road improvements.

The Plan must identify a suite of strategies to assist cities and counties in planning, prioritizing and funding bicycle lane development. These strategies should conform to a regional bicycle master plan that identifies primary bicycle routes that effectively connect neighborhoods, retail, transit and job centers. Maps of these primary bicycle routes should be highlighted in Plan Bay Area. The San Francisco Bay Trail is a specific example that highlights this effort, though more coordinated planning is necessary between cities and counties to create a 9-county primary bicycle network. Plan Bay Area should set forward this coordinated bicycle network implementation.

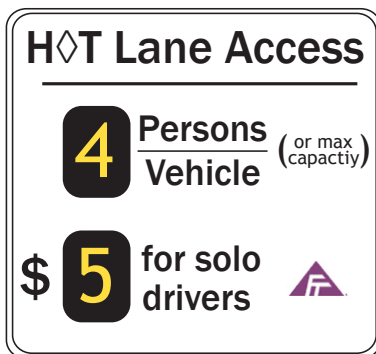




### **Official Casual Carpool System**

Carpooling remains a low-cost approach to the efficient use of limited highway space with minimal infrastructure investment. For decades, the Bay Area has utilized informal casual carpool locations to pick up individuals headed in a common direction, downtown San Francisco.

With the advent of High Occupancy or Toll (HOT) Lanes, the casual carpool system holds the promise to expand its efficient use of automobile space with proper regional coordination. The



requirement for HOT lane access should require both a minimum number of carpoolers as well as toll for cars falling below the minimum number of riders. As these tolls and carpool requirements vary with congestion levels, it can provide incentive for drivers to pick up passengers heading in the same direction for faster travel along congested HOT Lane routes. Strategically located, these casual carpool locations can be placed adjacent to public transit facilities to offer travellers a choice between carpooling or public transportation. Through examining common commuter and traveller routes, the casual carpool system can move beyond a strictly San Francisco

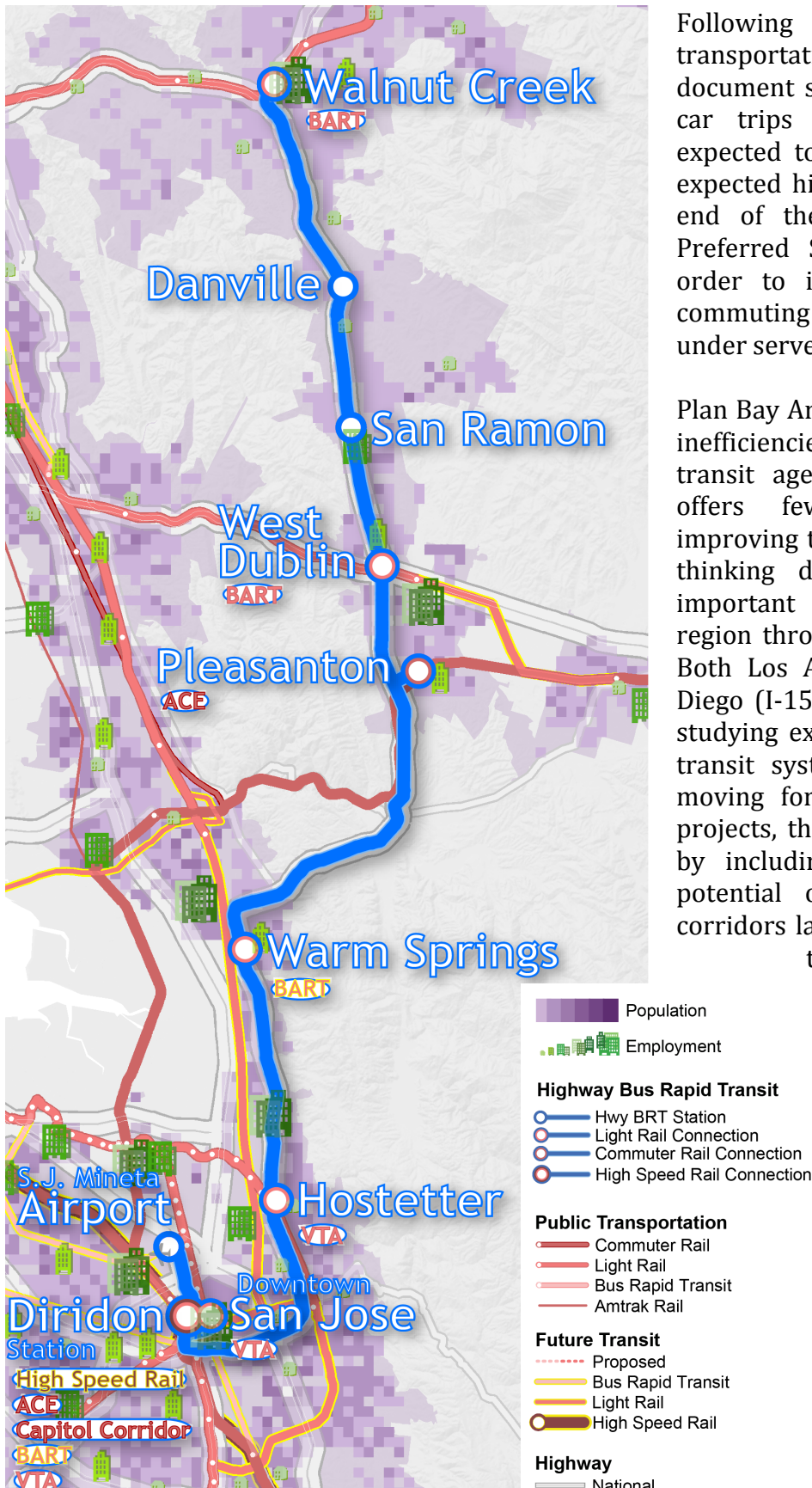
focused model and include other common travel routes.

Plan Bay Area should outline a program to expand the Casual Carpool system in coordination with the expanding HOT lane development. This recommendation could be included in the section Alternative Transportation Suggestions.

### **Highway Bus Rapid Transit**

The Plan Bay Area requires a more robust analysis of the commuting and travel patterns for people moving within and from outside of the Bay Area. Forward thinking strategies that can help the region meet its targets for green house gas reduction should accompany this analysis.

## I-680 Highway Bus Rapid Transit



Following an assessment of existing transportation investment resources, this document should estimate the number of car trips a public transit project is expected to reduce on the highway. The expected highway congestion rates at the end of the projects completed in the Preferred Scenario should be listed in order to identify those most common commuting and travelling routes currently under served by public transit.

Plan Bay Area falls short in addressing the inefficiencies of operating thirty-three transit agencies within the region and offers few policy suggestions for improving transit ridership. This forward-thinking document should include an important strategy for connecting the region through its vast highway network. Both Los Angeles (Silver Line) and San Diego (I-15 Corridor) are running and or studying expansion of highway bus rapid transit systems. While the Bay Area is moving forward with local-serving BRT projects, the region would greatly benefit by including a proposal to study the potential of a BRT system in travel corridors lacking public transit, as well as the possibility of linking such a system to connect all 9 Bay Area Counties.

This study proposal should be included in the section Alternative Transportation Suggestions. Its evaluation would incorporate underserved public transit corridors with high congestion levels, identify major job centers and neighborhoods underserved by regional transportation, as well as potential rapid



transit connections. An initial study corridor could be implemented where HOT Lane development is already in place, along the I-680 corridor from San Jose to Walnut Creek, and potentially to Napa. Such a bus line would run along the center lane of I-680 giving priority to buses at peak commute hour and include stations integrated in-line with and elevated above the highway. This I-680 BRT corridor could connect travellers with Diridon Station, intersecting BART and ACE lines as well as job and destination centers in San Ramon and other cities along the route (see Appendix or [www.thehotexpress.com](http://www.thehotexpress.com)). If proven safe and successful, such a model could expand throughout the Bay Area to create a single transit system connecting all corners of the region.

### **Missed Targets**

The following targets of Plan Bay Area are either missed or move in the opposite direction of the Plan's stated goals. These goals could potentially be met by expanding on the suggestions listed above.

**Target #4: Reduce by 50 percent the number of injuries and fatalities from all collisions (including bike and pedestrian).** *Plan moves in opposite direction from target; injury and fatality collisions are projected to increase during plan period by 18 percent.*

A coordinated regional bicycle network plan could bring greater safety and awareness to drivers, bicyclists and pedestrians through clearly marked and protected bicycle lanes.

---

**Target #5: Increase the average daily time walking or biking per person for transportation by 70 percent (for an average of 15 minutes per person per day).** *Plan boosts per-person active transportation by 17 percent, but falls short of target.*

Providing safe bicycle paths to and from neighborhoods, jobs, retail and transit stops can help increase the average biking time for a wide variety of users. A coordinated regional effort would go further to create connections rather than individual city and county plans.

---

**Target #7: Decrease by 10 percentage points (to 56 percent, from 66 percent) the share of low-income and lower-middle income residents' household income consumed by transportation and housing.** *Plan moves in wrong direction; the share of household income needed to cover transportation and housing costs is projected to rise by 3 percentage points to 69 percent for low-income and lower-middle income residents during the Plan Bay Area period.*

Expanding highway bus rapid transit to new communities can help provide greater public transit connections that would reduce automobile use, while casual carpooling can also reduce the costs of car ownership and operation.

---

**Target #9a: Increase non-auto mode share by 10 percentage points (to 26 percent of trips).** *Plan boosts non-auto mode share to 20 percent of trips, but falls short of target.*

**Target #9b: Decrease automobile vehicle miles traveled (VMT) per capita by 10 percent.** *Plan reduces VMT per capita by 9 percent, but falls short of target.*

Advancing alternatives to single occupancy driving should be more ambitious than the listed targets. Combining strategies for an expanded bicycle network, casual carpool opportunities and new public rapid transit routes will help bring down non-auto mode and VMT per capita beyond the existing plans.

---

**Target #10a: Increase local road pavement condition index (PCI) to 75 or better.** *Plan improves pavement condition of local roads to a PCI of 68, but falls short of target.*

**Target #10b: Decrease distressed lane-miles of state highways to less than 10 percent of total lane-miles.** *Plan moves in opposite direction from target; the percentage of distressed state highway lane-miles in the region will rise to 44 percent of the regional highway system by year 2040.*

Moving people from their own cars to bicycles, trains, buses and other people's cars will have an overall reduced rate of impact on the road pavement and highways. Combining strategies for an expanded bicycle network, casual carpool opportunities and new public rapid transit routes will help bring down impact of single occupant vehicles on road pavement beyond the existing plans.

Thank you for considering these recommendations for a sustainable Bay Area.

Sincerely,

Adam Garcia

A black rectangular redaction box covering the signature of Adam Garcia.

B.S. Environmental Studies, UCSB  
M.S. Urban Planning, UCLA

## Plan Bay Area 2040 Final Environmental Impact Report

**From:** doreen gleason <[REDACTED]>  
**To:** "info@OneBayArea.org" <info@OneBayArea.org>  
**CC:** <peklund@novato.org>  
**Date:** 5/15/2013 10:00 AM  
**Subject:** DEIR

>  
>  
> From: doreen gleason <[REDACTED]>  
> Subject: DEIR  
> Date: May 15, 2013 9:52:51 AM PDT  
> To: <info@OneBayArea.org>  
> Cc: <skinsey@marinco.org>, <Krice@co.marin.us>, <pelkund@novato.org>

> Hello,

C204-1

> After attending several meetings I am writing to you to express my concerns regarding OBA Marin. My primary concern is local control.  
>  
> Marin County is an outlier in the Bay Area. We enter through the Rainbow Tunnel on Waldo Grade. Vast open spaces are our trademark.  
>  
> The residents and elected officials of Marin know best how to preserve and maintain our culture, not an agency of 9 counties. Since Marin will only  
> have 3 representatives on the board, which is not a majority, we are risking our independence. What is good for San Jose may not be for Marin, and vice-versa.  
>  
> If there are aspects of OBA that you feel are needed for Marin lets address them individually, get independent reporting, and put it to a vote.  
>  
> Grand schemes and one size fits all plans, even though created with the best intentions, have a history of failing!  
>  
> Lets not jeopardize our beautiful and unique Marin!  
>  
> One more thing: SMART has yet to be built, let alone funded. So it seems to me that it would be prudent to wait for its construction first before building retail and housing along its proposed path.  
>  
> Please explain why this is such a good deal for us?  
>  
> Doreen Gleason  
>  
>  
>  
>

From Valeri Hood  
[REDACTED]  
Fairfax, Ca 94930  
[REDACTED]

## Comments about the One Bay Area Plan

C205-1

- It mandates growth but does not help pay for the infrastructure to support growth: A) roads B) Sewer C) Schools D) Water E) Transportation that low income people can afford- instead GG Transit is cutting bus lines
- The so- called 'One Bay Area Plan' subverts local control. It is being foisted on us by ABAG, MTC and local officials and is yet another giveaway to big developers.
- So-called affordable housing does not remain affordable because after a number of years it is allowed to be sold at market value.
- At this time Fairfax is at gridlock several times/day, yet we are slated under this plan for 280 new 'units' -how many people/with cars/unit unknown.
- According to a study the MBC, 50 % of the traffic coming through Fairfax at commute times is from Novato- I am assuming that that traffic diversion will only increase as you increase housing density San Rafael, north.
- I support increasing workforce housing but oppose giveaways to developers who will make huge profits, while local communities can only look on as local rights are eroded. In 4 years, ABAG- an unelected body, will 'revisit' these numbers- and so far, they have always demanded increase of numbers. ABAG reminds me of a greedy ravenous monster, whose belly is never full.

- Fairfax, has been compared to the Oakland Hills in terms of fire danger- narrow windy roads with a fire load that increases by the year. If a fire were to start, during a traffic standstill, how would people get out of town? We cannot provide safe exits to people at the current population density. Locally, we are worried about them getting out at ANY time!

- I know that CALTRANS has had plans on the books for a 4 lane highway from San Rafael to Point Reyes. When we reach total gridlock, which this housing infill plan will bring us to, we will have no choice but to destroy yet another facet of our small town life. I speak about Fairfax, but every town is slated for more housing in Marin.

C205-1.5

- 25 % of housing is slated to be built in toxic sites.
- Why locate marginalized communities in areas that are more polluted and toxic when they have fewer health resources?

C205-2

- There is a massive push towards geoengineering to meet our water needs at the national level, and, on top of this insanity, this plan will open the floodgates locally for MMWD's multi-million dollar desal plant (with intake next to a sewer outlet, a bay so polluted with pesticides, herbicides, toxic metals, pharmaceuticals etc. that fisherman are advised not to fish out of it, nor people to swim in it- a project which our struggling residents, towns and infrastructure can ill afford in a failing economy.

C205-3

- We cannot accept the parameters offered by this 'plan'. There needs to be more public meetings and a mechanism for public debate- the way Kinsey handled the one at the civic center was atrocious- his pro- plan people were lined up and allowed 3 minutes/speaker- not much time, granted, but when it came to those who opposed the plan, we were limited to 1-2 minutes. That is NOT public input.
- Kinsey needs to back off from accusing those who oppose the plan of racism.
- I do not believe that it is a plan to afford 'affordable' housing- I believe that it is a backdoor to subvert local governments deciding how and where they allow new housing.

- We do need workforce housing -let's find a way to subsidize it and cut out the middlemen- let's make local policy- town by town to meet local needs, and-if we are going to spend millions, let's have a public discussion. Many of them.
- This plan should go to the electorate for a vote. But the 'One Bay Area' planners must not be allowed to control the ballot language. It must be put together by a group from all sides.

Ms. Carolyn Clevenger; MTC EIR Project Manager  
101 Eighth St.  
Oakland, CA 94607

May 11, 2013

C206 Dear Metropolitan Transportation Commission:

As a long time resident and property owner, I am greatly concerned with the recent expansion and developments in Marin County.

I read the article in the Marin IJ Sunday May 5 and the expressed desire to identify PDA's near the SMART train hubs.

I am in support of the SMART train project if it can be done within reasonable economic parameters. I am surprised to learn the county is considering large numbers of additional housing near the planned hubs. The SMART train is supposed to reduce traffic; increasing housing by the numbers published in the Sunday May 5 Independent Journal Article defeats that intention. Walk routes, Biking and bus transit to the proposed hubs is the way to go.

I encourage you not to develop these few areas; they represent what distinguishes Marin county from many other bay area counties. The urban sprawl needs to stop, Marin has resisted it for many years and needs to maintain "green zones" of no development, and cluster housing elsewhere, where there is current development which could be demolished. I would suggest there are lots of small shopping locations which could be utilized more efficiently.

Please do not develop the Marinwood, Tamapalais Valley, Strawberry/marin City area. These are part of the splendor of the county, and serve to maintain our economic & green values well. WE are not in San Jose with its urban sprawl, and live in Marin by choice.

Please preserve the county and refuse housing developments in these areas.

Respectfully submitted,

  
Jane Hook  


Sausalito, CA 94965

## Plan Bay Area 2040 Final Environmental Impact Report

C207

**From:** "Judy Karau" [REDACTED]  
**To:** <info@OneBayArea.org>, <dstratton@marincounty.org>, <eircomments@mtc.ca.gov>  
**CC:** <skinsey@marincounty.org>, <krice@co.marin.ca.us>, <peklund@novato.org>  
**Date:** 5/12/2013 12:26 PM  
**Subject:** TAM Valley is not appropriate for housing expansion

I am a resident of Tam Valley. For the many compelling reasons that have already been expressed to the Planning Commission, please remove all of the sites in Tam Valley from the housing inventory.  
Judy Karau



C208

**From:** Adina Levin [REDACTED]  
**To:** <info@onebayarea.org>  
**Date:** 5/10/2013 10:45 PM  
**Subject:** Draft Plan Bay Area EIR Comments

Dear Commissioners,

Friends of Caltrain is a grassroots advocacy group supporting environmentally and economically sustainable transit in the Peninsula Corridor. We are very glad to see the region work to coordinate transit and land use in the interest of reducing greenhouse gas emissions.

In the proposed plan, we are concerned about the proposed Express Lane Network. As proposed, the Network will continue the cycle of “build more lanes, attract more drivers” by pumping all revenue back into new highway lanes, without adding more transportation choices or addressing the potential impacts to low-income travelers.

To address this concern, the MTC should

- Optimize existing lanes instead of just building more highway, and use the savings to pay for more public transportation choices.
- Ensure that with the opening of every new HOT lane, there will be a simultaneous improvement in transportation choices – including transit and vanpools – along the same corridor, over and above existing transit service and paid for by a combination of net revenues from the HOT system and new revenues from other sources.
- Substantially increase funding for transit operations.

Transportation produces a major share of the region's greenhouse gas emissions. Therefore we encourage you to adopt these strategies that will provide better climate protection results.

Sincerely,

Adina Levin  
Friends of Caltrain  
<http://friendsofcaltrain.com>

## Plan Bay Area 2040 Final Environmental Impact Report

**From:** Elizabeth Manning <[REDACTED]>  
**To:** <eircomments@mtc.ca.gov>, Elizabeth Manning <[REDACTED]>  
**Date:** 5/16/2013 10:53 AM  
**Subject:** comment 5/16/'13

I am informed and want Plan Bay Area stopped.

C209-1

There must be a VOTE by the public. The stealth, undemocratic development of the PBA infrastructure tentacles is appalling to those who have happened to discover what has already been developed under the guise of 375/32 compliance.

One problem is the number of young "green graduates" with fake "degrees" who must make the false premise of their "expertise" believable. Another is the social re-engineering goal. It has never worked & will not now.

This PBA nonsense is "UN-SUSTAINABLE". We will not let you ruin our great country. Get into honorable work before your jobs disappear as more citizens become aware of your sneaky endeavor.

Regionalism sucks.

Mill Valley resident,  
E. Manning

C210

**From:** Kim <[REDACTED]>  
**To:** <envplanning@marincounty.org>, <eircomments@mtc.ca.gov>, <info@onebayarea.org>  
**Date:** 4/29/2013 12:33 PM  
**Subject:** Zoning Changes

Please do not change the existing zoning for Marinwood/Lucas Valley. We are a suburban community adjacent to rural/open space areas. Increased zoning allows for urban development that simply doesn't make sense for our community.

High density multi story buildings in the middle of suburban open space tracts would not only be unsightly, but also there is no infrastructure in place to support these types of developments. The community is already experiencing excessive traffic congestion during commute times. The schools are already overcrowded and the community services district struggles with funding.

Thank you, Kim Mollenauer

## Plan Bay Area 2040 Final Environmental Impact Report

C211

**From:** Kim [REDACTED]  
**To:** <eircomments@mtc.ca.gov>, <envplanning@marincounty.org>, <info@onebayarea.org>  
**Date:** 4/29/2013 12:35 PM  
**Subject:** Fw: Marinwood/Lucas Valley Developments

I'm not sure who to send my comments to, so I am sending them to all three components.  
Thank you, Kim Mollenauer

--- On Mon, 4/29/13, Kim [REDACTED] wrote:

From: Kim [REDACTED]  
Subject: Marinwood/Lucas Valley Developments  
To: envplanning@marincounty.org  
Date: Monday, April 29, 2013, 11:54 AM

My biggest concern over any future development in our area is that new housing contribute toward ALL property taxes, not just the parcel taxes. The base tax contributions are necessary to support the Dixie School District and the Marinwood Community Services District. To give developers 55 year tax exemption status is unconscionable because it places undue burden on existing homeowners, many of whom are already stretched with exorbitant property taxes. A one time impact assessment is not sufficient to cover costs to the community over the next 55 years.  
Please consider only development for Marinwood Plaza that fully contributes to our tax base.  
Thank you, Kim Mollenauer

## Plan Bay Area 2040 Final Environmental Impact Report

**From:** "Ransenberg, Dan" <[REDACTED]>  
**To:** "eircomments@mtc.ca.gov" <eircomments@mtc.ca.gov>  
**Date:** 4/29/2013 2:00 PM  
**Subject:** "Plan Bay Area" (PBA) in Marin

Hello - I'll be the first to admit that I know very little about the "Plan Bay Area" (PBA). From what I read below my thoughts are:

C212-1

1. More transparency is needed on the initiative
2. Sausalito may already have higher density than other parts of Marin and this should be accounted for when making decision

Regards,  
Dan

~~~~~  
Daniel J. Ransenberg, FSA
Director
BlackRock Solutions
400 Howard Street
San Francisco, CA 94105
[REDACTED]
[REDACTED]

From: Councilmember Pfeifer [mailto:linda@lindaforsausalito.ccsend.com] On Behalf Of Councilmember Pfeifer
Sent: Friday, April 26, 2013 2:56 PM
To: Ransenberg, Dan
Subject: Pfeifer: Sunshine on Development April 23 2013

[sunshine logo]

Questions: Councilmember Linda Pfeifer, [REDACTED] [REDACTED]

[sausalito urban growth]
Proposed High Density Growth

The new "Plan Bay Area" (PBA) state initiative is proposing increased high density housing throughout Marin County.

A large amount of this growth would be targeted in Marin City and Strawberry. There appear to be a few tiny pockets within Sausalito as well, given the small black dots on the map at left. However, I am unclear as to its extent. The transparency for this has been abysmal.

If implemented, Plan Bay Area would greatly impact Sausalito's fragile eco-system and wild life. Marin City and Sausalito both border the Golden Gate National Recreation Area, home to several Endangered Species.

"Plan Bay Area" (PBA) says it is "eco-friendly" urban growth that stops suburban sprawl by redirecting high density housing developments along major transportation corridors.

But Sausalito has no "suburban" sprawl. We have one of the highest densities in Marin County. I believe Plan Bay Area's "one-size-fits-all" planning is wrong and hurts the environment by placing yet more unacceptable strain on our sewers and roads.

Sausalito, Marin City and [marin city growth] Tam Junction border sensitive eco-habitats. High density in these areas would seriously impact

Plan Bay Area 2040 Final Environmental Impact Report

wildlife, increase pollution, and generate unacceptable traffic bottlenecks for Sausalito and throughout Southern Marin.

The map to your right illustrates the "Priority Development Area" (PDA) geographies targeted, colored in blue. I would hate to live in Northern Sausalito when Plan Bay Area is implemented, as the congestion in Marin City will greatly impact our northern areas.

Sausalito's Housing Element

Plan Bay Area (the implementation of SB375) was the reason Sausalito's Housing Element placed high density housing along our main transportation corridor, e.g., Bridgeway (Northern Sausalito) and Second Street (Hurricane Gulch). It is a main reason I voted against Sausalito's Housing Element. The inadequate Neg Dec that replaced what should have been a full EIR (Environmental Impact Report) for Sausalito's Housing Element was a sorry legacy. Now, an inadequate EIR is being presented for Plan Bay Area as well.

No Transparency

I am appalled at the lack of transparency that Plan Bay Area has received. Most residents know nothing about these pending plans for explosive future growth. The whole process reminds me of the pension crisis, where past decisions have left us with a major financial crisis. Plan Bay Area, in my opinion, lays the foundation for a future high density crisis in our area. In my opinion, it is forced urbanization wrapped in an eco-spin.

Resident Options

Whether you like or dislike Plan Bay Area, please participate in the democratic process. I cannot stress enough the importance of your comments on the EIR, because the State MUST consider your input in their decision.

1) Attend Monday's Public Hearing:

- * What: Plan Bay Area Public Hearing for Marin
- * When: THIS Monday, April 29
- * Where: Marin Center, 10 Avenue of the Flags, San Rafael (map)
- * Details: The open house will run from 6 p.m. to 7:30 p.m. The public hearing will run from 7 p.m. to 9 p.m.

2) Write a letter to: MTC-ABAG Public Comment, Draft EIR - Plan Bay Area, 101 8th Street, Oakland, CA 94607

3) Email your comments to: eircomments@mtc.ca.gov<<mailto:eircomments@mtc.ca.gov>>

View Draft EIR at this link: <http://onebayarea.org/regional-initiatives/plan-bay-area/plan-elements/environmental-impact-report.html>

More Parking Spaces Removed Downtown for More Bicycle Racks

My comments opposing the removal of more parking spaces and closing a street downtown for more bike racks. (Video below, 4.23.2013)
[Councilmember Pfeifer opposes removing parking and closing Tracy Way for bike racks]<http://r20.rs6.net/tn.jsp?e=0017hcvWxIGP2A0JjvyZkexCfC_wtZQrzK6FVjhOazsvqXtoflUyDxjMxlXd3DY5_1xV_J1rfwmdNLb0_l6kEYPLEAII2O_PHXz4WT7fkTA9EhIApsbDp0GJA==>>

Councilmember Pfeifer opposes removing parking and closing Tracy Way for bike racks

Council Priority-Set[city priorities]ing Continues 5/7/13

What are your top priorities in Sausalito?

Most residents don't know that every year the Council votes on a list of "top priority" topics that then receive staff time during the year. On April 23 the Council began this process, creating a list of items to prioritize later. This discussion continues May 7. If you have any input, please send

Plan Bay Area 2040 Final Environmental Impact Report

an email to the City Manager (apolitzer@ci.sausalito.ca.us<mailto:apolitzer@ci.sausalito.ca.us>) and ask him to forward this to the council.

[http://img.constantcontact.com/letters/images/1101116784221/PM_EN_Divider.png]

Forward this

email<<http://ui.constantcontact.com/sa/fwtf.jsp?llr=k96btccab&m=1102316631882&ea=dan.ransenberg%40blackrock.com&a=1113184427092>>
[http://img.constantcontact.com/letters/images/SafeUnsubscribe_Footer_Logo_New.png]<<http://visitor.constantcontact.com/do?p=un&mse=001bAhAGGXw8y93-ae2KtsOsOW5ne1GQkMJ&t=001QYPCqnVqOiP3LHZVWMxeqA%3D%3D&llr=k96btccab>>

[http://img.constantcontact.com/letters/images/CC_Footer_Logo_New.png]<http://www.constantcontact.com/index.jsp?cc=PM_EN>

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SafeUnsubscribe<<http://visitor.constantcontact.com/do?p=un&mse=001bAhAGGXw8y93-ae2KtsOsOW5ne1GQkMJ&t=001QYPCqnVqOiP3LHZVWMxeqA%3D%3D&llr=k96btccab>>(tm) | Privacy Policy<<http://ui.constantcontact.com/roving/CCPrivacyPolicy.jsp>>.

Councilmember Linda Pfeifer | South Street | Sausalito | CA | 94965

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Plan Bay Area 2040 Final Environmental Impact Report

C213

From: Hank Rose [REDACTED]
To: <eircomments@mtc.ca.gov>
Date: 4/27/2013 10:04 AM
Subject: PBA

The Plan Bay Area proposal is unjust! Sausalito is one of the most densely populated areas in the county, so why would we want to be burdened with this unfair proposal?

LEAVE US OUT OF IT!!!!

Sincerely,
Henry D. Rose
Sausalito



Richard Hall
C/O Quiet and Safe San Rafael

May 3, 2013

MTC-ABAG Plan Bay Area Public Comment
101 8th Street Oakland,
California 94607

**Re: Public Comment on Draft Plan Bay Area and Draft Plan Bay Area Draft
Environmental Impact Report**

I write on behalf of Quiet and Safe San Rafael and myself to comment on the Draft Plan Bay Area and Draft Plan Bay Area Draft Environmental Impact Report (State Clearinghouse No. 2012062029).

Quiet and Safe San Rafael is a group of residents in North San Rafael from 10 neighborhoods which number over 4,700 households and 9,000 residents. We have come together out of concerns arising from the planning of the North San Rafael / Civic Center Primary Development Area. After hundreds of conversations and dozens of meetings that have occurred since September 2012, it is clear that this plan does not reflect the views of hundreds, if not thousands of residents.

We hope that you consider this letter very carefully. This letter identifies potentially serious issues that now documented and on the record, if left unaddressed by the plan may present liability and legal issues. Given the number and severity of the issues it seems unrealistic that the plan timetable of certifying a final valid EIR and adoption of a plan can occur by June as stated in the schedule update published November 9th 2012 and an extension of this timeline by six months at a minimum should occur.

1. Plan Fails to Present Valid, Substantiated and Measurable Rationale

To ensure accountability and defensibility the plan must be based on the following rational process, such as developed by the Bureau of Public Roads in 1963. The analysis on page 122 of the Draft Bay Area Plan lines up as follows with such a rational process:

- a) **Requirement:** Quantitative output criteria by which the plan, and alternatives can be judged
Issue with Plan: Multiple goals are invalid (detailed below)
- b) **Requirement:** Accurate presentation of travel needs, preferences and behaviors
Issue with Plan: The plan, and it's proposed allocation of discretionary transportation

expenditures¹, does not reflect that car and light truck are the preferred methods of transit of most residents

C214-3

c) **Requirement:** Project rankings in terms of cost per each criteria-related benefit

Issue with Plan: Scores are based on flawed assumptions where causality is not accurately substantiated (land use and transit preference, subsidization of specific housing types and development and rental or sale of that housing type), and peer-reviewed reports are not considered (e.g. impact of proximity to freeways and transit on health²).

Furthermore the plan does not weight the scores of specific targets, or if it does so clearly identify the weighting given (Table 4 on page 116). If no weighting was deemed necessary this is not explained. It seems unrealistic that all targets are given equal weightings.

C214-4

d) **Requirement:** Alternatives that consist of collections of potential projects

Issue with Plan: Alternatives are not presented that adequately reflect that car and light truck are the preferred methods of transit of most residents³. For instance, there is no alternative that has a highway emphasis. There is no transparency into additional alternatives considered (if any were considered).

The plan identifies that the “no project” alternative is projected to reduce passenger vehicles (presumed to mean cars and light trucks) CO₂ emissions by 23% over the existing condition in 2010. The preferred alternative which is costly and intrusive into basic economic and personal freedoms is projected to reduce emissions by 25%. The plan does not consider if this extra 2% is worth all of the costs.⁴

MTCO ₂ E Comparative Emissions	Existing Condition 2010	Alternative 1 - No Project	Alternative 2 - Proposed Plan
Pass Vehicles	19,383,000	14,970,000	14,631,000
%Change from Existing		-23%	-25%
Difference Between Plans 1 and 2			-2%

C214-5

The plan also presents an apparent inconsistency where Table 3.1.29 in the Draft EIR shows marked differences when compared to Draft Plan Bay Area. In the Draft Plan Bay Area the reductions in per capita CO₂ emissions appear to reflect exaggerated benefits for the proposed plan, when compared to the MTCO₂ emissions from the equivalent table in the Draft EIR (Table 3.1-29).

MTCO ₂ E Comparative Emissions	Existing Condition 2010	Alternative 1 - No Project	Alternative 2 - Proposed Plan
Pass Vehicles (Draft EIR Table 3.1-29)	19,383,000	14,970,000	14,631,000

¹ Draft Plan Bay Area, Page 12, Figure 2 “Plan Bay Area – Discretionary Investment Summary”

² Environmental Health Perspectives, a peer-reviewed journal:

http://www.huffingtonpost.com/2013/03/12/autism-pollution-study- n_2853542.html

³ Draft plan page 21, “Alternatives to Visioning Scenarios”

⁴ Draft EIR, Table 3.1-29, Comparative Annual Land Use GHG Emissions

%Change from Existing (Draft EIR Table 3.1-29)			-23%	-25%
%Change from Target Analysis, Page 116, row 1, Draft Plan Bay Area			-8%	-18%

The plan makes no effort to measure these costs, and address this question.

- C214-6** e) **Requirement:** Estimates of financial costs and the transportation, environmental and other benefits of each alternative
Issue with Plan: Transit CO₂ and diesel particulate emissions known to exceed car and light truck emissions⁵ per passenger mile are not accurately considered⁶.
- C214-7** f) **Requirement:** A preferred alternative that proposes a list of projects in an attempt to balance the various criteria
Issue with Plan: While a preferred alternative is proposed, the criteria by which this is identified flawed (see below).
- C214-8** g) **Requirement:** Monitoring to ensure the plan is working as intended with feedback mechanisms that add or subtract projects if more money becomes available or if certain assumptions prove wrong.
Issue with Plan: Insufficient evidence of historic causality and sensitivity analysis demonstrating indications that such monitoring is unlikely.
- C214-9** The lack of adherence to a rational approach, and consequent lack of defensibility means the EIR is inadequate.
- C214-10** Furthermore it means that the public, elected officials and ABAG and MTC representatives voting on the plan do not have the information to make an informed decision or provide effective feedback.

⁵ Based on Obama's fuel-efficiency standards:

<http://www.whitehouse.gov/blog/2011/07/29/president-obama-announces-new-fuel-economy-standards>

...the average car on the road in 2025 will use about two-thirds as much energy per vehicle mile as the average car today. This is based on the assumptions that new cars in 2025 will get the prescribed average 54.5 mpg; they will improve on a straight line between now and then; and the U.S. vehicle fleet will turn over at the rate of one-eighteenth every year, which is about the historic rate.

⁶ Critique by Mass Transit Consultant Tom Rubin on "Public Transit Buses: A Green Choice Gets Greener"

<http://reason.org/news/show/does-bus-transit-reduce-greenhouse>

"Environmental assessment of passenger transportation should include infrastructure and supply chains" by researchers at UC Berkeley:

http://iopscience.iop.org/1748-9326/4/2/024008/pdf/1748-9326_4_2_024008.pdf

This report concludes that the complete life-cycle energy costs of rail transit are 255 percent of the operating costs, while highway transportation is only 163 percent of the operating costs.

Randal O'Toole, *Does Rail Transit Save Energy or Reduce Greenhouse Gas Emission?* Cato Institute, Policy Analysis 615, April 14, 2008:http://www.cato.org/pub_display.php?pub_id=9325

C214-11 | The plan follows requirements set by Senate Bill 375⁷ which set targets of reducing CO2 emissions for cars and light trucks but not for transit. Instead of following SB375 at great cost, without question, and potentially with little or no effect the plan should serve as a shining example of leadership progressing reform of SB375.

Questions:

C214-12 | **Q1:** How does the plan adhere to a rational planning process?

C214-13 | **Q2:** Why do the MTCO2 emissions figures in table 3.1-29 of the Draft EIR for passenger vehicles which show alternative 1- no project would reduce emissions by 23% and alternative 2- proposed plan reduce emissions by 25%, when table 4 in Draft Bay Area Plan page 116 show that alternative 1 would reduce emissions by 8% and alternative 2 by 18%?

C214-14 | **2. Plan Invalidly Proposes Goal of “Increase Non-Auto Mode Share by 10 Percentage Points” and “Decrease Automobile Miles Traveled (VMT) Per Capita”⁸**

(Transportation System Effectiveness, Goal #9a and 9b)

The plan incorrectly represents these potential strategies as goals. Reducing total CO2 emissions (regardless of transit mode) is a valid and noble goal to help prevent climate change. However by imposing a bias towards transit the plan potentially increases total CO2 emissions, but this is masked from consideration leading to invalid conclusions. All alternatives include disproportionately high transit investments and low highway investments, there is no alternative presented with higher discretionary spending in highway investments.

Furthermore the model, and the alternatives presented, do not incorporate consideration that cars and light trucks emit more CO2 in congestion. This underscores the value of a strategy of reducing congestion not considered by the plan.

Trains in Austin, San Diego, and other cities – which have operational lifespans of 30 years – produce as much or more CO2 emissions per passenger mile than the average car in 2025⁹. Golden Gate Ferry’s CO2 is three times worse than cars, and Marin and Sonoma county buses

⁷ Draft Plan Bay Area, Page 2, A Legacy of Leadership “Among the new challenges are the requirements of California’s landmark 2008 climate law (SB 375, Steinberg): to decrease greenhouse gas emissions from cars and light trucks”. Page 3 “California Senate Bill 375: Linking Regional Plans to State Greenhouse Gas Reduction Costs”

⁸ Draft Plan Bay Area, Page 19, Table 1: “Adopted Plan Bay Area Performance Targets”

⁹ Critique by Mass Transit Consultant Tom Rubin on “Public Transit Buses: A Green Choice Gets Greener” to trains instead of buses:

<http://reason.org/news/show/does-bus-transit-reduce-greenhouse>

Randal O’Toole, *Does Rail Transit Save Energy or Reduce Greenhouse Gas Emission?* Cato Institute, Policy Analysis 615, April 14, 2008: http://www.cato.org/pub_display.php?pub_id=9325

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This report concludes that the complete life-cycle energy costs of rail transit are 255 percent of the operating costs, while highway transportation is only 163 percent of the operating costs.

are also as bad as or worse than cars.

Such a goal causes an over-emphasis on modes of transport that are not practical for many residents. For instance, many Moms and Dads (of which I am one) need to drop off their kids at schools over 1 mile away on their way to work. It is unrealistic for them to switch modes to walk, bike or take transit which may make their school drop off and commute time prohibitive. It is not reasonable to expect these residents to sell their homes (costing 7% sales commission, after a potential drop in property value) and move to smaller homes without yards near transit.

Furthermore this invalid goal serves to needlessly increase transit time per mile travelled, and reduce commute radiuses which has other significant adverse impacts covered elsewhere in this letter.

Questions:

- C214-15** | **Q3:** Why does the plan not specify that “Increase Non-Auto Mode Share by 10 Percentage Points” and “Decrease Automobile Miles Traveled (VMT) Per Capita” are targets and not strategies to achieve targets?
- C214-16** | **Q4:** Does the plan identify CO2 emissions of transit based on actual/current ridership levels?
- C214-17** | **Q5:** Why doesn’t the plan assess and state CO2 emissions per passenger mile of BART, Golden Gate Transit buses and ferries, MUNI buses, VTA light rail?
- C214-18** | **Q6:** Why does the plan not recognize that many residents cannot practically commute via transit, walking or biking? (E.g. dropping kids at school, picking up groceries)
- C214-19** | **Q7:** Why does the plan not recognize that many non-commute trips cannot be performed via transit, walking or biking? (E.g. buying furniture, heavy goods, conducting a journey with many stop-off points, residents who are disabled/older unable to walk long distances, connection times and commute times make travel time prohibitively long)

C214-20

3. Plan Excludes a Critical Target of Reducing or Minimizing Reduction of Travel Time

The plan under-represents a critical aspect of transit planning – reducing average travel time (regardless of mode of transit). Travel time is critical for a number of reasons:

- a) It directly affects commute radius. This particularly hurts low income residents who are less able to find jobs.
 - b) It affects the available talent pool for businesses
 - c) If cities on the periphery fall out of the commute radius they may go into economic decline; for instance Novato, Salinas, Saratoga, Fairfield and Vallejo are all on the periphery. Many have stretched commute and budget to afford single family homes in these locations. If out of practical commute range for cars (and for many dropping off kids this may be the only practical mode) these communities will have a drop in quality of life and property values.
 - d) It makes the Bay Area enjoyable and attractive to live in for existing and new residents
- Instead the plan over-emphasizes goals that are prescriptive strategies such as requiring and encouraging particular modes of transit and land use. This focus on strategies and omission of a

key goal is a major plan oversight.

The plan does not appear to place a value (money, time wasted, employment, talent pool availability), or a score relating to reducing congestion and reducing travel time.

Had congestion relief, and travel time been taken into consideration (together with additional pertinent alternatives) the plan would not have arrived at the same conclusion.

Questions:

C214-21

Q8: Why is reducing average travel time, regardless of mode of transit, not a goal with appropriate weighting?

C214-22

Q9: Why does the plan not take into consideration commute radiuses, where this recognize recognizes that there are many cases where commutes rely through preference or constraints on car or light truck transit?

C214-23

Q10: Why does the plan not provide adequate consideration of the impact of reduced commute radiuses? (E.g. if a town is removed from effective car and light truck commute radius this may have significant economic effects)

C214-24

Q11: Why does the plan discriminate between different transit modes? (E.g. why not focus on commute or travel time?)

C214-25

Q12: Why does the plan not take into consideration the importance of reducing congestion for the reasons stated above (pollution, reduced commute radius, wasted money...)?

C214-26

4. Plan Invalidly Defines Increasing Average Daily Time Walking or Biking per Person by 70 Percent As a Goal, When It Should Be a Strategy (Healthy and Safe Communities, Goal #5)

The actual goal should be minimizing transit time. This invalid goal needlessly skews scoring and resulting investments away from cars and light trucks.

Questions:

Q13: Why is increasing average daily time walking or biking a goal, when it should be a strategy?

C214-27

5. Plan Invalidly Defines Reducing Per-Capita CO2 Emissions from Cars and Light Duty Trucks by 15 Percent (Climate Protection, Goal #1)

The plan is based on California Senate Bill 375 which requires a reduction of greenhouse gas emissions only from cars and light trucks, excluding transit from consideration. However both the Plan, and the Senate Bill are questionable and the assumptions behind this should be questioned and reviewed.

The goal that is set is invalid and likely to result in a net increase in CO2 as when correctly

calculated car emissions¹⁰ are below that of transit¹¹. Alternatively significant public expenditure may be performed that does not reduce CO₂, or that achieves a small reduction of CO₂ when the same expenditures could achieve an exponentially greater reduction via other methods—such alternatives were not considered by the plan, such as:

- subsidization of building insulation to reduce electricity generation for HVAC
- focusing on expenditures reducing vehicle congestion and CO₂ emissions
- encouraging development of lighter weight vehicles

These are just three of many other possible ways of reducing CO₂ at far less cost, with much higher likelihood of success than the plan.

Questions:

C214-28

Q14: Why does the plan not set a leadership role and propose reducing all CO₂ emissions for transportation, as the plan over-emphasizes CO₂ emissions by transit costing significant amounts yet not achieving the intended true goal?

C214-29

Q15: Why did the plan, and ABAG staff and MTC, not question and evaluate the logic of Senate Bill 375's over-emphasis on CO₂ emissions by cars and light trucks?

C214-30

6. Plan Invalidly Defines Multi-Modal Transit as a Goal

Multi-modal transit is not a goal but a tactic of achieving a goal such as CO₂ reduction. It presumes that users want to have options and needlessly diverts billions of dollars to present choices that may not be adopted (and in many cases history has proven out will not be adopted). There is no assessment of causality that simply providing these other modes, at not inconsiderable expense, will cause them to be adopted, and adopted sufficiently to justify the investment and reduce passenger mile emissions. There is no sensitivity analysis in the plan to back up this causality. This target or goal is invalid.

Questions:

Q16: Why does the plan set multi-modal transit as a goal when it should be a strategy?

Q17: How does the plan assess that if multi-modal transit is provided users will switch to taking it, what sensitivity analysis is conducted or referenced to validate that the expenditures on multi-modal transit will lead to usage and desired benefits?

¹⁰ Based on Obama's fuel-efficiency standards, the average car on the road in 2025 will use about two-thirds as much energy per vehicle mile as the average car today. This is based on the assumptions that new cars in 2025 will get the prescribed average 54.5 mpg; they will improve on a straight line between now and then; and the U.S. vehicle fleet will turn over at the rate of one-eighteenth every year, which is about the historic rate.

¹¹ Randal O'Toole, *Does Rail Transit Save Energy or Reduce Greenhouse Gas Emission?* Cato Institute, Policy Analysis 615, April 14, 2008:http://www.cato.org/pub_display.php?pub_id=9325
Reason.org: Does Bus Transit Reduce Greenhouse Gas Emissions, April 5, 2010
<http://reason.org/news/show/does-bus-transit-reduce-greenhouse>

C214-31

7. Plan Does Not Sufficiently Consider that Traffic Congestion Adds to CO₂, Reduces Commute Radius

The plan does not present adequate consideration that the lack of investment and expansion of the road network will cause an increase in traffic congestion – instead the methodology results in an over-emphasis on transit. As a consequence congestion needlessly increases, and the resulting standing or slow traffic will cause additional CO₂ emissions per passenger mile for the most used form of transit – cars and light trucks.

Furthermore the plan does not adequately take into consideration the impact of the time wasted from traffic congestion in a number of ways:

- a) A reduction in the distance that most residents (most residents do not use transit) can effectively commute. This in turn means that people are less able to find employment. This hurts low income groups the hardest.
- b) The reduction in commute distance for this majority that use cars and light trucks means that employers cannot draw from such a large talent pool, reducing the Bay Area's competitiveness
- c) Inconvenience and frustration

Questions:

Q18: How does the plan effectively assess proportionate investment in maintenance and expansion of highways and freeways?

Q19: How does the plan assess CO₂ emissions caused by congestion?

Q20: How does the plan assess that congestion reduces commute radius, especially given that cars and light trucks are the preferred and often only practical mode of transportation?

C214-32

8. Plan Does Not Accurately Represent that Cars and Light Trucks are Residents Preferred Form of Transit (Based on Activity Not Survey Preference)

In 2011, 15.6% of San Francisco Metropolitan Statistical Area commuters used transit. The plan does not invest discretionary funds proportionate to the populations preferred mode of transit and over-commits discretionary funding to transit.

Of the \$57bn¹² discretionary funding¹³ 26% is committed to “maintain existing system” (of which some may not be car and light truck mode) and 7% is further split to “boost freeway and transit efficiency”. Restated – while less than 9.6% of commuters use transit, a disproportionately low amount of funding is allocated to users' preferred form of transit – cars and light trucks.

ABAG and MTC appear not to have taken note of the comments made in 2007 by the Federal Highway Administration in response to Portland's Metropolitan Planning Organizations which stated (amongst other critical comments in the same regard):

¹² Draft Plan Bay Area, Page 12 “Transportation Investments”, paragraph 2.

¹³ Draft Plan Bay Area, Page 12, Figure 2 “Plan Bay Area – Discretionary Investment Summary”

"The plan should acknowledge that automobiles are the preferred mode of transport by the citizens of Portland – they vote with their cars everyday".

Questions:

Q21: Why does the plan not acknowledge and use as a basis that only 15.6% of SF Metro Statistical Area commuters use transit?

Q22: Given that cars and light trucks are residents preferred mode of transportation how does the plan arrive at such large discretionary expenditures on transit and land use to encourage transit use?

C214-33

9. Plan Fails to Consider Impact of Concentrating Development in Locations With Disproportionately High Particulate Emissions, Ozone and Noise Levels That Are Near Transit

The plan encourages through expenditure of grants and land use policy, that new housing be located near transit such as train tracks, freeways and highways. Goal #2 –adequate housing encourages such housing to ensure representation of all income levels .

As a consequence the plan causes low income groups, which may be disproportionately made up of ethnic minorities, to be encouraged to live in locations that are less healthy due to particulate emissions, high ozone levels, noise (e.g. railroad crossings and traffic). There are many reports not disclosed or discussed in the plan that identify causal links between proximity to freeways and highways, asthma, autism and cancer.

References:

i) LA County and Southern California Medical Center, University of Southern California Keck School of Medicine: ***"Residential Proximity to Freeways is Associated with Uncontrolled Asthma in Inner-City Hispanic Children and Adolescents"***

<http://www.ncbi.nlm.nih.gov/pubmed/20948882>

ii) UCLA 2013 Study Published March 1st,

Environmental Health Perspectives, a peer-reviewed journal:

<http://www.huffingtonpost.com/2013/03/12/autism-pollution-study- n 2853542.html>

iii) Keck School of Medicine, University of Southern California, 2005:

<http://www.usc.edu/uscnews/stories/11614.html>

This represents just a small sample - the number of reports similar to this are too numerous to list but may be easily found using Google.

Residents, press and elected officials who praise and support the plan for providing more low-income housing, if they were properly informed, may instead have objected had disclosure occurred revealing that the plan consigned low income and ethnic minorities to such known, unhealthy locations.

Questions:

C214-34

Q23: Why does the plan not recognize that the compact infill development proposed will adversely impact low income and ethnic minorities by placing them in areas of higher diesel particulate and ozone emissions causing known negative health effects such as asthma, autism and other diseases?

C214-35

Q24: Why does the plan not disclose that many studies exist relating proximity to freeways has adverse health impacts?

C214-36

10. Plan States that “Compact Infill Development Can Reduce Vehicle Use” Without Adequate Substantiation (page 123, Draft_Plan_Bay_Area.pdf)

The plan provides insufficient evidence that encouraging residents to live in compact infill development will *cause* those residents to switch from using vehicles to transit. Published studies exist that dispute such a causal effect, or state that significance is too low to be meaningful. For instance the 2008 study by David Brownstone of the University of California, Irvine on “Driving and the Built Environment”¹⁴.

No sensitivity analysis is included in the plan to provide adequate proof of such a linkage that such development will reduce vehicle use. Figure 2 on page 123 of Draft Plan Bay Area is misleading as it only considers transit use based on where residents currently live. It does not prove that by encouraging through subsidization, land use policy, or otherwise that residents who move to infill development near transit will have *a higher likelihood of switching* to using transit.

Furthermore sufficient evidence exists that proves that there is no such causality. For instance the city of Portland has conducted highly aggressive “compact infill development” policies combined with significant transit investment yet the historic results disprove such causality. In downtown Portland the share of weekday commuting on transit actually fell from 46% of trips to 36% during the past decade (according to annual surveys done by the city auditor), despite substantial expansion of the city’s Max light rail and streetcar system¹⁵.

Questions:

Q25: Where does the plan provide documented evidence of a causal effect that provision of compact infill housing will first cause residents to move to this housing and second cause residents who move to switch from using cars and light trucks to transit (and that they did not already use transit or plan to switch to transit)?

¹⁴ Also reference Randal O’Toole, Smart Growth Plans are a Failure in Portland:

<http://www.cato.org/publications/commentary/smartgrowth-plans-are-failure-portland>

¹⁵ Sustainable Planning is Not So Sustainable: <http://www.cato.org/publications/commentary/sustainable-planning-is-not-so-sustainable>

C214-37

11. Plan Fails to Disclose Subsidization Required to Encourage Residents to Switch to Compact Infill Development Near Transit

The plan fails to identify through historic patterns, known by other regions and cities and a matter of public record, the true amount of subsidization required to encourage builders to develop such housing, and for residents to move to the new housing.

A survey by the National Association of Realtors in 2011¹⁶ backed up by actual experience reveals that the vast majority of Americans prefer to live in single-family homes with privacy and yards. Plan Bay Area is likely to produce a surplus of multi-family housing, which means developers will need large subsidies to persuade them to build such high density projects.

Evidence exists that subsidies are required in order to encourage people to move to high density housing¹⁷. There is no sensitivity analysis published to ascertain and validate the amount of subsidization required to encourage a given number of residents to switch to this type of residence, or to cause developers to initiate and complete such projects.

This lack of specificity means that an unreasonable (in fact undefined) amount of public money – state, county or city - may be spent to achieve the stated goals. Readers are in no way alerted by the plan to rising property taxes, sales taxes or needed to raise revenue to cover these subsidies. Alternatively the plan does not provide sufficient (if any) consideration that existing services such as police, fire and schools will be reduced in quality.

Furthermore there is no evidence that the expenditures covered by the plan will achieve the stated goals. This unsubstantiated logic is used to propose land use policy and allocation of resources in various places throughout the plan. This logic and presumed causality appears to be a fundamental tenet of the plan.

Questions:

Q26: Where does the plan provide documented evidence of the causal effect, such as sensitivity analysis, to identify how much subsidization will be required to cause residents to choose to move to compact infill locations?

¹⁶ National Association of Realtors Community Preference Survey 2011. . Sample size 2,071 American Adults.

See page 17: <http://www.realtor.org/reports/2011-community-preference-survey>

Page 17. Strong preference for single family detached house (80%), single family attached house or townhouse (7%) in response to the question "Right now, if you could choose, which of the following would you prefer to live in?"

Page 19, important community characteristics "Privacy from neighbors: 87% important, 45% very important).

¹⁷ The Folly of "Smart Growth", Randal O'Toole:

<http://www.cato.org/sites/cato.org/files/serials/files/regulation/2001/10/otoole.pdf>

Page 23: "Yet despite the shortage of single-family housing, Portland residents have failed to embrace Metro's high-density developments. In 1999, apartment vacancy rates were at seven percent, the highest in the decade, and reached 11 percent for apartments built in the 1990s. In a market where single-family home prices have nearly doubled, apartment rents have failed to keep up with inflation

C214-38

Q27: Where does the plan identify the impact on taxes or local services (E.g. fire, police, ambulance, schools...) of the increased compact infill development?

C214-39

12. Plan Fails to Consider and Identify Causality, Preventing Effective Feedback & Decision Making

The plan fails to provide effective substantiation of causality, or normally required sensitivity analysis. For instance (and not limited to the items stated below):

a) When residents move to infill locations near transit this causes them to increasingly take transit

b) The amount of subsidies required to encourage a resident to move into an infill location near transit

c) The reduction of CO2 caused by switching passengers from cars and light trucks to transit. E.g. there is strong evidence that trains, ferries and many bus services have higher CO2 emissions per passenger mile than cars and light trucks in the appropriate timeframe (e.g. a train operational from 2015-2045 should be compared to car and light truck CO2 emissions at the midpoint of the train's lifespan - 2030).

The Plan Bay Area documents , and the inaccurately represented causality provides insufficient and/or potentially erroneous information whereby the public, elected representatives, and ABAG and MTC committee members base decisions such as support or opposition to the plan, or selection the alternatives presented.

Restated, decision makers and public have not be provided with reasonable due diligence to prepare the information needed to make far reaching decisions, and may select the wrong alternative, or a valid alternative may not have been identified, considered and presented.

Questions:

C214-40

Q28: How does the plan provide complete and accurate facts, with substantiating logic such as sensitivity analysis that ensures policy makers, elected representatives and ABAG and MTC committee members can make accurate decisions?

C214-41

Q29: How did the plan arrive at the alternatives presented? Why are there no alternatives that seek to reduce congestion and increase commute radius?

C214-42

Q30: Do the alternatives considered and presented account for transit CO2 emissions, lowering car and light truck emissions, residents' transportation mode preference and on many occasions dependence on cars and light trucks as the only practical mode of transit? (E.g. elderly and disabled residents who cannot walk or bike).

C214-43

Q31: Do the alternatives considered and presented take into consideration that CO2 emissions for short car and light truck journeys (e.g. driving to transit) are disproportionately higher than long journeys? (E.g. catalytic convertors take time to become effective)

CONCLUSION

C214-44 | The Draft Plan Bay Area's DEIR is inadequate in numerous instances identified in this Comment Letter. ABAG must prepare an EIR that adequately analyzes the Project's Impact and meets CEQA guidelines.

Sincerely,



Richard Hall
Quiet and Safe San Rafael

Metropolitan Transportation Commissioner

Dear Commissioner,

C215-1 I am writing to urge you to ensure that the final Plan Bay Area incorporates the best elements from the Environment, Equity, and Jobs (EEJ) alternative and includes additional key mitigations to steer our region towards the best possible future for all Bay Area residents.

Compared to all the other alternatives, the EEJ alternative would bring us less traffic, healthier residents, fewer traffic deaths, and more affordable neighborhoods, and it would do a better job of allowing our most vulnerable neighbors to stay in their homes. But the draft of Plan Bay Area currently under consideration lacks some of the best policies from the EEJ alternative and additionally misses opportunities for greater equity and better transportation choices.

C215-2 I am particularly concerned about the proposed Express Lane Network, which fails to harness the potential of high-occupancy toll (HOT) lanes, will cost us more in the long run, and will increase greenhouse gas pollution. As proposed, the Network will continue the cycle of “build more lanes, attract more drivers” by pumping all revenue back into new highway lanes, without adding more transportation choices or addressing the potential impacts to low-income travelers.

In order to address these flaws, MTC should:

- C215-3**
- Implement mitigations to ensure low-income families receive an equitable share of the benefits and do not bear a disproportionate burden of the HOT network;
 - Ensure that with the opening of every new HOT lane, there will be a simultaneous improvement in transportation choices – transit and vanpools – along the same corridor, over and above existing transit service and paid for by a combination of net revenues from the HOT system and new revenues from other sources.
 - Optimize existing lanes instead of just building more highway, and use the savings to pay for more public transportation choices and mitigations for low-income travelers.

In addition, please support changes to the following policy areas in the draft Plan Bay Area:

- C215-4**
- Transit: Substantially increase funding for transit operations and institute a regional youth bus pass.
 - Affordable Housing: Plan for sufficient housing affordable to low-wage workers in all infill locations with access to jobs or transit.
 - Displacement: Strengthen OneBayArea Grant program to better incentivize local anti-displacement and affordable housing policies. Fund mitigations, such as land banking and housing rehab.

Done well, Plan Bay Area will protect our environment, improve our economy, increase social equity, conserve agricultural lands, and make our lives safer and more secure. I urge you to use your role as a regional leader to shape a regional plan that will bring the most benefits to the most people, so that our common future will include greater health, safety, and prosperity for all.

Sincerely,

From: Thomas Ayres [REDACTED]
To: <info@mtc.ca.gov>
Date: 5/8/2013 3:50 PM
Subject: Make Plan Bay Area work for all Bay Area Residents

Metropolitan Transportation Commissioner

Dear Commissioner,

We need to work together to get people out of private cars and into alternative transportation - transit, bicycles, walking - for the health of all.

I am writing to urge you to ensure that the final Plan Bay Area incorporates the best elements from the Environment, Equity, and Jobs (EEJ) alternative and includes additional key mitigations to steer our region towards the best possible future for all Bay Area residents.

Compared to all the other alternatives, the EEJ alternative would bring us less traffic, healthier residents, fewer traffic deaths, and more affordable neighborhoods, and it would do a better job of allowing our most vulnerable neighbors to stay in their homes. But the draft of Plan Bay Area currently under consideration lacks some of the best policies from the EEJ alternative and additionally misses opportunities for greater equity and better transportation choices.

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Done well, Plan Bay Area will protect our environment, improve our economy, increase social equity, conserve agricultural lands, and make our lives safer and more secure. I urge you to use your role as a regional leader to shape a regional plan that will bring the most benefits to the most people, so that our common future will include greater health, safety, and prosperity for all.

Sincerely,

Thomas Ayres, PhD
Board Vice President
East Bay Bicycle Coalition

Thomas Ayres
[REDACTED]
Kensington, CA 94707

From: <aldec@██████████>
To: <info@OneBayArea.org>
Date: 5/16/2013 12:11 AM
Subject: My Opposition to Plan Bay Area and the EIR for Plan Bay Area

MTC and ABAG
May 15, 2013
101 8th Street
Oakland, CA

C217-1 I strongly oppose Plan Bay Area, including, but not limited to, any and all low income and very low income, high density, stack and pack housing projects. Organizations such as Democrats
C217-2 against Agenda 21, OrindaWatch.org, and Pleasant Hill Citizens for Responsible Growth, have identified a plethora of community, population growth, overcrowding, crime, police, educational, land use, vehicle use, tax, funding, and environmental issues which are not adequately addressed by Plan Bay Area.

C217-3 I strongly oppose Plan Bay Area because local control of planning decisions is taken away and given to unaccountable regional government bureaucrats at ABAG and MTC who have an agenda to urbanize and destroy as many Bay Area suburbs as possible.

C217-4 I strongly oppose the EIR for Plan Bay Area because citizens were not given enough time by MTC/ABAG to read 1300 or more pages.

C217-5 I strongly oppose the EIR for Plan Bay Area because it may supercede or be in conflict with local and other government environmental laws, codes, and restrictions protecting the environment and Bay Area citizens.

C217-6 I strongly oppose Plan Bay Area and the EIR for Plan Bay Area because it is not being presented to registered voters in the Bay Area for their vote.

I strongly oppose Plan Bay Area and the EIR because strong opposition by citizens and taxpayers to Plan Bay Area at local city councils and at regional MTC/ABAG meetings and have been either ignored or rejected by city councils and MTC/ABAG representatives.

C217-7 During the April ABAG/MTC meeting on Plan Bay Area at the Walnut Creek Marriott the following 9 questions were submitted in writing to ABAG/MTC representatives. I oppose Plan Bay Area and the EIR for Plan Bay Area because I have not received any answers to the following questions, even though an Email address was provided and an ABAG/MTC representative told the group gathered at the Marriott that all questions submitted in writing would be answered:

C217-8 1. Why is Plan Bay Area, a plan of such great magnitude, not being presented to the citizens of the Bay Area, including Contra Costa County, for their vote?

- C217-9 | 2. Plan Bay Area requires 80% of all new houses to be stack and pack. Where is the empirical, peer-reviewed evidence that 80% of Bay Area citizens want to live in high density, stack and pack housing?
- C217-10 | 3. Plan Bay Area includes a massive series of unfunded mandates. SB 375 requires unfunded mandates on counties and cities to be identified. Where is the analysis in the Plan and the draft EIR of the cost to counties and cities of these unfunded mandates, and the impact of this cost on the likelihood of Plan Bay Area being effective?
- C217-11 | 4. Why doesn't the Plan Bay Area ratification process include a process whereby all cities submit their own economic and environmental impact analysis?
- C217-12 | 5. Why isn't there a third party official audit process of the assumptions of Plan Bay Area impacts and of the economic and environmental analysis used in Plan Bay Area to make sure that all data and procedures are fair and unbiased?
- C217-13 | 6. Why is there zero funding in Plan Bay Area for more schools, police and fire protection needed for the population growth identified in the plan?
- C217-14 | 7. Where in Plan Bay Area is the analysis of the impact of low income, high density, stack and pack housing on the property values of surrounding properties and the crime rates of applicable Bay Area communities?
- C217-15 | 8. Since the Plan impacts all 9 Bay Area Counties and all 101 cities of the Bay Area, why doesn't Plan Bay Area include city by city as well as county by county economic and environmental impact analysis?
- C217-16 | 9. Many of the PDAs targeted for new housing and commercial development are in low lying areas and or are on landfill. Given the dependence of the Plan on these sites, why hasn't there been any assessment of the additional risks this Plan creates in the event of sea level rise or a major earthquake?
- C217-17 | My perception was that most public speakers at the MTC/ABAG Walnut Creek Marriott meeting expressed their strong opposition to Plan Bay Area. I oppose Plan Bay Area and the EIR because MTC/ABAG representatives at the Walnut Creek Marriott meeting did not answer most questions presented by public speakers, who were limited by MTC/ABAG to only 2 minutes each.

A concerned citizen and Contra Costa Taxpayer

From: Elizabeth Appell [REDACTED] >
To: "info@onebayarea.org" <info@onebayarea.org>
Date: 5/14/2013 9:50 AM
Subject: One Bay Area

Hello,

I recently attended the One Bay Area “discussion” at Dominican College. Clearly your minds are made up. From Sacramento down to the Marin County Board of Supervisors and a myriad of public servants think you all know better than the people. You say, “You elected us to take care of you and that’s exactly what we’re doing.” On the surface, who wouldn’t agree with you? Who doesn’t want clean air, clean water, a non-rising sea, and close ties to neighbors? We all do, but we want to bring it about on our agendas, not the government’s. This is America made up of strong, individualists, and doers! If want to make something happen, we will make it happen. We don’t need a government centrally planning our lives. We don’t want to be stuffed into “corridors” of people, living so close to where we work cars won’t be needed. That’s totally unrealistic. We don’t want “smart” trains ferrying us around. If we do, we will build them. If we’re old, we don’t need to be relieved of the burden of our big homes. If we do, we’ll make that decision. You’re right on one point. Marin is one of the most beautiful areas in the United States. Do you think bringing in hundreds of low income units will make this county more beautiful? And of course the elephant in the room: who is going to pay for all of this? I know, grants, transportation funds, etc. Well that money comes from the people in this county who PAY TAXES. Many of the people you’re lobbying to bring in don’t!

Some of the weaknesses in your projections:

- C218-1** | Unrealistic job and housing numbers
Inadequate evidence that high density housing near transit reduces green house gases (GHG)
Inadequate evidence that the transportation plan reduces GHG
- C218-2** | Evidence that this plan increases costs for housing and transportation among low-income households
- C218-3** | Inadequate information re: water supply, sea level rise, and support for infrastructure
- C218-4** | Significant, irreversible environmental changes and 39 significant unavoidable impacts of the plan, identified in the EIR, should not be dismissed with findings of “overriding consideration.”
- C218-5** | I’m sure you’re well intended, but your reasoning is flawed. I suggest you put off any decisions regarding One Bay Area until the present financial ills of the State of California have been cured. Then let’s examine the future.

Regards,
Elizabeth Appell

Elizabeth Appell
Author of: Lessons from the Gypsy Camp
www.readelizabeth.com
Writer, Producer, Director

From: Ashley Eagle-Gibbs <[REDACTED]>
To:
Date: 5/13/2013 2:13 PM
Subject: Fwd: We need more \$ for Affordable Housing and Transit!

>>> Ashley Eagle-Gibbs <[REDACTED]> 5/13/2013 2:13 PM >>>

May 13, 1012

Steve Heminger, Executive Director
Metropolitan Transportation Commission •
101 Eighth Street,
Oakland, California 94607
sheminger@mtc.ca.gov
510.817.5810 (tel:510.817.5810)

Ezra Rapport, Executive Director
Association of Bay Area Governments
P.O. Box 2050
Oakland, CA 94604-2050
ezrar@abag.ca.gov
(510) 464-79267

Dear Sirs:

I appreciate the conscientious effort that the Metropolitan Transportation Commission and the Association of Bay Area Governments have invested in Plan Bay Area, the Bay Area's regional sustainable communities strategies plan. The Plan could reduce the Bay Area's contribution to climate change by siting new developments near transit, and investing in public transportation to allow all of us to drive less. However, that important goal is more likely to be achieved if the final Plan includes two important measures that from the Environment, Equity and Jobs Alternative, which your analysts found to be the environmentally superior alternative.

I urge you to:

C219-1 Increase funding for transit operations by at least the same amount incorporated into Alternative 5 (The Environment, Equity & Jobs Alternative) to restore transit service and improve transit riders' experience at least to levels commonly experienced before drastic cuts began in 2006. This increased funding is needed to avoid continued overcrowding at peak hours, and ensure that reliable transit is available to all bay area residents.

C219-2 Plan for, and fund, affordable housing in all transit rich and job rich communities throughout the Bay Area, at least at the levels incorporated into the Environment, Equity and Jobs Alternative, and encourage jurisdictions to adopt anti-displacement strategies to allow low-income residents to stay in their homes and neighborhoods.

Thank you for your attention.

Sincerely,

Ashley Eagle-Gibbs

[REDACTED]

Larkspur, CA 94939

[REDACTED]

C220

From: [REDACTED]
To:
Date: 5/13/2013 4:21 PM
Subject: Fwd: Letter Supporting MTC Action

>>> Eric Irelan [REDACTED] > 5/13/2013 4:21 PM >>>
May 13, 1012

Steve Heminger, Executive Director
Metropolitan Transportation Commission
101 Eighth Street,
Oakland, California 94607

Ezra Rapport, Executive Director
Association of Bay Area Governments
P.O. Box 2050
Oakland, CA 94604-2050
ezrar@abag.ca.gov
(510) 464-79267

Dear Sirs:

As a former Bay area resident, career regional transportation planner, and current grants administrator working in the Puget Sound Region, I appreciate the efforts that the Metropolitan Transportation Commission and the Association of Bay Area Governments have invested in Plan Bay Area. The Plan could reduce the Bay Area's contribution to climate change by siting new developments near transit, and investing in public transportation to reduce vehicle miles travelled. As on the ground developments within the Bay area and other major US city demonstrate, progress is more likely to be achieved if the final Plan includes two important measures that from the Environment, Equity and Jobs Alternative, which our analysts have found to be the environmentally superior alternative.

So I urge you to support:

Increased funding for transit operations by at least the same amount incorporated into Alternative 5 (The Environment, Equity & Jobs Alternative) to restore transit service and improve transit riders' experience at least to levels commonly experienced before drastic cuts began in 2006. This increased funding is needed to avoid continued overcrowding at peak hours, and ensure that reliable transit is available to all bay area residents; and

Plan for, and fund, affordable housing in all transit rich and job rich communities throughout the Bay Area, at least at the levels incorporated into the Environment, Equity and Jobs Alternative, and encourage jurisdictions to adopt anti-displacement strategies to allow low-income residents to stay in their homes and neighborhoods.

Thank you for your leadership,

Sincerely,
Eric Irelan
[REDACTED] Mount Vernon, WA 98273
[REDACTED]

C221

From: Marshall Sanders <[REDACTED]>
To: <info@mtc.ca.gov>
Date: 5/1/2013 10:11 PM
Subject: Make Plan Bay Area work for all Bay Area Residents

Metropolitan Transportation Commissioner

Dear Commissioner,

As an avid bike commuter family we urge you to support the EEJ Scenario for the Bay Area Transportation future.

Compared to all the other alternatives, the EEJ alternative would bring us less traffic, healthier residents, fewer traffic deaths, and more affordable neighborhoods, and it would do a better job of allowing our most vulnerable neighbors to stay in their homes. But the draft of Plan Bay Area currently under consideration lacks some of the best policies from the EEJ alternative and additionally misses opportunities for greater equity and better transportation choices.

I am particularly concerned about the proposed Express Lane Network, which fails to harness the potential of high-occupancy toll (HOT) lanes, will cost us more in the long run, and will increase greenhouse gas pollution. As proposed, the Network will continue the cycle of “build more lanes, attract more drivers” by pumping all revenue back into new highway lanes, without adding more transportation choices or addressing the potential impacts to low-income travelers.

In order to address these flaws, MTC should:

- Implement mitigations to ensure low-income families receive an equitable share of the benefits and do not bear a disproportionate burden of the HOT network;
- Ensure that with the opening of every new HOT lane, there will be a simultaneous improvement in transportation choices – transit and vanpools – along the same corridor, over and above existing transit service and paid for by a combination of net revenues from the HOT system and new revenues from other sources.
- Optimize existing lanes instead of just building more highway, and use the savings to pay for more public transportation choices and mitigations for low-income travelers.

In addition, please support changes to the following policy areas in the draft Plan Bay Area:

- Transit: Substantially increase funding for transit operations and institute a regional youth bus pass.
- Affordable Housing: Plan for sufficient housing affordable to low-wage workers in all infill locations with access to jobs or transit.

- Displacement: Strengthen OneBayArea Grant program to better incentivize local anti-displacement and affordable housing policies. Fund mitigations, such as land banking and housing rehab.

Done well, Plan Bay Area will protect our environment, improve our economy, increase social equity, conserve agricultural lands, and make our lives safer and more secure. I urge you to use your role as a regional leader to shape a regional plan that will bring the most benefits to the most people, so that our common future will include greater health, safety, and prosperity for all.

Sincerely,

Marshall Sanders

[REDACTED]

Oakland, CA 94607

C222

From: Shannon Tracey <[REDACTED]>
To: <info@mtc.ca.gov>
Date: 5/16/2013 4:08 PM
Subject: Make Plan Bay Area work for all Bay Area Residents

Metropolitan Transportation Commissioner

Dear Commissioner,

I am writing to urge you to ensure that the final Plan Bay Area incorporates the best elements from the Environment, Equity, and Jobs (EEJ) alternative and includes additional key mitigations to steer our region towards the best possible future for all Bay Area residents.

Compared to all the other alternatives, the EEJ alternative would bring us less traffic, healthier residents, fewer traffic deaths, and more affordable neighborhoods, and it would do a better job of allowing our most vulnerable neighbors to stay in their homes. But the draft of Plan Bay Area currently under consideration lacks some of the best policies from the EEJ alternative and additionally misses opportunities for greater equity and better transportation choices.

I am particularly concerned about the proposed Express Lane Network, which fails to harness the potential of high-occupancy toll (HOT) lanes, will cost us more in the long run, and will increase greenhouse gas pollution. As proposed, the Network will continue the cycle of “build more lanes, attract more drivers” by pumping all revenue back into new highway lanes, without adding more transportation choices or addressing the potential impacts to low-income travelers.

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- Ensure that with the opening of every new HOT lane, there will be a simultaneous improvement in transportation choices – transit and vanpools – along the same corridor, over and above existing transit service and paid for by a combination of net revenues from the HOT system and new revenues from other sources.
- Optimize existing lanes instead of just building more highway, and use the savings to pay for more public transportation choices and mitigations for low-income travelers.

In addition, please support changes to the following policy areas in the draft Plan Bay Area:

- Public Transportation: Substantially increase funding for transit operations and institute a regional youth bus pass.
- Affordable Housing: Plan for sufficient housing affordable to low-wage workers in all infill

locations with access to jobs or transit.

- Displacement: Strengthen OneBayArea Grant program to better incentivize local anti-displacement and affordable housing policies. Fund mitigations, such as land banking and housing rehab.

Done well, Plan Bay Area will protect our environment, improve our economy, increase social equity, conserve agricultural lands, and make our lives safer and more secure. I urge you to use your role as a regional leader to shape a regional plan that will bring the most benefits to the most people, so that our common future will include greater health, safety, and prosperity for all.

Sincerely,

Shannon Tracey

[REDACTED]

Oakland, CA 94608

C223

From: Elizabeth Wampler <[REDACTED]>
To: <info@mtc.ca.gov>
Date: 5/9/2013 2:45 PM
Subject: Make Plan Bay Area work for all Bay Area Residents

Metropolitan Transportation Commissioner

Dear Commissioner,

I am writing to say, first, that I think a lot of really great work has been done with Plan Bay Area! If done well, Plan Bay Area could bring more affordable, walkable communities to the Bay Area while reducing greenhouse gas pollution and meeting our region's equity, health, and safety targets.

I am also writing to urge you to ensure that the final Plan Bay Area incorporates the best elements from the Environment, Equity, and Jobs (EEJ) alternative and includes additional key mitigations to steer our region towards the best possible future for all Bay Area residents.

Compared to all the other alternatives, the EEJ alternative would bring us less traffic, healthier residents, fewer traffic deaths, and more affordable neighborhoods, and it would do a better job of allowing our most vulnerable neighbors to stay in their homes. But the draft of Plan Bay Area currently under consideration lacks some of the best policies from the EEJ alternative and additionally misses opportunities for greater equity and better transportation choices.

I am particularly concerned about the proposed Express Lane Network, which fails to harness the potential of high-occupancy toll (HOT) lanes, will cost us more in the long run, and will increase greenhouse gas pollution. As proposed, the Network will continue the cycle of "build more lanes, attract more drivers" by pumping all revenue back into new highway lanes, without adding more transportation choices or addressing the potential impacts to low-income travelers.

In order to address these flaws, MTC should:

- Implement mitigations to ensure low-income families receive an equitable share of the benefits and do not bear a disproportionate burden of the HOT network;
- Ensure that with the opening of every new HOT lane, there will be a simultaneous improvement in transportation choices – transit and vanpools – along the same corridor, over and above existing transit service and paid for by a combination of net revenues from the HOT system and new revenues from other sources.
- Optimize existing lanes instead of just building more highway, and use the savings to pay for more public transportation choices and mitigations for low-income travelers.

In addition, please support changes to the following policy areas in the draft Plan Bay Area:

- Transit: Substantially increase funding for transit operations and institute a regional youth bus pass.
- Affordable Housing: Plan for sufficient housing affordable to low-wage workers in all infill locations with access to jobs or transit.
- Displacement: Strengthen OneBayArea Grant program to better incentivize local anti-displacement and affordable housing policies. Fund mitigations, such as land banking and housing rehab.

Plan Bay Area is a huge opportunity for our region to protect our environment, improve our economy, increase social equity, conserve agricultural lands, and make our lives safer and more secure. I urge you to use your role as a regional leader to shape a regional plan that will bring the most benefits to the most people, so that our common future will include greater health, safety, and prosperity for all.

Sincerely,

Elizabeth Wampler



From: betty winholtz <[REDACTED]>
To: <sheminger@mtc.ca.gov>, <ezrar@abag.ca.gov>
Date: 5/13/2013 10:15 PM
Subject: mass transit

May 13, 1013

Steve Heminger, Executive Director
Metropolitan Transportation Commission •
101 Eighth Street,
Oakland, California 94607
sheminger@mtc.ca.gov
510.817.5810

Ezra Rapport, Executive Director
Association of Bay Area Governments
P.O. Box 2050
Oakland, CA 94604-2050
ezrar@abag.ca.gov
(510) 464-79267

Dear Sirs:

I appreciate the conscientious effort that the Metropolitan Transportation Commission and the Association of Bay Area Governments have invested in Plan Bay Area, the Bay Area's regional sustainable communities strategies plan. The Plan could reduce the Bay Area's contribution to climate change by siting new developments near transit, and investing in public transportation to allow all of us to drive less. However, that important goal is more likely to be achieved if the final Plan includes two important measures that from the Environment, Equity and Jobs Alternative, which your analysts found to be the environmentally superior alternative.

I urge you to:

C224-1 * Increase funding for transit operations by at least the same amount incorporated into Alternative 5 (The Environment, Equity & Jobs Alternative) to restore transit service and improve transit riders' experience at least to levels commonly experienced before drastic cuts began in 2006. This increased funding is needed to avoid continued overcrowding at peak hours, and ensure that reliable transit is available to all bay area residents

C224-2 * Plan for, and fund, affordable housing in all transit rich and job rich communities throughout the Bay Area, at least at the levels incorporated into the Environment, Equity and Jobs Alternative, and encourage jurisdictions to adopt anti-displacement strategies to allow low-income residents to stay in their homes and neighborhoods.

Sincerely,

Betty Winholtz
[REDACTED]

From: [REDACTED]
To: <info@OneBayArea.org>
Date: 5/16/2013 3:37 PM
Subject: Plan Bay Area

C225-1

Please choose "Alternative 1: No Project" and stop this goon squad from destroying our beloved Bay Area.

Sincerely,

Kim Bowman

From: Joyce Britt <[REDACTED]>
To: <info@onebayarea.org>
CC: [REDACTED] >
Date: 4/25/2013 10:50 AM
Subject: comment on plan Marin resident

In order to receive the most recent information upon which to comment, I found pages at your site which appear inconsistent with respect to the alternatives. In any event, since CEQA requires a "No Project" alternative, I must assume that anything inconsistent with this, must be incorrect.

C226-1 I do support No Project, based upon the fact that Marin county, where I live, is not metropolitan, has rudimentary transportation, and at a population of about 250,000, fewer than 100,000 of whom are taxpayers, will most likely never have the transportation system to support the housing envisioned by this plan. Moreover, since the plan essentially views from behind, rather than forward, it will be obsolete by the time it could ever be implemented.

For our world, changing because of many things, including the technological revolution, we need the flexibility that local control affords us. It goes without saying that this is also the democratic way. Top-down government manifestos seldom work.

Joyce Britt
[REDACTED]
Mill Valley 94941

From: Jon Campo <[REDACTED]>
To: <info@OneBayArea.org>
Date: 5/5/2013 6:41 AM
Subject: alternative #1

C227-1 I wanted to take a moment to urge you to please consider voting for Alternative #1, No Project in regards to Plan Bay Area.

Me and my family recently moved to Marinwood to get away from the hustle & bustle of SF. I never imagined I would live in the 2nd densest city in the country (SF) and it was simply too much for me. Moving our Asian/Caucasian family to Marinwood was the best decision we ever made. Living a quieter simpler life where our kids can safely play in the street without the density of urban life.

I hear often advocates of Plan Bay Area speak about racial/socio-economic nimbyism, but that's not the issue, simply put it's human density. People that have invested in these communities do not want to live with density, period. The goal of Plan Bay Area is to promote the thing that people that already live here do not want.

Thank you for reading

Jon Campo

--

~ Jon

From: June Mee Kim [REDACTED] >
To: <info@OneBayArea.org>
CC: <skinsey@marincounty.org>, <krice@co.marin.ca.us>, <peklund@novato.org>
Date: 5/9/2013 4:08 PM
Subject: Opposition to the Draft Plan Bay Area

Dear Marin County Supervisors,

C228-1 | We urge the Marin County Board of Supervisors to work with ABAG & MTC to remove Tam Valley and Almonte from the Hwy 101 Corridor Priority Development Area of Plan Bay Area.

C228-2 | We also urge Marin County's Representatives to demand a minimum of six more months before making a decision regarding the Draft Plan Bay Area in order to educate Marin residents about the plan and in order to thoroughly evaluate the plan.

C228-3 | ABAG and MTC and Marin County's Representatives should recognize that there is an ultimate limit to growth and reduce the total projected build-out of any Bay Area Sustainable Communities Strategy to a level that is sustainable. ABAG and MTC and Marin County's Representatives should also preserve the environment and protect public health and safety and prevent any Bay Area Sustainable Communities Strategy from mandating development in hazardous areas.

C228-4 | Please vote for the "NO PROJECT" Alternative.

Concerned Tam Valley Residents,

June & Steve Kim
[REDACTED]
Mill Valley, CA 94941

From: Mark Schoenbaum <[REDACTED]>
To: "info@onebayarea.org" <info@onebayarea.org>
Date: 5/16/2013 4:13 PM
Subject: Plan Bay Area

C229-1 | Alternative 1: No Project

Sent from my iPad

From: Sebastian Ziegler < >
To: <info@OneBayArea.org>
Date: 4/8/2013 11:49 AM
Subject: Government and Community Subsidized Housing in Orinda

April 8, 2013

Dear ABAG Representatives,

I am a long time resident, voter and property owner in the Bay Area. I have recently become aware of the One Bay Area Plan and the sweeping changes proposed for the Bay Area by ABAG and MTC to implement California State Senate Bill 375 and the State's housing element laws.

I am outraged that the locally elected officials we have sent to represent us in this process have selected for adoption, an ABAG plan alternative (Option 2) that threatens our way of life, our property, our sacred values and our right to self-determination. I support the no plan alternative (Option 1) which leaves planning to the local city and county authorities where it legally belongs.

This One Bay Area Plan sacrifices our future transportation and housing needs in favor of reducing carbon emissions and addressing climate change. Truthfully, it achieves neither, while locking the 7 million people in the Bay Area into an expensive and ineffective one-size fits all "Solution" for the next 25 years, not taking into account the dynamic nature of technology and societal changes that make this type of planning obsolete before the ink is dry.

This One Bay Area Plan is not our choice. It is a mandate to ruin our cities so they can be densified and then rebuilt as "livable". My city is very livable right now and we don't want this draconian regional approach to planning foisted upon us.

The Association of Bay Area Governments is a joint powers authority, created as a vehicle for regional coordination of inter-county issues. County and City membership in ABAG is voluntary. If you adopt this One Bay Area Plan you are voluntarily giving up your county's and city's rights to determine how best to address the future needs of your unique community. Please provide your community with the necessary leadership to stand up for your residents and say 'No!' to the One Bay Area Plan in its current form.

ABAG and MTC have received repeated, strong objections to the forecasts underlying its planning process from numerous stakeholders over the past several years. The counties and cities in the Bay Area need to determine their own independent sustainable communities strategies with ABAG and MTC acting solely in a coordination role.

I am looking forward to your response on how you will represent your constituents on this issue and on regional issues in the future.

Sincerely,

Sebastian Ziegler

From: Victor Goodrum <[REDACTED]>
To: "info@OneBayArea.org" <info@OneBayArea.org>
Date: 4/2/2013 4:31 PM
Subject: Draft Environmental Impact Report (EIR) Released

Hello,

I am writing you regarding On Bay Area. You people need to reconsider your process and timing for making decisions on this misguided idea. Here are some ideas to start with...

- C231-1 1. More time is needs to be allowed from release of EIR documents to hearing...I recommend a minimum of 6 to 8 weeks for review.
- C231-2 2. Meeting must be held in the evening to allow the working taxpaying public to attend. WE fund this city and demand you hear our voice.
3. At a minimum there must be multiple meetings in each county so ALL citizen can have a thorough voice in this highly controversial activity.

You people have done enough damage to our economy.

Thanks,
Victor

CC 4-22-13

I have many concerns about Plan Bay Area and below are just a few of many of them.

- C232-1** 1. The plan is 160 pages, the draft EIR is 1300 pages and there are thousands of pages of additional documents to accompany it. I would ask that you extend the deadline for the Public to submit comments well beyond the May 16, 2013 4PM deadline. I would suggest 6 to 12 months extension.
- C232-2** 2. Since past and current preference surveys indicate 60-80% of residents prefer single family homes, why is the plan requiring that 80% of all new homes be stack and pack ? Who wants to live over a restaurant or Bart tracks if you can have a single family home with the privacy of a yard?
- C232-3** 3. Why has there been little analysis of the impact high density housing will have on property values of existing properties in a community?
- C232-4** 4. There is no funding for more schools, police or fire protection in the plan. Why? Who will pay for these additional needs?
- C232-5** 5. Plan Bay Area will adversely affect our way of life. With such a wide-reaching and dramatic change to life as we now know it, I believe this plan should be presented to the citizens of the Bay Area for a vote.

Barbara Hagen

Orinda, CA



- C233-1** 1. The "Plan" and the draft "EIR" assume there is going to be Bay Area population expansion. There is nothing to substantiate that. We have a replication ratio of less than 2.0 and we have a net migration exodus. There is no need for housing expansion in the foreseeable future. There is no need for your housing proposals.
- C233-2** 2. It appears that this plan is being executed by non elected public agencies. If you're going to dictate what a county and a city can do you must be elected to do so. An "elected ABAG" would have control over the bay area counties, and the cities within each county. This "Sub State" would be subservient to the State of California. You cannot create a "substate" as you seem to have done. You can't do this by appointing voting members. You can't quaisi elect people to serve in something this important.
- C233-3** 3. The 160 page "Plan" and the 1336 page draft EIR is too long to understand. There's no way we can adequately understand what's in the Plan in the time we've been given to evaluate it. We must have more time.
4. As a member of the group Save Orinda, I have discussed this with many. A very strong majority of Orindans I have discussed this with are opposed to it.

I've been an Orinda resident since 1977



Kent Hagen

From: susan k [REDACTED] >
To: "info@onebayarea.org" <info@onebayarea.org>
Date: 5/2/2013 9:33 PM
Subject: Open space

C234-1

How does "No project" negatively impact open space when open space cannot be developed?

No Project alternative lags the other alternatives when it comes to reducing GHGs (Target 1) or protecting open space (Target 6)

Susan

From: John Parnell <[REDACTED]>
To: "info@OneBayArea.org" <info@OneBayArea.org>, "krice@co.marin.ca.us" <krice@co.marin.ca.us>, "skinsey@co.marin.ca.us" <skinsey@co.marin.ca.us>, [REDACTED] <[REDACTED]>, "ljackson@tam.ca.gov" <ljackson@tam.ca.gov>
Date: 5/16/2013 3:41 PM
Subject: Please vote "Alternative 1: No Project" for Plan Bay Area

C235-1 Please opt-out of Plan Bay Area and go with the "Alternative 1: No Project". Plan Bay Area pursues laudable goals, but the implementation is sorely lacking. Please do not urbanize our suburbs under the false hope that it will decrease auto pollution. You have used incorrect growth assumptions to justify this plan. There are many inadequacies that have not been addressed by MTC or ABAG.

C235-2 1. This T.O.D. housing is going to cause an asthma epidemic & a we need a plan to mitigate the long-term health consequences of this Plan.

C235-3 2. We have neither the water nor the sewage capacity to handle this growth. This development would necessitate the need for a desalination plant, which has been a very unpopular issue.

C235-4 3. Sea-level rise is going to be occurring in many of these planned PDA's in this century.

C235-5 4. It will destroy the beauty of Marin. We do not need big apartment buildings up & down 101 in the hopes that more people will take public transit.

C235-6 5. Your proposed Vehicle Miles Travelled Tax with a GPS in every car is downright creepy & a bit too Big Brother. Other states have vehicle inspections at the DMV, where they check the license & insurance of the owner, as well as operability of the vehicle. I know that around here, that would be considered intrusive, but the GPS is worse. It also isn't replacing our DMV fees or fuel taxes, but is just another tax. I know that your \$200 million Taj Mahal is going over-budget, but our tolls should be enough.

C235-7 6. You are unelected regional agencies, and should not have the authority to dictate this policy upon us. Unless your boards are modified to become directly-electable by the people, then you should not be allowed to force this down everybody's throats.

I wish that all of Marin would follow Corte Madera's lead, and get out of ABAG until the board is made directly-electable.

John Parnell
[REDACTED]
Novato CA 94949

From: "vangertz@aol.com" <[REDACTED]>
To: "info@OneBayArea.org" <info@OneBayArea.org>
Date: 5/15/2013 10:20 PM
Subject: To whom it may concern,

C236-1 I would like to register my disagreement with the 'plan bay area' both the PDAs & the PCAs. Most of Marin county's PDA are located along the Bay where threaten species and wetlands are. Since we are in the time of rising ocean levels, why would this even have been considered as a way to move forward in the future. There seems to be no addressing of the profound negative impact on our native and endangered species, the ecosystems, our beautiful vistas. Why would you think of increasing buildings on the Bay is a positive move forward for our community.

C236-2 You must go back to the drawing board, be more inventive and creative. Your solution will only bring more blight and destruction to our beloved Marin. WERE THINK THIS PLAN IT IS WRONG! You need to talk to more of the residents and not to people who will profit from this plan.

a very concerned citizens and Mill Valley resident

Valorie Van Dahl

[REDACTED]
Mill Valley, CA 94941
[REDACTED]

Sent from Windows Mail

Ms. Byrne Mathisen
[REDACTED]
Lafayette, CA

RECEIVED
MAY 15 2013
MTC

May 14, 2013

Ms. Amy Worth, Chair
Metropolitan Transportation Commission
Joseph Bort Metro center
101 Eighth Street
Oakland, CA 94607-4770

Mr. Mark Luce, President
Association of Bay Area Governments
P.O. Box 2050
Oakland, CA 94607-4756

Subject: Plan Bay Area Public Review Period

Dear Chair Worth and President Luce:

C237-1 I respectfully request the public review process of the Plan Bay Area Plan be extended by ninety (90) days beyond the May 16, 2013 deadline. If you refuse to do so it will only increase the public mistrust in your respective Commissions.

The plan as now presented is full of assumptions on almost every topic so far divorced from reality. Your commissions have immersed yourselves out of the public view over a long period of time unconnected to reality of the diverse communities you purport to represent.

C237-2 The Bay Area is composed of five (5) mini climates, each with their own topographical features, unstable soils conditions and seismic fault lines, creeks and streams above and underground. It is absolutely necessary planning continue to be done on a local level, by local planners and residents aware of these constraints.

In the case of Lafayette our neighborhoods outside of the downtown were designed and developed in the valleys to the north and south of the downtown. We have narrow winding roads many with only one way in and out.

Your Plan envisions the housing of the future to be compact apartments instead of single family homes with a yard for children to play. Whatever makes you think this is the environment families wish to raise their children. My husband and I met, courted and married in New York City. We both enjoyed living there before we started a family, however it is not where we chose to live once we had children. How fortunate we were to have the where with all to start a successful business in the Bay Area and chose Lafayette as our ideal family friendly community.

Attached comments from April 22, 2013

Thank you for your consideration.

Sincerely,


3.6-988

April 22, 2013 comments ABAG/MTC meeting Walnut Creek Marriot

Byrne Mathisen, Lafayette resident 34 yrs. Currently VP Happy Valley Improvement Association and the HVIA rep. to the Lafayette Homeowners Council. The HVIA has been in existence for over 65 years representing the 1100 households north of the Lafayette BART Station.

We meet 9 times during a calendar year with an additional Annual Meeting to discuss issues of the day we send out Newsletter in advance of the Annual meeting.

One year we had the fire chief come and go over what we could do to make our area in the city of Lafayette safer. We are a neighborhood of older, narrow, winding roads in a hilly environment with few Ingress and egress points. What you could call a fire trap.

Actually all of Lafayette neighborhoods are within valleys; Acalanes Valley, Burton Valley, Reliez Valley and Happy Valley. All of which have the same constraints.

C237-3 | Plan Bay Area will change our way of life, irreversibly. We vote for relatively minor changes to our life like a ¼ percent sales tax. Whether or not a vote is statutorily mandated, why on earth is this Plan of such magnitude not being presented to the citizens of the Bay Area for a vote?

The city of Lafayette has a General Plan (I served on the citizens advisory Committee) We also have a Downtown Specific Plan more than 5 years in the making I attended 80 % of the meeting. We have a second unit ordinance which I covered for our association and presented our Associations recommendations.

The city has a newsletter Vistas published four times a year. VISTAS are what we have all over our city. The residents put a very High value on these and wish to keep them.

C237-4 | Given that the plan is so heavily dependent on housing units being built near BART why hasn't there been more analysis of the impact on the physical and emotional health of residents living so close to such high noise sources?

C237-5 | Why has there been little analysis on the impact of high density will have on property values of surrounding properties?

C237-6 | Why is there zero funding for more schools, police, and fire protection? How are these going to be paid for and why was funding for these critical elements of land-use and transportation planning not included in the plan?

C237-7 | Plan Bay Area's premise suggests CEQA waivers for eligible projects, with reduced parking spot requirements for such projects. At a minimum, the automobile is a necessity of life for long trips outside the region and to enjoy the beauty of the Bay Area, and for transporting oversized and heavier items. How will this plan prevent or limit people from using their automobiles at all?

C237-8 | Innumerable examples of vacant retail locations below residential facilities dot the map of the Bay Area and other locations. Why are there few studies of the performance of mixed-use residential/retail buildings?

C237-9 | Since this plan impacts all 9 Bay Area Counties and all 101 cities of the Bay Area, why doesn't this plan include individual city-by-city and county-by-county economic and environmental impact analysis? Why doesn't the Plan Bay Area ratification process include a process whereby all cities submit their own economic and environmental impact analysis?

C237-10 | Why isn't there a 3rd-party official audit process of the assumptions of Plan Bay Area's? Impacts and of the economic & environmental analysis used in Plan Bay Area to ensure that all data & procedures were fair and unbiased?

C237-11 | The Energy Information Agency's data shows that the United States energy-related impact on CO2 inventories is approaching 1990 levels already without the implementation of Plan Bay Area and shows that CO2 has been declining every year since AB32 passed except for 2010. Reasons cited include lower economic activity, the shift from coal to natural gas, and the adoption of improved efficiencies in automobile emissions standards.

The Plan does not include the expected impact of CAFE-2050 automobile standards on Greenhouse Gases. Why are these key data and premises not included in the analysis on whether or not Plan Bay Area is even required at this point?

C237-12

I request that the Plan Bay Area be suspended until these key data be reviewed and included in the analysis.

C237-13



From: Kevin M [REDACTED]
To: "Info@OneBayArea.org" <info@onebayarea.org>, "skinsey@marincounty.org" <skinsey@marincounty.org>, "krice@co.marin.ca.us" <krice@co.marin.ca.us>, "peklund@novato.org" <peklund@novato.org>
Date: 5/16/2013 3:49 PM
Subject: Plan Bay Area - Vote "No Plan"

Dear Honorable Officials,

Vote No Plan or Six Month Extension

C238-1 I urge all to vote "No Plan" or a six month extension to further review the long EIR documentation. I will briefly explain my reasoning below.

Build Now, Worry Later

We just came through a "housing boom" that nearly bankrupted the nation. Homes were built without regard for having jobs to support the mortgages. The "Plan Bay Area" included projections of job growth to cover this obvious flaw in unplanned the "build out" of the nation.

C238-2 However, there is nothing in the "Plan Bay Area" to request a review of the local infrastructure when "Priority Development Areas" are submitted or housing quotas are agreed upon.

We all know if the area is overbuilt for the local infrastructure, it will be the tax payers who are on the hook for the infrastructure build out. In areas where adding infrastructure is inexpensive and resources are plentiful, there is little problem. In areas where resources are scarce housing booms can turn into "ghost towns". Areas with abundant natural resources endure economic downturns. Areas with low resources or high costs turn into ghost towns during economic downturns.

Virginia City was once one of the largest cities in the west, but when the jobs went away, it never recovered. San Francisco has endured losing most of the shipping business to Oakland, however, San Francisco has endured due to the resources in place and the ability to take on new businesses.

If all you have is a Hammer, everything looks like a Nail. Plan Bay Area is authored by a transportation group, an air quality group, and a water quality group. There is no group looking

C238-3 into the infrastructure requirements for each city or county. Why are the "County Planners" not involved as a top level group? It takes more than housing and transportation to create a city or village. When submissions are made for "Priority Development Areas", there should be an

C238-4 assessment of resources, the current excess capacity, how much will be used creating housing according to the "housing build out", and high level estimations of the cost to build out the infrastructure. We all know adding to the local infrastructure can vary greatly location to location. Take schools for example. If an area closed down schools, adding classrooms is easy. However, if an area has no additional classrooms and no land to build new classrooms, adding classrooms is extremely expensive.

C238-5 The following should be addressed in every submitted PDA. Assessments of capacity, needed capacity due to additional building, cost to expand for: Water, sewer treatment, sewer lines, solid waste, electric grid, gas pipes, schools, parks, police, fire and first aid.

It is important to know the capacity and the cost. Dubai has shown you can build a city in the desert if you have enough money. This country is currently borrowing trillions of dollars. We can't spend money like we have an oil well in the backyard.

C238-6 Water - "Historically, land use planning has been undertaken with little regard for the availability of water supplies" This is a quote out of the Marin 2007 County Plan. The need for water is not in "Plan Bay Area". The need for water is not evaluated in the PDA's. This is a huge lack of planning. We know if Marin over commits to building, the result will be having to add Desalination Plants, which are huge consumers of electricity. How is this a GHG friendly plan?

"You can have any color you want, as long as it is black" - Henry Ford

C238-7 Numerous time I have been told, "Don't worry we still have local control". If the "Plan Bay Area" has no impact, then why bother passing it? We will have local control; however, it will be after we make the required zoning changes and other changes. This reminds me of that famous Henry Ford quote. Sure will have local control, but first we need to diminish our local control.

Sea Level Rise

C238-8 If you believe in Global Warming and Green House Gas issues, how can this plan not address sea level rise? The plan lists over 100 acres in Marin that are subject to "Liquification" and "Flooding". Add in Sea Level rise and I worry about the plan.

Green House Gas and Driving

C238-9 On average in Marin, accounting for round trips:114, 000 vehicles cross the Golden Gate Bridge.72,000 vehicles cross the Richmond San Rafael Bridge.38,000 vehicles cross into or out of Marin from Vallejo.83,000 vehicles cross into or out of Marin from Sonoma.192,000 vehicles pass the Civic Center in a day.
More vehicles pass into and out of Marin than the entire population. Assuming 1.5 people per vehicle, that is a huge number of people. Plan Bay Area's solution is to add the SMART train, with 156 seat trains leaving twice an hour. This truly is a "1% solution". Then add more people around the SMART stations, assuming they will only use the train. I feel this solution is much like the "Paperless Office" concept that used more paper than it saved.

Population and Job Projections

C238-10 I find the population and job projections far to the high side. Marin has been growing at the rate of 2-3% over the last 10 years. Most of the areas are built out. Many people are assuming "clean tech jobs" will add to the Marin economy. Having been laid off from a major tech firm in Marin twice, I can state, "If the same job can be done somewhere for cheaper labor, the job will go there." If the job is not tied to a local resource, it can vanish at the whim of accounting.

Additional Housing

C238-11 There is a need to add more housing. However, I don't want to do a reply of the Housing Boom where an area is "over built" without looking at the full picture and impact.

Summation

C238-12 Please vote "No Plan" until the plan requires adequate planning of proposed build out sites.

Thank you,
Kevin Moore

San Rafael, CA94903

Kevin

Holmes, James

May 10, 2013

Mr. Steve Hemminger, and
Planning Staff
One Bay Area Plan Comments
Metropolitan Transportation Comm.
101 8th St.,
Oakland, CA 94607

RECEIVED

MAY 13 2013

MTC

SUBJECT: Comments on Plan Bay Area EIR and merits

Dear Mr. Heminger and MTC Planning Staff:

Please consider the following points regarding the proposed "Plan Bay Area" (Plan) and its EIR. As disclosure, I serve on two "Citizens' Advisory Committees" regarding the City of Larkspur's General Plan update and its Station Area Plan, but these comments are solely my own, and not are not presented on behalf of either CAC, or in any other official Larkspur capacity. Additionally, while the focus of these comments is unavoidably on concerns with the Plan, I acknowledge and appreciate the hard work and good intentions of MTC, ABAG and other regional agencies involved in developing the Plan, especially given arguably-unrealistic state legislative goals.

Many of these points are primarily directed to the project-merits, but I would ask that they inform the planners' thoughts on the scope and content of the EIR as well, to the extent possible. The points also focus mainly on the reasons that the Plan's proposed "densification" (to use a term which MTC staff used, when meeting with the Larkspur General Plan CAC) would appear to be especially unfair and unreasonable to Larkspur, where I live.

A. General

By now agency staff developing the Plan are very familiar with the general concerns often expressed regarding the Plan. Just three that seem especially pertinent are highlighted here before turning to the impact on Larkspur.

1. Much of the basis for the Plan's densification initiative as respects Marin appears to be the mistaken classification of Larkspur and other similar small Marin cities as urban rather than suburban. Clearly, a classification that fails to distinguish between Larkspur and Oakland or San Francisco is unreasonably overbroad, and fundamentally flawed. Please reconsider the classifications on which the Plan is premised, at least as regards suburban areas of Marin such as Larkspur.

C239-1

2. A significant portion of the proposed densification would appear to be in low-lying areas susceptible to rising water-levels, and thus potentially requiring levees in the foreseeable future. (In fact the Marin Independent Journal quoted you as saying to someone at a public meeting who questioned putting projects in harm's way: "I think we'll protect them.") The potential need for levees to protect projects from rising

C239-2

waters should raise a red flag. From New Orleans to Novato, levees have proved to be unreliable 'money pits,' liability tangles, and potential safety-hazards. I'd be pleased to share resource-materials on this issue. This aspect has tremendous environmental and fiscal implications. The EIR should specifically identify and discuss the extent and cost of levees to protect Plan-proposed development from rising waters.

3. Public policy should not disregard considerations of ethics and morality. The Plan, arguably, would rely on means of implementation which many might consider, candidly, to be somewhat morally-suspect -- money for cities that densify; none for those that don't. The carrot and the stick. Or, some might say, bribery and blackmail. Besides smacking of bullying, this "money talks" mode of implementation, especially coming at a time of great fiscal constraint for local communities, would effectively negate the requirement in the Plan's enabling legislation that the Plan not over-ride local land-use prerogatives.

C239-3

Larkspur's experience regarding the Station Area Plan could be a case in point. Larkspur's Council and planners conscientiously sought a small grant of several thousand dollars for circulation planning in advance of the SMART station. However, regional agencies rejected that modest effort, requiring instead that Larkspur apply for and accept *several hundred thousand dollars* of agency funding for a *land-use* study (thus making 'the tail wag the dog'), which was guided by a consultant who was paid largely by regional-agency dollars and who produced a plan for up to 940 units in an already-congested area. The result of this process was thus something completely different than originally envisioned, but one which Larkspur officials, I surmise, believe they must accept if they ever want any more grant dollars for needed infrastructure improvements, in areas heavily affected by traffic from elsewhere in Marin.

C239-4

B. Effect on Larkspur

C239-5

The Plan is widely viewed as flawed because it neither considers the individual circumstances of cities nor provide a procedure to do so during implementation. Thus, its impact would be unfairly uneven and disproportionate. But its densification demands would appear to be especially unfair to Larkspur, for at least nine reasons, summarized below. Some may be familiar to you already; some are not unique to Larkspur; but taken together, they would make the Plan especially problematic for Larkspur.

1. No avoidable 'sprawl.' A key Plan purpose is to encourage compact development instead of suburban sprawl over farmland. Larkspur doesn't face that choice.

a. We are built-out. Thus, the Plan would force radical change to *existing* developed areas, rather than offer a reasonable alternative for *newly*-developed areas.

b. We are wedged between undevelopable marshes, and public open-space hills. This would make the squeeze especially tight.

2. Traffic-choked now. Larkspur's circulation is tightly and permanently constricted by the "iron triangle" of Highway 101, Sir Francis Drake Blvd., and Magnolia Ave. All are already traffic-choked. A Larkspur Landing PDA, which some predict that regional agencies desire, would be at *Marin's most-congested crossroads* -- and would likely make it worse.

3. Traffic "mitigations" inadequate. Densification advocates exhibit great optimism that increased traffic can be "mitigated," but the "mitigations" typically have serious flaws.

- a. They are unrealistic, in their reliance on alternative modes of transportation -- "let them ride bikes" (shades of "let them eat cake"?).
- b. They are autocratic -- coerced 'behavior modification,' essentially. The Larkspur Station Area Plan consultants' own oft-used term, "mode-shift strategy," betrays what it entails -- forcing people to act differently, whether they like it or not, and whether it is practical for them or not.
- c. They are unfair -- 'pain compliance,' in effect; to make driving and parking even more expensive and unpleasant than it already is.

The EIR should realistically evaluate the efficacy and reasonableness of the proposed traffic mitigations, especially for situations where traffic is already often at or near capacity and added density would make a bad situation worse.

C239-6

4. Land-use not in sync with transit. Different agencies and revenue-sources control them, at least in Marin. Marin's bus transit has withered -- especially for Larkspur -- despite continued development. Moreover, historically in urban development, housing followed transit (trolleys or roads). The Plan reverses that pattern, in Larkspur at least. It would densify first, then hope transit followed -- a huge gamble. A more likely result would be *both* more urbanization *and* more cars -- and lesser quality of life. (Sadly, some partisans debating the Plan trade claims of "crime" and "racism." But the real quality-of-life concerns are simply *congestion* and *urbanization* -- more buildings and people and vehicles, squeezed together, in stressful, un-suburban fashion, in spaces never intended to hold so many.)

C239-7

I'd also add that the "support transit" policy which underlies densification is debateable, especially in Marin. First, this policy seems to reflect reversed priorities: Transit should serve the public, not vice versa. Second, of specific concern in Marin, we *already* support transit, with hefty taxes for SMART and local transit. Voters were never told that in addition to the tax, SMART would require extensive high-density development. The after-the-fact revelation of this additional requirement raises questions of fairness and procedural transparency.

5. SMART's timing not in sync with Plan. Densification now at Larkspur Landing is urged, but SMART will not come to Larkspur for years, if ever. And if it ever came, many CAC members and others predict that the gap between station and ferry terminal will greatly reduce its use. Thus, the Landing's purported status as a "transit corridor" and its suitability for dense "transit-centered development" could be speculative, if not chimerical.

6. Key objective unrealistic. The Plan also aims to reduce commuting, especially by service-workers. (The "Downton Abbey" approach -- have them live on the premises.) While this concept seems appealing, especially regarding an affluent area, reality raises obstacles.

- a. Larkspur's high real-estate prices make substantial amounts of truly "affordable" housing mostly infeasible, unfortunately. Even-higher "bonus" densities, which developers want as "incentives," would be needed in order to make cheaper units profitable. And nonprofit-built housing contributes less to the tax base.

- b. Service workers will continue to commute from elsewhere as long as they can get better housing deals elsewhere.

c. To work on a large scale, the Downton Abbey approach to reduced driving requires SF or East Bay-style density, where people can get to almost everything by walking or transit.

7. Infrastructure inadequate, costly. Larkspur's infrastructure and layout date mostly from the 1890s to mid-20th Century. New infrastructure for high-density development is unaffordable -- especially when combined with the cost of other needed repairs. Just fixing our roads -- Marin's worst -- will cost \$20M, a consultant reports. Our century-old City Hall needs retrofitting, to stave off collapse in an earthquake. High density at Larkspur Landing would cost another \$20M in infrastructure, a Station Area Plan consultant reports. We can't afford it all. Moreover, the school districts also repeatedly seek revenue to expand outgrown space, because our schools are already as jammed as our roads.

8. Larkspur didn't cause the problem. To Larkspur's credit, it never pursued "revenue planning" -- policies that caused jobs-housing imbalance, by favoring commercial development to boost revenues, while discouraging housing.

9. Larkspur "already gave." It authorized suburban high-density housing long before doing so became 'fashionable': high-density apartments (Greenbrae, 1950-60s; Skylark, 1960s, Tamalpais, 1960s); high-density mixed-use master plan (Larkspur Landing, 1970s-80s). Some might say we should get a 'break.'

The Plan's apparant densification designs on Larkspur Landing seem especially ironic, because they effectively penalize Larkspur for having already done what densifiers desire. When Larkspur Landing was laid out as an entirely-new neighborhood, in the 1970s, on largely-vacant land (previously noted primarily as the site of the last scene in *Dirty Harry*), it was a rare, almost visionary master plan with an integrated balance of office, retail, hotel, and high-density housing. But instead of now giving Larkspur credit and a pass for arriving early, densifiers demand, "more, more!" Yet if Larkspur had originally implemented standard suburban low and medium densities at the Landing, probably the Plan's ultimate effect would be to make the area look the way it does now. Because the Landing is already dense, the bar is being raised higher still -- to almost urban-style density, not suburban-style density with ample spacing between buildings, generous parking, and extensive greenery. In short, the Plan's effect would sadly seem to bear out the old saying, "no good deed goes unpunished."

Thank you for considering these comments. Please make every effort to ensure that the Plan EIR considers carefully all legally-cognizable life-quality issues, and avoids 'rosy scenarios,' result-oriented analyses, and what sometimes seems to be cultural bias against suburbia. A comprehensive and careful EIR, hopefully followed by thoughtful reconsideration of densification designs for old suburbs like Larkspur, will be especially productive because, to this longtime observer, the current upwelling of resistance to the Plan's potentially over-reaching aspects resembles nothing so much as the wave of citizen opposition which washed away the plans for massive, dense development of the Headlands and West Marin in the 1960s, along with their promoters and proponents.

C239-8

Sincerely,



James W. Holmes

Larkspur, CA 94939-1912

FROM: Debra England

Sent via info@onebayarea.org

5/16/2013 1:33:25 PM

C240

COMMENT: Draft Plan Bay Area

My Note: The Way to Boil a Frog

The Draft Plan Bay Area reads unlike any US government document I have ever seen. The words *Orwellian*, *Kafkaesque* and *bizarre* repeatedly came to mind as I waded through the report. It has much in common with government communiqués published by the former Soviet Union, Maoist China, and other Statist or totalitarian enterprises. *It is an authoritarian/statist document that empowers radical environmentalism & social justice through legislative/regulatory targets and goals, which will:*

- *Radically transform the development of the region*
- *Undermine our republican political heritage, and*
- *Ensure the progressive diminution of individual civil liberties & free market economic vitality*

It works to achieve this while proclaiming to do the opposite.

To the legislatively mandated goals of SB 375 (outlined below), the authors of Draft Plan Bay Area zealously add additional “voluntary” targets and accompanying performance metrics based on marxist-derived concepts of social justice (which, they note, enhances “**Plan Bay Area’s objective to advance equity in the region.**”)

Most un-bureaucratically, the authors explicitly reference how they “tackled this assignment with enthusiasm”, and applaud themselves for their own “open, inclusive attitude” and their “commitment to analytical rigor.” Tactically, this is propaganda; but it is also the unmitigated glee of the beneficiaries of a statist power grab that, they understand clearly, furthers their own political agenda.

“Equity”, for example – the socially engineered redistribution of Bay Area citizens’ wealth and resources to achieve equalitarian leveling through the coercive power of the State – is understood to be an indisputable social good and merely presented as a given. Your permission, as the hardworking taxpayer who must fund all of this, is not at issue. *They* kindly “outreached” and allowed a miniscule handful of you to offer “input” via carefully stage-managed political theatre events and now your role is simply to pony up. They drive this process; they have legislative & regulatory power (or are aligned with them in public-private partnerships), and *your* role as democratic window-dressing is now fulfilled.

In this way, swathed in Mom-&-Apple-Pie verbiage of “economic efficiency”, “future growth” and “equity”, *Draft Plan Bay Area quietly introduces at a regional level the fundamental transformation the current federal administration works to achieve at a national level.*

If this Draft Plan Bay Area is read superficially, as intended, one barely feels the knife as it slips in.

Making Sense of a Highly-Crafted Piece of Propaganda

Our Founding Fathers designed a *model of competing interests* to ensure no group (particularly no majority faction or coalition) could dominate consistently within a *divided governance structure of checks and balances*.

The elite planner model of the Draft Plan Bay Area, **by contrast**, repeatedly stresses *cooperation, collaboration & consensus* regarding their *planning processes employed to reach legislatively pre-determined outcomes (both statutory and regulatory)*. Orwellian language is used throughout the document to obscure the coercive and totalitarian collectivist nature of what is essentially a power-grab by Statist social engineers.

This plays out in Soviet-style (or Maoist-style, if you prefer) political theatre stressing **community “participation” – a meaningless fiction that provides a diversionary fig leaf to manipulate compliance while moving towards pre-determined & pre-ordained ends**. In the Draft Plan Bay Area socially-engineered outcomes replace the rough & tumble of competing interests & electoral politics – and its inconvenient accountability to voters – substituting, instead, **carefully choreographed political theatre of stakeholder “outreach” & “public participation”**. This begs the question:

- When did “outreach” by unelected bureaucrats, regulators and NGOs become the mechanism by which free Americans govern themselves?
- By what authority do these extra-Constitutional “regional authorities” embodied in regional Councils of Government (COGs) play any role at all?
- Have we chosen to cede our rights as citizens to these unaccountable overseers?

Nowhere amidst the enthusiastic references to a process of “participation”, “collaboration” & “consensus” is there any reference to “voting” or “referenda” by the taxpaying citizens & private property owners (pursuing legitimately diverse private interests) on whose ostensible behalf all this mandatory governmental planning is taking place. **Thus shielded by effusive feel-good rhetoric of harmonious diversity & selflessly omniscient 30-year plans, governance power is quietly transferred from independent citizens to Statist bureaucrats & planners and their allies.**

The Legal & Regulatory Foundation of Draft Plan Bay Area: Global Warming Legislation

Draft Plan Bay Area, and the processes and authority behind it, is based upon and empowered by CA Senate Bill 375. It is therefore crucial to understand this piece of legislation (which is presented only briefly on page 3 of the Plan.) Given that global climate has remained flat for the past 15 years during which time carbon dioxide emissions have increased, it is evident that the massive government intrusion on personal autonomy, civil liberties, private property rights & economic freedom which Draft Plan Bay Area represents is driven by legislation based on dubious (possibly fraudulent) science. **On this shaky foundation rests a wholesale shift to institutionalized central planning by unaccountable California government bureaucrats & rapidly emerging “regional authorities” (and their legislative, elected & non-profit allies) with enforcement powers.** The US Constitution & Bill of Rights appear to crumble before radical-environmentalism-by-legislative-fiat attacking the twin American traditions of individual liberty & free market economics.

California Senate Bill 375

CA SB 375 was signed into law on September 30, 2008 by Republican Governor Arnold Schwarzenegger. The Bill implements a portion of the Global Warming Solutions Act of 2006 (CA Assembly Bill 32):

- AB 32 requires **the reduction of greenhouse gas emissions to 1990 levels** by 2020
 - *Note the central-planning-style diktat, as well as the likely resultant contraction of economic activity – despite deceptive verbiage in Draft Plan Bay Area that ensures this is intended to promote economic growth & governance efficiency.*

SB 375 has 3 major components:

1. Uses the existing regional transportation planning process to achieve reductions in greenhouse gas emissions consistent with AB 32's goals
2. Has a built-in “carrot & stick” approach offering California Environmental Quality Act financial incentives (e.g. waivers, funding, etc.) to create local planning alignment & to ensure projects that do not work to achieve state-mandated goals find it difficult to get funding
3. Marries the regional housing needs allocation process with the regional transportation process, working to achieve full alignment with mandated State targets – or risk funding – while maintaining the (largely hollow) rhetoric of “local authority over land use decisions”

CA SB 375:

- Mandates the reduction of greenhouse gas emissions by:
 1. **Directing general federal transportation funds to projects that reduce the number of vehicle miles traveled per person**
 2. **Assigning specific greenhouse gas reduction targets for each of the 18 designated CA Metropolitan Areas for the years 2020 & 2035**
 - The legislation appoints the *un-elected* California Air Resources Board to determine these mandatory regional targets (see CA Govt. Code § 65080 etc.)
 - The Bay Area's mandated goal for 2020: 7% reduction in miles driven per person
 - The Bay Area's mandated goal for 2035: 15% reduction in miles driven per person
 - *Note again the central planning diktat encroaching upon individual liberty and economic freedom of action*
- Ties *regional transportation planning* to *land-use planning* specifically to achieve mandated:
 - Reduction in the number of vehicle miles traveled per person via
 - Reduction in greenhouse gas emissions from automobiles and light trucks

SB 375: The Basics

SB 375 synchronizes the Regional Housing Need Allocation Process (adopted in the 1980s) with the Regional Transportation Planning Process.

According to Bay Area transportation officials:

- “**SB 375 puts climate protection at the center of land use** and environmental planning in California, combining **accountability for climate impacts of planning decisions** with incentives to build and grow in climate-friendly ways.”
- “**The new law fights global warming** by providing the guidelines for California cities to curb urban sprawl and build communities around transit stations like BART.”
 - *Translation: Personal liberty, economic freedom and local self-governance are being legislated away based on spurious, possibly fake, highly politicized science*
- Transportation accounts for 50% of the Bay Area greenhouse gas emissions
- Studies show people who live in “transit villages” drive 50% less than those who live farther out
- Thus, the most efficient way to reduce greenhouse gas emission is to get people out of their cars

NB: [The most recent research](#) shows that global temperatures have not risen since 1995 during which time global carbon dioxide has risen measurably, undercutting the global warming rationale for AB 32 & SB 375. Even while defending the Manmade Global Warming theories, advocates must concede:

- “The mismatch between rising greenhouse-gas emissions and not-rising temperatures is among the biggest puzzles in climate science just now.” ([The Economist](#), 3/30/2013)

To achieve its mandated goals, SB 375 utilizes the current Metropolitan Planning Organization (MPO) system already in place throughout the state.

- An MPO is a transportation policy-making agency made up of representatives from local government
 - *Note that in Draft Plan Bay Area, SB 375 is referred to as “bottom-up”, and that MPOs engage in “policy-making” controlled by independent “local government officials”*
 - *This is intentionally deceptive, manipulative use of language that obscures the command & control, top-down nature of SB 375. Independent local decision-making that is not in full alignment with SB 375 results in non-funding.*
 - ***There is no meaningful independent “policy making” authority where policy goals & targets – as well as funding – are pre-determined from above. Consistent with the duplicitous verbiage intended to camouflage this fact, local “policy makers” are able to “contribute” and “participate” only in the “bottom up” process of aligning their local plans to meet the demands of bureaucrat planners.***
 - *SB 375 says to local governments, in effect: “You may have any color of phone you like -- so long as it is black.”*
- The MPO exists to ensure that expenditures of federal transportation funds are distributed to local agencies based on a “continuing, cooperative and comprehensive planning process”. In other words, alignment with stated targets is required by the statute in order to receive funding.
 - *Note the coercive punitive power of State funding that will be used to deny funds to regions that display independence from central planning*
- Each MPO is required to meet its emission reduction target by developing a:
 - Regional Sustainable Communities Strategy
 - High-density, mixed-use commercial & residential developments located close to transit corridors
 - ***There is nothing inherently wrong with such development but note that little else can be developed if State-mandated reductions in greenhouse gas emissions & vehicle miles per person are to be achieved over the next 25 years***
 - Regional Growth Plan
 - Regional Transportation Plan
 - Designed to reduce vehicle miles traveled per person

- Required to meet federal & state mandates in order to receive transportation funding
 - *Note the Statist creation of regional entities that have no precedence or voter base. Note also that SB 375 empowers politicians, bureaucrats & planners to deny local citizens federal transportation funds if locally preferred transportation projects are inconsistent with the Regional Sustainable Communities Strategy & its State-mandated goals.*
- To entice local submission to the goals of SB 375 (i.e. sufficient density & proximity to transit corridors) local transportation projects may be prioritized to receive funding if they can achieve designated “Transit Priority Project” status. This requires local projects to meet the following criteria:
 - Minimum 50% of square footage must be designated for residential use
 - Minimum 20 units per acre
 - Located within a half-mile of a major transit stop or a high quality transit corridor
 - The floor/area ratio must be no less than .75
- Note that *if* the local Transit Priority Project meets all the above criteria *and* is consistent with the Regional Sustainable Communities Strategy, the powers that be may bestow Statist benefits:
 - Prioritize it to receive funding, *and*
 - Waive or reduce CA Environmental Quality Act requirements

DRAFT PLAN BAY AREA: The Basics

The Association of Bay Area Governments (ABAG) and the Metropolitan Transportation Commission (MTC) have driven the development of this Plan for the Bay Area. The pre-determined mandated statutory & regulatory targets were in place before the multi-year planning process, thus reducing public “input”, “collaboration” and “participation” to contributing to the deceptive fiction that this was somehow a “bottom up” exercise in independent self-determination & self-governance. **But the outcomes are fixed from the start – and the government carrot & stick compel alignment: the legal and regulatory framework ties funding to the development of high-density housing & commercial activity clustered around public transit corridors** well within existing developed areas, leaving the remaining land to be “open space” or “agricultural” land.

The “implementing framework” for Plan Bay Area consists of:

- 1. Priority Development Areas (PDAs):**
 - “Areas where new development will support the day-to-day needs of residents and workers in a pedestrian–friendly environment served by transit”
- 2. Priority Conservation Areas (PCAs):**
 - “Regionally significant open spaces for which there exists broad consensus for long-term protection but nearer-term development pressure”

Unsurprisingly, Plan Bay Area tells us that as a result of extensive public “outreach” and “input”, we the people have expressed a cooperative and consensual preference for a Land Use Pattern manifested through a Jobs-Housing Connection Strategy that:

- Directs 80% of new housing & 66% of new jobs inside Priority Development Areas (PDAs)
- Limits growth outside the region’s core (i.e. we desire no new growth or development beyond existing developed areas – no new housing or businesses)
- Preserves natural resources and open space
- Reduces greenhouse gas emissions

It may be noted how well this converges upon AB 32 & SB 375 goals as well as Agenda 21/ICLEI plans and objectives, the Sustainability movement, and radical environmentalism in general. All of this is based on the purported need to radically diminish personal liberties to address global warming in the coming 25 years, despite the fact that emerging science increasingly discredits this politicized agenda-driven concept which – like radical environmentalism in general – is internationally wielded as a tool to hamper free-market capitalism.

Personal liberty, the ability to purchase/develop/dispose of private property, free-market economic activity & responsiveness to identified needs, and local citizen sovereignty etc. are all highly constrained for the common good in the world of Plan Bay Area. This is the direct result of central planning more redolent of the FSU than traditional American governing frameworks.

In reality, much of what is planned and projected out 3 decades into the future here would be much better served by *reducing* government regulation & intervention to allow a flexible, unimpeded free market to respond privately to clear social need (e.g. for housing stock at various price points, etc.) *But nowhere in this Plan, which is the culmination of a multi-year region-wide planning process, is the creative & entrepreneurial private free-market – which characterizes the dynamic history & wealth creation of the Bay Area – ever suggested as a potential solution to future Californian social needs or legislated goals.*

Some of the stated Plan objectives might be readily embraced by citizens of all political outlooks (e.g. diminution of industrial particulates, or promotion of efficient public transport, and pedestrian-friendly areas are arguably desirable concepts citizens of a free society might choose to pursue) **but it is the coercive, socially-engineered, centrally planned and authoritarian *processes* that are deeply troubling. *Traditional private property rights – one of the most crucial underlying foundations of our republic, critical to the promotion of individual liberty & freedom from tyranny – virtually disappear for vast numbers of people under Plan Bay Area’s dystopian vision of the future.***

Equally troubling, is the obvious importation of manipulative propaganda techniques familiar to anyone who has studied the Orwellian communication styles of totalitarian societies:

- Based in deception, linguistic framing is employed to influence and direct thought
- Language is used throughout where reality is actually the opposite of what is stated
- Language is not used to extend, but to diminish the readers’ ability to understand, discern or analyze the true strategic objectives
- The plan is peppered with moral language designed to induce agreement even as personal choice is being restricted and channeled through central planning

How does one argue against “collaboration and consensus” without sounding like the Grinch who stole Christmas? And yet it is the competitive process of virtuous private citizens pursuing their own self-interest with the personal liberty to do so that is precisely the system that has protected our freedoms and civil liberties, and maintained our system of self-governance so effectively for more than two centuries.

America is a Republic – one with intentionally and constitutionally *limited* powers granted to government. Manipulative appeals to sentiment, ostensibly charitable “compassion”, moral sanctimony and/or strongly-held collectivist ideals do not over-ride this. Most troubling of all is the fact that this entire process is predicated upon [extra-constitutional entities of “regional governance”](#) that have empowered bureaucrat planners at the expense of citizens and our republican form of government. How did ABAG & MTC – and the myriad regional Councils of Government (COGs) nationwide – take unaccountable ownership of our rights of self-governance?

Many of the goals, processes, and techniques embodied in the Draft Plan Bay Area appear to obscure fairly “un-American” agendas appearing more socialist, trans-nationalist, anti-capitalist, anti-private property, and anti-civil rights. **Despite the pretty language, this is an old Progressive model that offers linguistic window-dressing to obscure a well-managed process with a pre-determined outcome and an inverted governance model: Our governing, legislative and regulatory bodies in SB 375 and Plan Bay Area do not exist primarily to serve us, rather we exist to serve (and finance) the government, its elite planners and their social engineering agenda.**

PLAN BAY AREA PERFORMANCE TARGETS		
GOAL/OUTCOME	ADOPTED TARGET	PROJECTED ACHIEVEMENT
Required		
1) Climate Protection	Per SB 375: Reduce CO2 emissions from cars/light trucks by 15% per-capita by 2035	Plan exceeds target. 40% reduction by 2040
2) Adequate Housing	Per SB 375: House 100% of projected population, by income level, w/o displacing low-income residents	Plan meets target
Voluntary		
3) Health & Safety	Reduce premature deaths from exposure to particulate emissions: <ul style="list-style-type: none"> 3A: By a 10% reduction in fine particulates (PM2.5) 3B: By a 30% reduction in coarse particulates (PM10) 3C: Achieve greater reductions in highly impacted areas 	<ul style="list-style-type: none"> 3A Exceeds target (71%) 3B Won't meet target (17%) 3C Meets target
4) Health & Safety	Reduce collision injuries/fatalities (cars, bikes, pedestrians) by 50%	Projected 18% increase
5) Health & Safety	Increase avg per person daily walking/biking transportation time by 70% (= avg 15 minutes per person per day)	Projected 17% increase
6) Open Space & Agricultural Preservation	Contain all non-agricultural development within existing urban boundaries for the next 28 years (using 2010 as baseline)	Plan meets target
7) Equitable Access	Decrease avg % of income devoted to housing/transportation among low/lower-middle income HHs (to 56% from 66%)	Avg expected to rise to 69% for target population
8) Economic Vitality	Increase Gross Regional Product (GRP) by 110%	119% GRP projected by 2035
9) Transportation System Effectiveness	<ul style="list-style-type: none"> Decrease per capita vehicle miles by 10% Increase per capita non-vehicle travel (to 26% from 16%) 	<ul style="list-style-type: none"> Projected 9% decrease Projected increase to 20%
10) Transportation System Effectiveness	Maintain existing transport system in good repair: <ul style="list-style-type: none"> 10A: Increase road Pavement Condition Index (PCI) to 75 10B: Decrease distressed state highway lane-miles to less than 10% of total lane-miles 10C: Reduce share of post-useful-life transit assets to 0% 	<ul style="list-style-type: none"> 10A: Projected PCI of 68 10B: Projected rise to 44% by 2040 10C: Projected rise to 24%
NB: MTC & ABAG pro-actively further invented “Equity Measures” targeting “communities of concern”. The Planners noted: “Indeed, a commitment to achieving equity in the long-range planning process is a key element of the Plan.” TRANSLATION: Above & beyond SB 375, our political agenda -- to socially engineer the achievement of our definition of equalitarian Social Justice through redistribution of the private & public wealth & resources of Bay Area citizens -- is a key element of the Plan		
11) Housing & Transportation Affordability	% of income spent on housing & transportation by low-income HHs	No significant change projected on any of these metrics (see Draft Plan Bay Area p. 109 for details)
12) Potential for Displacement	% of rent-burdened HHs in high-growth areas	
13) Healthy Communities	Avg daily vehicle miles traveled per populated square mile within 1,000 feet of heavily used roadways	
14) Access to Jobs	Avg commute travel time (in minutes)	
15) Equitable Mobility	Avg non-work travel time (in minutes)	

DRAFT PLAN BAY AREA: Tactical Approaches to Larger Strategic Goals

Legislation such as SB 375 & AB 32, together with State-issued regulations mandating specific performance targets, appear to be harnessed by the State/Regional/Local planners to:

- **Direct massive wealth redistribution *without accountability to the taxpaying citizens at the local/state/federal levels who must fund their schemes***
- **Push for changes to the California State Constitution to ensure *permanent (and thus unaccountable to taxpayers) ongoing funding***
- Undermine the sovereignty, personal liberty & self-determination of free citizens
- Erode private property rights & free-markets
- Over-ride traditional citizen-empowered republican model of representative self-governance
- Transfer power:
 - From bottom-up to top-down
 - Away from increasingly dis-empowered private citizens/taxpayers/voters
 - Toward increasingly empowered State/unaccountable bureaucrats/elite planners
 - Inverting the alignment of government with the interests of citizens to the alignment of citizens with the interests of The State
- Oversee the expanding process of turning Citizens into Subjects (of the State)
- Bring to bear the coercive & punitive powers of the State apparatus to pre-determine, dictate and prosecute the acceptable range of human choices & behaviors:
 - Across a Planner-defined set of Performance Metrics
 - In the areas of:
 - Land Use
 - Transportation
 - Housing
 - Economic growth and/or contraction
 - “Equity” (i.e. redistribution of wealth & resources to achieve equalitarian leveling)
 - “Environmental Justice” & “Sustainability”
 - Global Warming

From: [Carolyn Lenert](#)
To: eircomments@mtc.ca.gov
Subject: Plan Bay Area
Date: Thursday, June 13, 2013 10:52:28 AM

June 13, 2013

Carolyn Clevenger, MTC EIR Project Manager,
Metropolitan Transportation Commission
MTC-ABAG Plan Bay Area Public Comment
101 8th Street
Oakland, California 94607
eircomments@mtc.ca.gov.

Re: Public Comment on Draft Plan Bay Area and Draft Plan Bay Area Draft
Environmental Impact Report

To Whom It May Concern,

My name is Stephen Nestel.

I am a resident of Marinwood, located in unincorporated Marin County. I support and adopt a letter to you by a fellow member of my community, Lisa Culbertson as follows:

I am writing to comment on the Draft Plan Bay Area (The plan) and Draft Plan Bay Area Draft Environmental Impact Report (DEIR).

I submitted a request for an extension of time to review the Plan and DEIR, which was not granted. These are complex and difficult documents for ordinary people to understand. The level of communication with the communities you are impacting by this plan is disgraceful. The plan includes a statement, "We reached out to the people who matter most – the 7 million people who live in the region." This is inaccurate as it pertains to my community, Marinwood, designated as a potential Planned Development Area (PDA). Many members of the Marinwood community do not know what Plan Bay Area is and for most that do, they have only heard about it in the past few weeks. I attended one of two planned meetings in my community where there was no verbal presentation or explanation of the plan, but rather boards and remarks from the public. I ask that you reconsider this fast track approach and take the time to educate the community on exactly what it is that you are proposing in this plan and why.

I support truly sustainable land use and development that preserves the qualities of existing neighborhoods. I support additional affordable public transportation that reaches a greater range of areas throughout the Bay Area and operates more frequently with longer hours. I also support a range of housing opportunities, integrated into existing communities that do not adversely affect those communities through expediting environmental and permit review and not contributing a fair share to the tax base. None of these things are supported by this plan and therefore you do not have my support. I vote for no plan and ask that you remove Marinwood as a potential PDA designation.

Although I am writing this letter representing myself, I have spent the past two weeks walking door to door gathering signatures against the proposed development plans affecting Marinwood and Lucas Valley. 90% of the homes visited by myself and fellow neighbors are NOT in support of this plan or the related Housing Element. Since this plan is voluntary and you do not have the support of the Marinwood/ Lucas Valley community I ask again that you remove Marinwood as a potential PDA designation.

I have grave concerns about the environmental, health and safety impacts that could result from the poor land use planning that I see presented in this plan as well as other related

plans, such as the Marin County Housing Element. There are numerous holes and inconsistencies in the Plan Bay Area and DEIR which are the basis of my comments that follow:

Unrealistic employment growth

Projected employment growth in Marin County is half of what is being proposed for housing growth. The largest Bay Area job growth is assumed in major cities and areas such as Silicon Valley that have established industries such as technology. Marin County is not known for any specific industry. For its size, Marin County has very few large scale employers and a low number of high paying jobs compared to the number of residents and high cost of living. The potential growth in local employment projections are assumed to be coming from professional services and retail.

Marin had the largest job growth from 1980 to 1990. In 2011, employment levels were about the same as they were in 1990. There are documented studies that project a relatively flat growth in jobs in Marin County over the next 30 years. The lack of consistency and equality between the housing and job numbers projected in Marin County will lead to more commuters, thus increasing green house gas (GHG) emissions as there will not be enough jobs for the number of residents moving into the county. This will hurt the workforce that these plans aim to protect as there will be more competition for available jobs and low income earners will not have ample salaries to pay for the high price of transportation to travel to employment throughout the Bay Area.

The lack of continuous transportation will also affect quality of life for those depending on public transportation as it can take hours to get from point A to B if multiple modes of transportation are to be used. In addition, the Housing Element appears to designate almost every available parcel in Marin for housing, not leaving properties available for commercial development. Furthermore, the proposals for mixed use projects do not have an equal balance between jobs and housing.

The discussions around new jobs in Marin have been more focused on filling vacancies than creating new development. This does not leave opportunity for the creation of jobs in areas where housing is being considered. A perfect example of this is the Marinwood area, which has minimal jobs in the near vicinity and yet the projected housing number far exceeds any potential commercial development within the area.

Due to the fact that job growth in Marin will likely remain flat and the available capacity for jobs to increase is unlikely, I ask that The Plan Bay Area be revised to include realistic employment projections by area and a specific plan for achieving those projections. I ask that the plan take into account not only the workforce commuting into Marin County for employment, but all commuters into, out of and through Marin County. The approach taken in this plan is shortsighted and not representative of all current commute patterns.

Unrealistic Housing numbers

Like the job numbers, the housing numbers also appear to be unrealistic. The January 2013 release of the State Department of Finance (DOF) projections of Marin County's population growth are 10% lower than the growth forecast used for Plan Bay Area. Plan Bay Area forecasts a 13% population growth to 2040 (32,914 more people) but DOF projects a 3% population growth (6,818 more people). This is a significant discrepancy. The Plan Bay Area and the DEIR should be revised to reflect population growth based on DOF projections, not that of an independent consultant hired by ABAG.

The plan needs to include an assessment of the total cost to the County and taxpayers incurred by adding housing. This assessment should include additional services (schools, water, fire, police, ambulance...) and the total cost of development including subsidies to developers and loss of tax base.

The housing assumptions do not reflect accurately the desire of a large group of people to

maintain living in rural areas and in single family homes. It makes the assumption that the future housing preference is high density, mixed use housing, located in urban areas. While both are desirable to different groups of people, the plan is not representative of all type of housing desires. I request that the plan be modified to accurately represent the desires for all types of housing.

Inadequate evidence that high density housing near transit reduces green house gases (GHG)

Not only is there no evidence provided that proves placing housing near transit reduces GHG, there is also no analysis validating assumptions that people who move to high density housing near transit will be more likely to take public transit. These ideas or goals focus too much on strategies, which are not valid, and should be substantiated with factual information.

This plan does not take into consideration accurate travel needs, preferences and behaviors and the fact that for many people the preferred mode of travel is by car. The plan does not indicate what other studies have been put forward other than a "one size fits all" determination made by the authors of this plan stating how people are expected to travel. This makes grand assumptions that are unrealistic and should not be used as the basis of such a widespread and impactful plan.

I ask that you provide the analysis to prove that the housing near transit lowers GHG emissions, at what cost and what other options are available to achieve the same results.

Inadequate evidence that the transportation plan reduces GHG

It seems that there are other ways to reduce GHG emissions that should be analyzed as having a potentially more significant impact on reduction than what is being proposed in Plan Bay Area. These options include considering the future automobile technology and incentivizing individuals for the highest fuel efficient cars. Focus on creating a much higher number of localized jobs in Marin County to allow for more existing residents to work close to home rather than just focusing on housing for those commuting into Marin.

Further studies and factual information should be presented to substantiate that switching people from cars to public transit will in fact decrease CO2 emissions, rather than increase emissions. More information is needed on the types of transportation being proposed and a comparison between the emissions from the public transit vs. cars. The Plan focuses on GHG emissions from personal vehicles and light trucks and does not focus on technology improvements made to other forms of transportation including busses, ferries, trains, etc. An assessment should be performed on the potential for reductions by replacing fleets of other modes of transportation and the cost benefit should be analyzed against the plan as currently proposed.

The plan identifies that the "no project" alternative is projected to reduce passenger vehicles CO2 emissions by 23% by 2040 over the existing condition in 2010. The proposed alternative, which is costly and intrusive into basic economic and personal freedoms, is projected to reduce emissions by 25%. The plan does not consider if this extra 2% is worth the additional costs. I ask that a cost benefit analysis be prepared and incorporated into the findings, which includes other options to reach the additional 2% GHG emissions.

Inadequate evidence that placing high density housing next to major transportation corridors will not have significant adverse health effects on those residents.

The Plan proposes placement of housing along transportation corridors, where the objective is to locate jobs and housing in close proximity to each other, with the goal of reducing automobile trips and therefore mobile source emissions. However, in doing so sensitive receptors will be exposed to unhealthy levels of toxic air or particulate concentrations. The DEIR does not provide adequate mitigations to protect sensitive receptors, especially those spending time outdoors, such as children playing outside. The DEIR states: "New research on the health effects of TACs and PM2.5 reinforces earlier findings regarding adverse health impacts on both respiratory and cardiovascular health but also a wider range of potential

effects, such as diabetes, autism, cognitive functions in older adults, and oxidative damage to DNA. In addition, US EPA has not identified a level of TAC/ PM2.5 concentration where no negative health effects are observed." There are many reports not disclosed or discussed in the plan that identify causal links between proximity to freeways and highways, asthma, autism and cancer. This should be highlighted as a risk in the plan and study references included.

Implementation of Plan Bay Area would subject sensitive receptors to a significant increased risk of developing life-threatening illnesses from toxic air contaminants and particulate matter emissions. Furthermore, the measures listed to mitigate these significant impacts are inadequate to reduce them to less than significant levels, particularly in regard to protecting sensitive receptors that spend time outdoors. Plan Bay Area's proposal to target residential development in close proximity to highly travelled and congested roadways is irresponsible land use planning and conflicts with CEQA. Case law clearly shows that CEQA is intended "to compel government at all levels to make decisions with environmental consequences in mind." I ask that you revise Draft Plan Bay Area and remove all proposed residential development from areas that are located within the zone of influence of toxic air contaminants and/or fine particulate matter emission sources and remove areas situated within the zone of influence of these emissions from Transit Priority Project corridors, Priority Development Areas and Potential Priority Development Areas.

Plan does not sufficiently consider that traffic congestion adds to CO2 emissions
The Plan Bay Area does not consider cumulative effects of increased localized traffic. The lack of expansion of the road network will cause an increase in traffic congestion as areas grow more dense. Instead the methodology of this Plan places an over-emphasis on public transit. In reality, congestion will increase, and the resulting standing or slow traffic will cause additional CO2 emissions per passenger mile for the most used form of transit cars and light trucks.

Furthermore the plan does not adequately take into consideration the impact of the time wasted from traffic congestion and the effects on quality of life. The Plan Bay Area does not account for typical family life, taking children to and from school, sports, errands, etc., it only focuses on trying to change the norm. Congested roadways will result in a reduction in the distance that most residents can effectively commute, due to time and family constraints. This in turn means that people are less able to find employment within an acceptable distance.

I ask that the Plan Bay Area be revised to take into consideration additional, localized traffic especially in areas where increases in housing are not balanced with job growth.

Plan fails to disclose subsidization required to encourage residents to move to high density development near transit

The Plan Bay Area fails to identify the true amount of subsidization required to encourage builders to develop high density housing. A survey by the National Association of Realtors in 2011 reveals that the vast majority of Americans prefer to live in single-family homes with privacy and yards.

Evidence exists that subsidies are required in order to encourage people to move to high density housing. There is no analysis included in the Plan to validate the amount of subsidization required to encourage developers to initiate and complete such projects and residents to move into them.

This lack of specificity means that an undefined amount of public money, via state, county or city, will be used to reach the goals of this plan. The plan does not alert readers to rising taxes needed to raise revenue to cover these subsidies. Alternatively the plan does not provide sufficient analysis of impacts to services such as police, fire and schools. In addition, there is no evidence that the expenditures covered by the plan will achieve the stated goals.

Inadequate information re: water supply, sea level rise, and support for infrastructure
There are 5 significant, irreversible environmental changes, and 39 significant unavoidable impacts of the plan, identified in the DEIR, that should be addressed and mitigated before this plan is accepted. They should not be dismissed with findings of "overriding consideration." If the organizations that are proposing to implement this plan cannot address these serious affects than perhaps that is a sign that this is not the right plan for the Bay Area. The impacts I am referring to include:

- Insufficient water supply;
- Exposure to hazardous materials;
- Inadequate wastewater treatment capacity;
- Net Increase in Sensitive Receptors located in Transit Priority Project corridors where there are high concentrations of cancer causing Toxic Air Contaminants and fine particulate matter emissions;
- Inundation from sea level rise;
- Direct removal, filling or hydrological interruption of habitat;
- Interference with the movement of native resident or migratory fish or wildlife species.

Plan Bay Area Approval

It is unclear to me how the Plan Bay Area ultimately gets approved and implemented. I request that this be clarified to the population impacted by the Plan. Is the plan subject to voter approval?

Conclusion

The Draft Plan Bay Area's DEIR is inadequate in numerous instances identified in this comment letter. ABAG must prepare an EIR that adequately analyzes the plans significant impact and meets CEQA guidelines. The conclusions are not supported by substantial evidence. The key assumption regarding population and job growth is inaccurate. A revised EIR should be prepared and circulated for public review and with ample time given to the public to comment.

Thank you,
Stephen Nestel

[REDACTED]
San Rafael, CA 94903
Marinwood Resident

I, Carolyn Lenert, support and adopt the aforementioned letter:

Signature /s/ Carolyn S. Lenert

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3.7 Individual Responses

Letter C1 Charles Steiner (4/2/2013)

- C1-1: Please see Section 1 of this Final EIR for a description of the public review process for the Draft EIR. CEQA does not require public hearings for an EIR, however three public meetings were held across the region as a courtesy for those wishing to submit their comments orally. Two of these meetings were in close proximity to San Francisco, in San Rafael and in Oakland, the latter readily accessible by BART. In addition, a public meeting announced on the OneBayArea website was held in San Francisco on April 11, 2013 at the Whitcomb Hotel, 1231 Market Street, on the Draft Plan; oral comments could have been submitted on the EIR at that meeting.
- C1-2: Please refer to Master Response C on requests for extensions of the public comment period.

Letter C2 Linda Graber (4/3/2013)

- C2-1: Please refer to Master Response C on requests for extensions of the public comment period. MTC and ABAG are required to respond in writing to all of the comments submitted and provide substantive answers, make changes to the EIR and proposed Plan when warranted, and consider these comments during the process to adopt Plan Bay Area.

Letter C3 Ken Bone (4/11/2013)

- C3-1: The proposed Plan aims to preserve open space to the greatest extent feasible by promoting concentration of development in existing urbanized areas. However, land use development decisions are ultimately under the purview of local jurisdictions; please refer to Master Response A.1 for more information on local land use control. It is beyond the scope of this EIR to create a funding program for protected open space region-wide. See Master Response A.3 regarding level of specificity in the EIR. See also response A20-5.
- C3-2: The comment states that animal migration corridors and riparian native Oakland forest corridors must be reestablished and maintained along all waterways with designated funding in all nine counties. While it is beyond the scope of this program-level EIR to fund or establish such a program, mitigation measures for impacts to biological resources, including riparian habitat, are set forth in chapter 9 of the Draft EIR (see Mitigation Measure 2.9(d) on p. 2.9-71). Project-specific restoration and funding would be evaluated on a project-by-project basis under subsequent environmental review by the implementing agency.

Letter C4 Val Stuckey (4/15/2013)

- C4-1: For projects that were not identified as high performing in the Plan Bay Area Project Performance Assessment (refer to the associated supplemental report), county Congestion Management Agencies (CMAs) developed project funding lists given the financial constraints of Plan Bay Area. Due to the high cost of this project, Alameda County Transportation Commission recommended to MTC that \$617 million (only a portion of the project's total construction costs) be allocated for project studies and future construction reserves for a future BART extension to Livermore. ACTC's recommendation is reflected in

the Draft Plan Bay Area Transportation Investment Strategy. While this funding level does preclude construction of the BART to Livermore extension under Plan Bay Area, it does allow for continued project study and design work, which are the next steps for this particular project.

Letter C5 Marin Residents (5/17/2013)

- C5-1: Please refer to Master Response C regarding requests for extensions of the comment period. As the comment does not cite specific instances of “inadequacies, oversights, and incorrect assumptions,” MTC and ABAG are not able to provide detailed responses. Regarding greenhouse gas emissions, the Draft EIR, Chapter 2.5, shows that the proposed Plan meets all of the related thresholds of significance. See Master Response D.1 for more information regarding SB 375 GHG reduction targets.
- C5-2: This comment does not raise environmental issues requiring a response under CEQA.
- C5-3: MTC and ABAG followed CEQA requirements for public noticing of the EIR. See Chapter 1.2 of the Draft EIR for a description of the public participation process for development of the proposed Plan. Regarding public engagement for the EIR, please see Chapter 1.1 of the Draft EIR for a description of the Notice of Preparation and public scoping process and Section 1 of this Final EIR for a description of the public review process for the Draft EIR.
- C5-4: This comment does not raise environmental issues requiring a response under CEQA.
- C5-5: These comments appear to be on the Marin Housing Element. This EIR only addresses Plan Bay Area.
- C5-6: Please refer to Master Response C regarding requests for extensions of the comment period. Some of this comment appears to be on the Marin Housing Element. This EIR only addresses Plan Bay Area. Regarding noticing of the Plan Bay Area, see response C5-3.
- C5-7: Please refer to Master Responses B.1 on population projections and D.2 regarding the connection between high-density housing near transit and reduced greenhouse gas emissions. The amount of residential growth distributed to Marin County under the proposed Plan is about 8,800 households over 30 years, or less than 300 new households annually for the entire County. Furthermore, per Table 3.1-3 of the Draft EIR, Marin County’s expected 2040 population under the proposed Plan (112,021) is just 512 more people than expected under the No Project alternative (111,509).

The regional land use Plan, or distribution of growth to individual jurisdictions is a blueprint for growth to achieve the goals and objectives of the Sustainable Communities Strategy (SCS) and was developed through a variety of land use and transportation scenarios that distributed the total amount of growth forecasted for the region to specific locations. These scenarios sought to address the needs and aspirations of each Bay Area jurisdiction, as identified in locally adopted general plans and zoning ordinances, while meeting Plan Bay Area performance targets adopted by the agencies to guide and gauge the region’s future growth. ABAG and MTC incorporated local feedback from individual jurisdictions relying on their best assessment of feasible growth over the plan period and then applied a series of additional factors to achieve the goals of the SCS. The scenarios were then developed through a transparent, deliberative process, during which public input was sought at every

step along the way. After further modeling, analysis and public engagement, the five initial scenarios were narrowed down to a single preferred land use scenario. For more on how the proposed Plan distributed projected regional growth, see the Supplemental Report *Forecast of Jobs, Population and Housing*.

- C5-8: See Master Response F regarding displacement. Please refer to Master Response G for more information on water supply. Infrastructure capacity is addressed in Chapter 2.12, Public Utilities, of the Draft EIR.
- C5-9: MTC and ABAG acknowledge that the EIR finds significant and unavoidable impacts associated with the proposed Plan; however, it should be noted that the Plan performs better than the no project scenario. The MTC and ABAG Board will determine whether to approve the Plan in light of these findings.
- C5-10: Please refer to Master Response C regarding requests for extensions of the comment period.
- C5-11: See response C5-3 and please refer to Master Response C regarding requests for extensions of the comment period.
- C5-12: Your opposition to the proposed Plan is acknowledged. Please see Master Response C regarding requests for extension of the comment period.
- C5-13: Please refer to Master Response C regarding requests for extensions of the comment period. Additionally, the proposed Plan does not result in any zoning changes to local jurisdictions. Zoning decisions remain under the control of individual local governments. For more information regarding local control over land use, please see Master Response A.1. This EIR only addresses Plan Bay Area and has no influence over the Marin Housing Element.
- C5-14: No letter was received from Geoffrey Hornek on this EIR, but see responses to Sharon Rushton's letter, C33.
- C5-15: See response C5-13.

Letter C6 John Shirley (4/20/2013)

- C6-1: See response to C4-1 above.

Letter C7 Linda Jeffery Sailors (4/21/2013)

- C7-1: See response to C4-1 above.

Letter C8 Deana Dearborn (4/25/2013)

- C8-1: Please refer to Master Response C on requests for extensions of the public comment period.

Letter C9 Sarah Azerad (4/26/2013)

- C9-1: Please refer to Master Response C on requests for extensions of the public comment period.

Letter C10 Denise Castellucci (4/26/2013)

C10-1: Please refer to Master Response C on requests for extensions of the public comment period.

Letter C11 Justin Kai (4/26/2013)

C11-1: Please refer to Master Response C on requests for extensions of the public comment period.

Letter C12 Rebecca Andersen (5/6/2013)

C12-1: Please refer to Master Response C on requests for extensions of the public comment period.

C12-2: See Master Response B.1 for information on population projections. The proposed Plan's anticipated impacts on schools were addressed in chapter 2.14 (Public Services and Recreation) of the Draft EIR, and impacts to water supply and wastewater treatment facilities were addressed in Chapter 2.12 (Public Utilities and Facilities) of the Draft EIR. Please also see Master Response A.3 regarding the specificity of a program EIR.

C12-3: The commenter's perception that the proposed Plan prioritizes housing development over job growth is not an impact that requires analysis under CEQA.

C12-4: Commenter states that transportation infrastructure investments should precede housing development. See Master Responses A.1 and A.3 regarding local control over land use planning and the level of specificity in the EIR.

C12-5: The proposed Plan does not rezone Marin to urban density. The proposed Plan envisions limited development consistent with the existing scale of Marin's communities. Neither MTC nor ABAG has authority over local land use decisions. See Master Response A.1 on local control of land use.

C12-6: See Master Response A.1 regarding local control over land use authority.

Letter C13 Kim Natuk (4/26/2013)

C13-1: Please refer to Master Response C on requests for extensions of the public comment period.

Letter C14 Eileen Vergino (4/26/2013)

C14-1: See response to C4-1 above.

Letter C15 Walter Natuk (4/27/2013)

C15-1: Please refer to Master Response C on requests for extensions of the public comment period.

Letter C16 Jon Spangler (4/27/2013)

C16-1: Please refer to Master Response C on requests for extensions of the public comment period.

Letter C17 Rebecca Lapedus (4/29/2013)

C17-1: Please refer to Master Response C on requests for extensions of the public comment period.

C17-2: Per your request, MTC and ABAG have created an expanded glossary of terms, including a brief definition of each. The glossary can be found in Appendix A of this Final EIR.

C17-3: MTC and ABAG will consider the request. Many of the materials cited are available on the website onebayarea.org.

Letter C18 Athena McEwan (4/29/2013)

C18-1: The Priority Development Area referenced in the comment—the Urbanized 101 Corridor in unincorporated Marin County—was nominated by the Marin Board of Supervisors, who adopted a resolution authorizing submission of an application on August 7, 2007. The boundaries of this PDA were determined by the County of Marin. The PDA was adopted by the ABAG Executive Board and is therefore included in the Draft Plan. Any change to the PDA would need to come at the request of the Marin County Board of Supervisors. See Master Response I regarding the PDA process. See Master Response A.1 regarding local control over land use.

Letter C19 Muriel Benedetti (5/4/2013)

C19-1: Please refer to Master Response C on requests for extensions of the public comment period and see responses to C12-1 through C12-7 above.

Letter C20 John Castellucci (5/3/2013)

C20-1: Please refer to Master Response C on requests for extensions of the public comment period and see responses to C12-1 through C12-7 above.

Letter C21 Libby Lucas (4/30/2013)

C21-1: The list of libraries to which MTC and ABAG delivered copies of the proposed Plan and Draft EIR, either printed or on CD-ROM, is included in Section 1 of the Final EIR. A full copy of the Plan and the Draft EIR can be found on the OneBayArea website and were available for review at the MTC-ABAG Library. This is to ensure that the public has full access to the Plan and the Draft EIR. Public hearings for both the Plan and Draft EIR were open to all members of the public. Please refer to Master Response C on requests for extensions of the public comment period.

Letter C22 K. Rose Hillson (5/1/2013)

C22-1: This EIR describes the environmental setting for the land use analysis in the opening sections of Chapter 2.2 and includes maps of urbanized land, showing what land is developed for human habitation. In fact, the EIR states that only 17.8 percent of the approximately 4.4 million acres in the nine-county region represent urbanized land. This is the amount of urbanized land that is analyzed in this EIR.

C22-2: The data presented in Chapter 2.3 is for a 2010 base year, as confirmed in the source reference for Table 2.3-1 and in the footnote on page 2.3-2.

C22-3: See Master Response F regarding displacement.

- C22-4: Figure 1 in the *Draft Summary of Predicted Traveler Responses*¹ summarizes the Bay Area's population today and in 2040 by "person type" categories. Counter to the speculation presented in the comment, the expected increase in population between 2010 and 2040 is not exclusively made up of single individuals. The subsequent speculation in the comment is, therefore, unfounded. The unemployment numbers speculated by the commenter are not correct. People who live outside of San Francisco that do not have jobs in San Francisco would not be expected to commute to San Francisco.
- C22-5: Your opposition to Alternative 4 and Alternative 5 is acknowledged. The commenter states that the assumption in Alternative 4 that no one will in-commute into the region is not practical. MTC and ABAG agree that fully eliminating the in-commute from surrounding regions may not be practical. The proposed Plan therefore includes a growth pattern that stops the rate of people commuting into the region from increasing. MTC and ABAG believe that approach is achievable and beneficial to the region and the neighboring regions.
- C22-6: MTC and ABAG are not proposing implementation of a Vehicle Miles Traveled (VMT) tax as part of the proposed Plan. The VMT tax was included in Alternative 5, the Environment, Equity and Jobs Alternative, as per the direction of the stakeholders who developed that alternative. Page 3.1-8 of the Draft EIR does note that "exemptions from the tax would be provided for low-income households."
- C22-7: This comment does not raise environmental concerns under CEQA. Communities of Concern are low income and minority communities defined by MTC as experiencing potential transportation accessibility disparities. See responses C22-1 and C22-2 regarding the last sentence.
- C22-8: The California Air Resources Board selected the year 2005 as a baseline (see pp. 6 in the *Recommendations of the Regional Targets Advisory Committee*²) in September 2009. In 2009, sufficient information was not available to establish 2010 as the base year.
- C22-9: See responses C22-1 and C22-8.
- C22-10: The term "pre-recession" normally refers to 2008 and the preceding years of economic growth. MTC and ABAG acknowledge that there may have been subregional differences and ABAG takes these into account in its long range population and job projections. There is a robust analysis process that precedes each round of regional projections; see Master Response B.1 for additional information on population projections.
- C22-11: The Draft EIR uses the 2010 base year because the U.S Census was conducted at that time, and it provides a detailed dataset on which to build an analysis of potential environmental effects. Much of the regional land use and transportation data used for modeling also was calibrated to this base year. Adjustments in future unemployment rates were made to reflect a return to more balanced growth over the planning period. MTC and ABAG believe that these long range forecasts provide the best analytical framework available for this EIR. See Master Response B.1 for additional information on population projections.

¹ http://onebayarea.org/pdf/Draft_Plan_Bay_Area/Draft_PBA_Summary_of_Predicted_Traveler_Responses.pdf

² <http://www.arb.ca.gov/cc/sb375/rtac/report/092909/finalreport.pdf>

- C22-12: This typo in the heading is acknowledged and has been corrected in Section 2 of this Final EIR.
- C22-13: This EIR uses a base year and then a 28 year planning horizon because those are the time periods set in the proposed Plan. The current eight year cycle for Regional Housing Needs Allocations is set in SB 375 and is independent of the EIR analysis. Additional information about housing elements and update cycles is available on the California Department of Housing and Community Development website's housing element page: <http://www.hcd.ca.gov/hpd/hrc/plan/he/>
- C22-14: The comment correctly notes that commute travel mode shares for the San Francisco Bay Area have remained fairly constant between 1990 and 2010, with 68 percent of residents driving alone to work. This is primarily a result of household growth over the past two decades being concentrated in suburban and exurban areas; residents in these locations generally lack public transit options. Historical public transit investments have served to maintain transit mode share by increasing total system ridership, but any potential mode share gains have been overwhelmed by the continued expansion of auto-dependent land use patterns.
- Because the proposed Plan focuses future residential and employment growth into the urban core of the region, and combines this growth with supportive public transit investments, it is forecasted to have a greater impact on expanding the region's transit mode share, as shown in Table 2.1-13. Note that the majority of the region's trips in year 2040 are still expected to require an automobile, but transit trips nearly double over the lifespan of the proposed Plan as a result of the focused growth pattern and public transit expansion.
- C22-15: The transportation strategies included in the proposed Plan are not targeted to discriminate against specific races or ethnicities.
- C22-16: This EIR did analyze displacement related to the proposed Plan; see pgs. 2.3-35 to 2.3-40. This EIR did not evaluate displacement caused by speculators buying single-family homes as the concern is speculative and is not a potential environmental effect directly or indirectly related to the proposed Plan. See Master Response F for additional information on displacement.
- C22-17: The statement questioned is the conclusion from the analysis presented on the preceding pages. A geographic information system with mapped data on land use was used to evaluate how proposed transportation projects and land use development would affect existing residents and businesses. The findings from this analysis are represented in the summary statement quoted.
- C22-18: This comment correctly states heavy duty diesel trucks can create noise impacts. Construction noise is analyzed under Impact 2.6-1 on pg. 2.6-21 *et seq.* and Mitigation Measures 2.6(a) and 2.6(b) lists a number of noise attenuation measures that would reduce or eliminate the impact noted in the comment. Because MTC and ABAG cannot compel local agencies to adopt the mitigation measures listed, the localized impact of local projects, as opposed to regional projects, would remain significant and unavoidable.
- C22-19: Potential displacement is not anticipated due to noise impacts from the regional transportation projects in the proposed Plan. In addition, local General Plans must have

noise elements, which establish standards and policies to avoid adverse noise impacts due to local construction impacts. See Master Response A.1 regarding local land use control.

- C22-20: Increased noise levels are described and analyzed under Impact 2.6-2. Mitigation Measure 2.6(d) lists a number of noise attenuation measures that would reduce or eliminate the impact noted in the comment. If these measures were adopted and implemented, the impact would become less than significant.
- C22-21: The anticipated population increase in the region will occur with or without the proposed Plan; see Master Response B.1 regarding population projections. Chapter 2.7, Geology and Seismicity, includes a detailed analysis of land within Alquist-Priolo zones under Impact 2.7-1 and documents the acreage in Priority Development Areas (PDAs) that lies within these zones and would potentially be affected by a major seismic event. The impact is identified as potentially significant, and mitigation measures are listed. This is normal practice in an environmental assessment: to disclose whether more people or structures would be at risk due to a seismic event causing ground rupture. Events related to ground-shaking, liquefaction and landslides are also examined in the EIR. The comment is correct in noting that implementation of the proposed Plan by implementing agencies would put some additional people's lives at risk compared to existing conditions, but that is essentially due to the population growth and all of the project alternatives including the No Project alternative have the same impact; whether there is enough open space land to bury them or facilities to cremate them is speculative and beyond the programmatic scope of this EIR.
- Not only does the Draft EIR include a detailed discussion of geology and seismicity impacts, but a recently published CEQA decision demonstrates that impacts of earthquakes on a project "do not relate to environmental impacts under CEQA" and are not required to "be analyzed in an EIR." (*Ballona Wetlands Land Trust v. City of Los Angeles* (2011) 201 Cal.App.4th 455, 475 (*Ballona*).) The court reached this conclusion because "the purpose of an EIR is to identify the significant effects of a project on the environment, not the significant effects of the environment on the project." (*Id.* at p. 473.)
- C22-22: Water supply issues are fully treated to a program-level assessment in Chapter 2.12, Public Utilities; see Master Response G for additional information. Large scale residential development must be assured of having adequate long-term water supplies prior to a development approval, and urban water management plans must take account of supply interruptions due to drought years. Effects of emergencies are analyzed at a programmatic level in Chapter 2.13, Hazards. See Master Response A.3 regarding level of specificity in the EIR.
- C22-23: MTC and ABAG respectfully disagree with the suggestion that potential groundwater pollution related to transportation impacts and land development under the proposed Plan has not been thoroughly covered. The programmatic assessment presented in Chapter 2.8, Water Resources. Effects on groundwater recharge are found to be less than significant (see pg. 2.8-27). However, pollutants from non-point sources could affect water quality, so Mitigation Measure 2.8(a) is included. With incorporation of these measures, the impact is found to be less than significant. The comment is correct to note that blending of water from various sources may occur, but attributing a change in taste to the proposed Plan would be speculative. Therefore, no change in this EIR is proposed to address the comment.

- C22-24: Chapter 2.8 of the Draft EIR, under Impact 2.8-2, analyzes whether the proposed Plan could, “substantially interfere with or reduce rates of groundwater recharge due to the increased amount of impervious surfaces, such that there could be a net deficit in aquifer volume or a lowering of the groundwater table,” and found the impact to be less than significant. Chapter 2.12, Public Utilities and Facilities, includes a programmatic assessment of long-term water supplies and notes that some water suppliers may need to supplement their long-term supplies with imported water or adopted additional water conservation, reuse or recycling measures. Reference to imported water in this context means surface water supplies, not overdrafting a groundwater aquifer. As this is a programmatic assessment, the summary of projected water shortages in Table 2.12-4 is on an agency level, and not broken down to PDAs. Furthermore, decisions on water sources rest with water supply agencies, not MTC or ABAG, and would be a component of their urban water management plans, which are updated every five years. Nothing in the proposed Plan compels water supply agencies to increase groundwater pumping and the mitigation measures listed in Chapter 2.12 would mitigate impacts to less than significant levels if implemented. Consistent with the comment, the EIR notes that this is a potentially significant impact and so lists mitigation for it. And, because MTC and ABAG cannot compel local jurisdiction to adopt the mitigation measures listed, the impact remains significant and unavoidable.
- C22-25: The conclusion of the water supply analysis is presented along with other findings in the Executive Summary to convey clearly a complete analysis of the environmental consequences of the proposed Plan. Cumulative effects are specifically addressed in Chapter 3.2, CEQA-Required Conclusions, and in each chapter combined (e.g. “concurrent”) effects are described.
- C22-26: The comment states that special-status plants may occasionally occur in urban, agricultural and ruderal environments and that they and their reproductive parts should be surveyed for and collected prior to development in such areas. The comment further states in Comment C22-29 that non-adult stages of special-status wildlife should also be surveyed. While the Draft EIR makes the statement that special-status plants are not expected to occur in urban, agricultural and ruderal environments, their presence is not ruled out, even in such areas. Section 2 of this Final EIR includes a text change to clarify p. 2.9-15 of the Draft EIR.
- Mitigation Measure 2.9(a) requires a biological assessment and specific biological surveys (as required based on the general assessment) to be conducted as part of the environmental review process to determine the presence and extent of sensitive habitats and/or species in a specific project area. As stated on p. 2.9-59 of the Draft EIR, “...surveys are to be conducted by qualified professionals pursuant to adopted protocols and agency guidelines and be undertaken at times when the subject species is most likely to be identified.” For example, for plants, surveys are to be conducted when the species is identifiable, and for most plants this requires surveys to be conducted when the species in question are flowering or sometimes, fruiting. As another example, protocol surveys for red-legged frog include timing surveys during the breeding season, looking for all life-stages of red-legged frog. To include the survey protocols for each species considered is unnecessary in the context of a program EIR. See also the Master Response A.3 regarding the nature of a program EIR and the level of analysis required in such a document.
- C22-27: The comment states that the Draft EIR cannot accurately determine the environmental impact of the proposed Plan as the projects have not been defined, and therefore suggests the Draft EIR should not claim less-than-significant or significant but mitigable findings. As

discussed throughout the biological resources impact analysis, most, if not all, of the individual projects that could be implemented under the proposed Plan could have a significant and adverse effect on biological resources. Mitigation measures outlined in the impact analysis of the Draft EIR present standard protocol and regulatory requirements for reducing impacts to biological resources, which would reduce some impacts to a less-than-significant level to the extent that an individual project adopts and implements all feasible mitigation measures. However, as repeated throughout the impact analysis, MTC and ABAG cannot require local implementing agencies to adopt mitigation measures, and it would ultimately be the responsibility of a lead agency to determine and adopt mitigation. Therefore, the Draft EIR found multiple significant and unavoidable (SU) related to biological resources. . See Master Responses A.1 regarding local land use control and A.3 regarding the level of specificity in the EIR.

- C22-28: The comment is concerned about the statement on p. 2.9-55 of the Draft EIR that states that because most Plan Bay Area development will occur in existing transportation corridors and previously developed areas, overall habitat loss and fragmentation will be lower than if it were to occur in undeveloped areas; the comment appears to be saying that habitat loss and fragmentation may still take place in developed areas. While the comment is correct that habitat loss and fragmentation could take place in developed areas, it is also true that, in general, habitat in developed areas is already degraded through a number of mechanisms, including fragmentation and isolation. The intention of the statement is to point out that if all new development and transportation improvements were to occur in previously undeveloped lands the related impacts on biological resources would be much greater than under a plan that concentrates new growth in already developed areas, not to imply that these impacts would not occur at all in previously developed areas.
- C22-29: The comment is specifically concerned that regulatory requirements would not completely protect sensitive habitat areas or of the species. Please refer to response C22-26, which addresses similar concerns regarding appropriately timed surveys. Further, as noted frequently throughout the impact analysis, project- and site-specific considerations and regulatory requirements would be implemented as feasible on project-by-project bases. This approach allows site-specific consideration related to all biological resources and does not specifically limit mitigation to regulatory requirements.
- C22-30: Please refer to response C22-26 with regard to site-specific biological assessments and surveys, which will be required by each implementing agency and are intended to identify, avoid, and minimize impacts to sensitive resources on a site- or project-specific basis. Furthermore, as stated on p. 1.1-2 of the Draft EIR, the Draft EIR's programmatic, regional approach to the analysis of potential impacts "does not relieve local jurisdictions of the responsibility for evaluating project-specific, locally significant impacts. All impacts of individual projects will be evaluated in future environmental review, as relevant, by the appropriate implementing agency as required under CEQA and/or NEPA prior to each project being considered for approval, as applicable." CEQA streamlining is enabled by SB 375. Only certain projects are eligible for streamlining, as shown Table 1.1-1 of the Draft EIR. Furthermore, project wishing to undergo streamlining must implement all of the applicable mitigation measures listed in this EIR; see Master Response A.2 on CEQA streamlining for further information.
- C22-31: The comment about Table 2.12-4 is correct. It would, though, be speculative for the EIR to comment on future water rate hikes given the choices listed that the water agencies facing

shortfalls are considering (importing supplies and conserving water through conservation, reuse and recycling). Some of these options can reduce water use and, therefore, the cost of water borne by a consumer. Furthermore, the projected population increase in the region, which is the main source of regional-scale water shortages, will occur with or without the proposed Plan as explained in Chapter 3.1 of the Draft EIR.

- C22-32: The EIR does say, under Impact 2.12-6, that solid waste generated by both land use and transportation projects may reduce the capacity of existing landfills, a potentially significant effect. Active Bay Area landfills that were analyzed are listed in Table 2.12-6; this table does include a column showing remaining capacity, in both absolute terms (cubic yards of space) and as a percentage of total capacity. Estimated closure dates for each landfill also are shown. As this is a programmatic EIR for the nine-county region, generation and disposal was not analyzed on a county-basis. Instead, remaining life of the individual landfill sites was documented and assessed, leading to the conclusion that new landfill capacity is needed. Mitigation measures are listed but, as noted above, MTC and ABAG are limited in their ability to enforce them. The impact, therefore, remains significant and unavoidable.
- C22-33: Specific base and horizon years for the SB 375 analysis are set by statute; the 2040 horizon was added because that is the planning period for Plan Bay Area. See Master Response D.1 for additional information on greenhouse gas emissions included in the analysis for the SB 375 target.
- C22-34: The explanation for the conclusion cited on pg. 3.1-60 is that there are statutory mechanisms in place that reduce greenhouse gas (GHG) emissions. These are referred to by shorthand terms “Pavley” reductions and “LCFS”, the Low Carbon Fuel Standard. The Pavley GHG reduction program was created by Assembly Bill 1493, passed in 2002. The Low Carbon Fuel Standard was set under Executive Order S-01-07 in June, 2007. Additional information on these two programs is presented on pages 2.5-24 and 2.5-25. See also Master Response D.1 regarding SB 375’s GHG reduction targets. The methodology used for the impact analysis is described in the section starting on pg. 2.5-42. In sum, MTC and ABAG did the following:
- First, data was developed for on-road transportation emissions. The effects of Climate initiatives in the proposed Plan were then incorporated (see Table 2.5-5), using data derived for Criterion 1 in the GHG analysis, along with the Pavley reductions and the reductions under the Low Carbon Fuel Standard to arrive at a final total for transportation emissions.
 - Land use emissions were based on estimated energy consumption per land use type (e.g. single-family residential, multi-family residential, and commercial). ABAG provided information on households by housing type, and estimates of commercial space were derived from ABAG’s projections with square footage estimated based on an average square feet per job type, per UrbanSim outputs. Energy emissions were then calculated using standard coefficients that estimate CH₄, NO_x and CO₂ per kWh and then converted to MTCO₂e.
 - In addition, landfill emissions were calculated based on tonnage increasing at the same rate as population growth, with emissions estimated by EPA’s WARM model, assuming mixed waste.

- Land use emissions were then reduced using the measures recommended by the California Air Resources Board (ARB) in their Scoping Plan. Only measures specific to the land use analysis were considered. The Draft EIR assumes 19 percent of possible reductions for the State, removing policies that may overlap with each other, as the Bay Area has roughly 19 percent of the State's population. This is the same methodology used by SACOG in their SCS EIR analysis. It applies the reductions to "business as usual" use rates, which is appropriate because it is reasonable to expect land use energy efficiencies over the next 30 years (as opposed to efficiencies related to land use planning that are treated separately, as per SB 375). In no case are reductions made that exceed what is expected to occur, on a proportional basis, under ARB's Scoping Plan.
- Land use emissions were then added to transportation emissions (with reductions).
- For Criterion 2, the data in the Draft EIR do show that without the California Air Resources Board's Scoping Plan reductions and application of Pavley reductions and the Low Carbon Fuel Standard, there would be an overall increase in total emissions as a result of more population, jobs, and travel. However, with the reductions, which are mandated by law, there is a net reduction; hence, the determination presented in the EIR of a less-than-significant impact for the proposed Plan and the alternatives.

Letter C23 Kaia Eakin (5/2/2013)

C23-1: Commenters support for the proposed Plan is acknowledged.

Letter C24 Kaia Eakin (5/2/2013)

C24-1: Same letter as C23.

Letter C25 Carl Fricke (5/3/2013)

C25-1: The proposed Plan is regional land use strategy that is built around a Priority Development Area framework, with the vast majority of growth anticipated in the region going to areas identified by local jurisdictions as PDAs. See Master Response I regarding the PDA process. As individual development projects are implemented, the various infrastructure services mentioned in the comment will be evaluated and addressed at the project level. This Draft EIR is a program EIR and therefore does not include project-level analysis. See Master Response A.1 regarding local land use control and Master Response A.3 regarding the level of specificity of the EIR. See also response C25-3 regarding project-level analysis.

C25-2: The Draft EIR provides a regional-scale evaluation of public services, including police, fire and schools, in the Draft EIR, Chapter 2.14, Public Services. The chapter analyzes the potential impacts and provides adequate mitigation measures to lessen these impacts. Local jurisdictions will continue to be responsible for ensuring that adequate funds are identified to support public services for new local development. See Master Response A.1 and response C41-3 regarding local control and implementation.

C25-3: Not all parcels within PDAs are buildable, due to issues such as those cited in the comment. Page 2.3-44 of the Draft EIR says, "While the PDAs are areas in which growth is focused, PDAs would not be developed in their entirety, and would include diverse land uses in addition to jobs and housing that could include preservation of agricultural land." This is again noted on pp. 2.3-46 and 2.3-53.

This EIR evaluates Plan Bay Area as a single, regional project and assesses its impacts at a regional level across all nine counties, which is consistent with CEQA provisions regarding program EIRs. As stated in Chapter 2.0 of the Draft EIR, “as a program-level EIR individual project impacts are not addressed in detail; the focus of this analysis is to address the impacts which, individually or in the aggregate, may be regionally significant.” The individual projects that may result from the proposed Plan must comply with CEQA. Where necessary, site specific issues such as slope, stream setbacks, and local hazard issues will be addressed by project-level environmental review and/or local permits and regulations. Projects, even those qualifying for CEQA streamlining, will generally need to obtain discretionary permits or other approvals from the lead agency and the local jurisdiction, in accordance with local codes and procedures, including any agreements related to zoning, design review, use permits, and other local code requirements (Draft EIR, p.1.1-13). The Draft EIR does assess stormwater runoff and erosion in Chapter 2.8 and proposes Mitigation Measure 2.8(a), which is tied to existing regulations and so the impact is found to be less than significant with mitigation. . See Master Response A.3 regarding the level of specificity in the EIR.

- C25-4: As discussed under Impact 2.12-1, the Urban Water Management Plans (UWMPs) for the major water suppliers of the region indicate adequate water supplies for the amount of the region’s projected growth, at a regional level. This amount of population growth and development projected for the region will occur regardless of the proposed Plan and would be the actual cause of any impacts from expansions of water supply - these impacts will occur with or without Plan Bay Area, as shown in Chapter 3.1 of the Draft EIR. In the case of a localized water shortage caused by the distribution of growth under the proposed Plan, mitigation measures 2.12(a) through (h) should reduce the impact to less than significant, if applied by the implementing agency. Also see Master Response G regarding water supply. Cost impacts are not an environmental issue under CEQA and are beyond the scope of this EIR.
- C25-5: Any land development under the proposed Plan must comply with the Marin County General Plan and other local land use plans and ordinances, including zoning. Local jurisdictions may choose to update these regulations or enact a specific plan to promote the development pattern blueprint in Plan Bay Area. No local jurisdiction is required to enact Plan Bay Area. See Master Response A.1 regarding local land use authority. Local jurisdictions must comply with applicable state law and local rules regarding public noticing and review for rezoning for future projects and plans; any new land use plans or projects must comply with CEQA, including all applicable public noticing and comment requirements.
- C25-6: The proposed Plan does not contain any exemptions regarding land use development, nor can it override local land use authority; see Master Response A.1 regarding local land use authority. Local or State law may provide certain exemptions but these do not stem from the proposed Plan. SB 375 does provide for CEQA streamlining for certain eligible projects; see Master Response A.2 and Table 1.1-1 of the Draft EIR for an overview of requirements and benefits.
- C25-7: This comment does not raise an environmental concern that requires a response under CEQA.
- C25-8: See Master Response C regarding the request to extend the public comment period.

Letter C26 Robert Silvestri (5/9/2013)

C26-1: The comment claims that the Draft EIR fails to adequately establish reasonably proof of the efficacy of the proposed Plan or the Alternatives in reducing per capita or overall greenhouse gas (GHG) emissions. The Draft EIR analysis of GHG emissions uses EMFAC2011, which is developed through an extensive process by the California Air Resources Board (CARB) and approved by the United States Environmental Protection Agency. EMFAC2011 is the GHG emissions modeling tool MTC and ABAG are required to use for analysis of emissions. The travel model analysis was conducting using MTC's regional travel model, (*Summary of Predicted Traveler Responses*), which includes references to other, even more detailed, documentation. See Master Response D.1 regarding SB 375's GHG reduction requirements.

Moreover, the fact that commenter disagrees with some of an EIR's methodologies and conclusions is not a basis for overturning an EIR that is supported by substantial evidence - such as the proposed Plan's Draft EIR. Pursuant to CEQA, "substantial evidence" includes "fact, a reasonable assumption predicated upon fact, or expert opinion supported by fact." (Pub. Resources Code, § 21080, subd. (e)(1); CEQA Guidelines, § 15834, subd. (b).) Substantial evidence is not conjecture, nor is it speculation or unsubstantiated opinion or narrative. (CEQA Guidelines § 15384(a).)

"Challenges to the scope of the analysis, the methodology for studying an impact, and the reliability or accuracy of the data present factual issues, so such challenges must be rejected if substantial evidence supports the agency's decision as to those matters and the EIR is not clearly inadequate or unsupported." (*Federation of Hillside & Canyon Assns. v. City of Los Angeles* (2000) 83 Cal.App.4th 1252, 1252 (*Federation*).) Here, substantial evidence supports the conclusions in the Draft EIR. Where substantial evidence supports the agency's findings, the agency's actions must be upheld. (*N. Coast Rivers Alliance v. Marin Mun. Water Dist. Bd. of Dirs.* (2013) 216 Cal.App.4th 614, 626; see also *El Morro Community Assn. v. Cal. Dept. of Parks and Recreation* (2004) 122 Cal.App.4th 1341, 1349 [court must uphold the EIR "if there is any substantial evidence in the record to support the agency's decision that the EIR is adequate and complies with CEQA"].)

C26-2: The comment claims that the Draft EIR's "cite" of MTC's supplementary report entitled *Draft Summary of Predicted Traveler Responses* or EMFAC2011 is "inadequate." MTC and ABAG assume that the author of the comment does not intend to imply that the actual citation of the report is inadequate, but rather that the documents do not adequately support the Draft EIR's claim that the proposed Plan will reduce GHG emissions. The *Draft Summary of Predicted Traveler Responses* provides a brief overview of the MTC travel model and links to detailed documentation of both the MTC travel model and the EMFAC2011 software. MTC and ABAG believe these tools are appropriate and useful for estimating the expected reductions in GHG emissions from changes in land development patterns, transportation policies, and transportation infrastructure.

C26-3: The comment claims that MTC and ABAG used "raw data and simplistic analysis" rather than thorough "analytical methodologies" to draw conclusions about the performance of the Draft EIR alternatives. Though these are subjective assessments, MTC and ABAG believe the analytical methods used to support the Draft EIR far exceed the state of the practice in both complexity and rigor. See response C26-1 regarding the use of EMFAC2011. See also

Master Response D.1 regarding SB 375's GHG reduction requirements, which points out that CARB has preliminarily approved MTC and ABAG's methodology.

- C26-4: See Master Response D.2 regarding the connection between high-density housing near transit and reduced greenhouse gas emissions.
- C26-5: The Draft EIR's estimates of current and future traveler behavior rely on complex analytical methods, as briefly described in the *Draft Summary of Predicted Traveler Responses* and described in great detail elsewhere (as referenced in the *Draft Summary of Predicted Traveler Responses*). The comment makes oblique references to "largely discredited" theories, but does not mention or criticize or praise the actual methods MTC and ABAG used to estimate the likely behavior of travelers living in TODs or high density urban areas. As such, MTC and ABAG are left to conclude that the criticism is based on a misunderstanding of MTC and ABAG's analytical methods. See Master Responses D.1 and D.2..
- C26-6: See responses C26-1 through C26-5 above.
- C26-7: The GHG emissions modeling in EMFAC2011 includes specific Bay Area inputs in terms of VMT from MTC's travel model, and the model also factors into region-specific climatic conditions.
- C26-8: As explained in responses C26-1 and C26-7, GHG emissions were determined using the EMFAC2011 model using VMT inputs as calculated by MTC's travel model. It is unclear how this would constitute "cherry picking." Every SCS in California is required to use EMFAC2011 to model emissions, as required by ARB and the federal government.
- C26-9: Absent identification of the "data used in the Draft EIR" or the "more recent research" to which this subject concerns, MTC and ABAG cannot meaningfully respond to the comment. MTC and ABAG, however, stand by the accuracy of the data used in the EIR which was developed by staff and consultants with expertise in fields relevant to each topic analyzed in the Draft EIR.
- C26-10: See response C26-12 below.
- C26-11: The comment claims Figure 2.5-2 in the Draft EIR is biased and irrelevant to the purposes of the Draft EIR. MTC and ABAG disagree. Furthermore, the figure is included in the settings portion of Chapter 2.5 to provide general information and context for the analysis that follows, including primarily the composition of emissions, as discussed in the text on page 2.5-6 of the Draft EIR. The figure was developed by the Bay Area Air Quality Management District for the 2010 Source Inventory. While short-term fluctuations would be expected, there is no evidence presented to indicate that the long term trends themselves or the composition of emissions shown in this figure are biased.
- C26-12: The comment implies that the analysis performed in the Draft EIR ignored evidence of declining GHG emissions that coincided with the declining economic output of the country following the 2008 recession. This is inaccurate. As demonstrated in Table 13 (pp. 64) of the *Summary of Predicted Traveler Responses* supplementary report, MTC and ABAG estimate a reduction in Carbon dioxide emissions from 2005 to 2010.

- C26-13: The comment notes that the SB 375 analysis only considers per capita emissions from automobiles and light duty trucks, not the entire transportation sector. This is correct. See Master Response D.1 for additional detail.
- C26-14: The comment questions including both Figure 2.5-2, which shows an increase over time of GHG emissions, and Figure 2.5-7, which shows a decrease. As noted in response C26-11, Figure 2.5-2 was included to provide general information and context for the analysis that follows, including primarily the composition of emissions, as discussed in the text on page 2.5-6 of the Draft EIR. Figure 2.5-7 shows the trends in emissions *per capita* for passenger vehicles and light duty truck only based on the analysis done for the Draft EIR.
- C26-15: The comment is an extension of comment C26-14 above. The comment includes a chart published by the EPA over total U.S. Greenhouse Gas Emissions, 1990-2011. This chart includes all sectors, and covers a different time period than Figure 2.5-2, including a significant recession. The figures and charts provide different analyses.
- C26-16: The comment states that potential increases in zero emissions vehicles, combined with other environmental laws and GHG reduction technologies will help reduce GHG emission from autos and light duty trucks even more dramatically than shown in Figure 2.5-7 in the Draft EIR. The GHG analysis, as required by the federal government, uses EMFAC2011 to evaluate GHG emissions. EMFAC2011 includes ARB-developed forecasts regarding fleet turnover and vehicle mix, including adoption of zero emissions vehicles. In the analysis for Impact 2.5-1, MTC and ABAG do assume a higher rate of electric vehicle adoption due to the Climate Program Initiative programs focused on electric vehicle purchase incentives and expansion of a regional electric vehicle charger network.
- The analysis for Impact 2.5-1 is based on the SB 375-required GHG emissions reduction targets, for which MPOs are not allowed to take credit for advances in technologies or reductions due to regulations. Were those other benefits included, Figure 2.5-7 would indeed show greater reductions. See Master Response D.1 for more information.
- C26-17: MTC employed the ARB EMFAC2011 vehicle emission model to generate all on-road mobile source emission inventories included in the Draft EIR. EMFAC2011 represents ARB's next step in the ongoing improvement of the EMFAC series of emissions estimation models and is the best available tool to calculate on-road mobile source emissions. The EMFAC2011 is needed to support the ARB's regulatory and air quality planning efforts and to meet the Federal Highway Administration's transportation planning requirements. EMFAC2011 includes the latest data on California's car and truck fleets and travel activity. This data includes fleet mix (vehicle type, model year, and accumulated mileage), miles traveled, vehicle speeds, and vehicle emission factors. The model also reflects the emissions benefits of ARB's recent rulemakings including on-road diesel fleet rules.
- As noted in the Draft EIR (pages 2.2-18 and 2.2-19), EMFAC2011 does not include ARB's Advanced Clean Car Standards approved in 2012. Because of this, as noted on the pages referenced above in the Draft EIR, it is anticipated that overall emissions in the future will be lower than those calculated by this current version of the EMFAC model. However, as explained in Master Response D.1, the emission reductions due to new CAFE standards and the Advanced Clear Car Standards cannot be included in the MPO's per capita GHG emissions analysis for reaching the SB 375 GHG emissions reduction targets.

- C26-18: See Master Response D.1 regarding GHG emissions for SB 375.
- C26-19: The comment claims the Draft EIR did not adequately examine all available information and statistics to justify its projections. The analysis in the Draft EIR utilizes the most recent and federally-mandated GHG emissions reduction model, EMFAC2011. As noted in response C26-17, EMFAC2011 does not account for new CAFE standards or the CARB Advanced Clean Car Standards. However, the SB 375-required GHG emissions reductions are not allowed to include the benefits of new CAFE standards. See Master Response D.1 for more information regarding GHG emissions for SB 375.
- C26-20: SB 375 requires regional planning agencies to include a Sustainable Communities Strategy (SCS) in their regional transportation plan (RTP) that demonstrates how the region could achieve GHG emissions reductions set by CARB through integrated land use and transportation planning *without* GHG emission reduction benefits produced from vehicle and fuel technology improvements. Please refer to table 2.5-7: Total and Per Capita Passenger Vehicle and Light Duty Truck CO₂ Emissions (CO₂ Emissions Per Capita column), figure 2.5-7: Per Capita Emissions, Car and Light Duty Truck Emissions and Figure 3.1-1: Change in Per Capita Car and Light Duty Truck CO₂ Emissions, by Alternative for EIR documentation. See Master Response D.1 for more information regarding GHG emissions for SB 375.
- C26-21: See responses C26-1 and C26-20.
- C26-22: See response C26-1.
- C26-23: The EIR may properly assume that people and jurisdictions follow mandatory federal, State, and local laws and regulations. Also see response C26-1.
- C26-24: The comment claims that analysis of actual auto and light truck use in Marin County shows that the proposals in the proposed Plan will not result in any reduction in GHG emissions from autos and light truck usage, and will instead increase GHG emissions. The analysis in the Draft EIR shows that there will be an increase in total GHG emissions from autos and light duty trucks between 2010 and 2040 when the benefits of Pavley and LCFS are not included, as documented in Table 2.5-7 in the Draft EIR. The reduction in GHG emissions that are documented in the Draft EIR related to GHG emissions from passenger vehicles and light duty trucks *per capita* (Criterion 2.5-1), and overall GHG emissions from land use and transportation (Criterion 2.5-2).
- C26-25: There are no charts on the pages referenced in the comment. Figures 2.5-5 and 2.5-6, which are also referenced in the comment, address sea level rise and climate change and do not appear to correspond in any way to the comment.
- C26-26: MTC and ABAG are unable to locate this quote in the Draft EIR. Regardless of the validity of this statement, Plan Bay Area is required to attain the GHG emissions reductions targets established by SB 375 regarding per capita emissions from cars and light trucks.
- The Bay Area Air Quality Management District's (BAAQMD) "Source Inventory of Bay Area Greenhouse Gas Emissions" document defines the transportation sector's greenhouse gas emissions in the Bay Area as on-road motor vehicles, locomotives, ships and boats, and aircraft. BAAQMD's GHG emission inventory document also forecasts 2020 transportation

sector GHG emissions at 35 percent of the region's total GHG emissions and the on-road mobile source category (only) represents 31 percent of the region's total GHG emissions.

- C26-27: Plan Bay Area attains the GHG emissions reductions targets required by SB 375 regarding per capita emissions from cars and light trucks.
- C26-28: Regardless of the validity of this statement, Plan Bay Area is required to attain the GHG emissions reductions targets established by SB 375 regarding per capita emissions from cars and light trucks. The Bay Area Air Quality Management District's (BAAQMD) "Source Inventory of Bay Area Greenhouse Gas Emissions" 2007 GHG emission inventory shows (in Figure 2: 2007 Bay Area GHG Emissions by Sector) both the Transportation sector and the Industrial/Commercial sector at 36.4 percent of the regional total.
- C26-29: The comment questions what the correct metrics and data points should be used to arrive at accurate projection for the purposes of the Draft EIR. Comments C26-26 through C26-28 focused on purported introductory text used to set the context of Chapter 2.5. The data used for the EIR emissions analysis is the data from the MTC Travel Model and EMFAC2011.
- C26-30: The comment states that there is nothing in the Plan that has any possibility to significantly reduce emissions in Marin County. The GHG analysis is a regional analysis and the Draft EIR does not include county-specific emissions analysis. It is theoretically possible, albeit unlikely, that the proposed Plan may result in increased per capita car and light truck GHG emissions in some locations. Regardless, as long as the Plan attains the CARB targets for GHG emissions reductions across the nine-county Bay Area region it conforms with SB 375.
- C26-31: The comment states that the analysis does not factor in GHG producing outcomes of more growth and development due to MTCO₂ sequestration loss. The Draft EIR does include land use GHG analysis in Criterion 2.5-2. This analysis includes GHG emissions for various types of development. Regarding sequestration, see response C26-32.5.
- C26-32: The analysis for Criterion 2.5-2 used household emissions based on average use for climate zone four per the BAAQMD BGM User's Manual, a more regionally specific input than EPA's national estimate: "BGM [BAAQMD's greenhouse gas model] estimates average residential electricity and natural gas use based on the California Residential Appliance Saturation Study. The results of this study were used to estimate energy use for the average single family and multi-family residence." (p. 25).
- C26-32.5: Table 2.3-18 in the Draft EIR estimates a potential loss of 1,352 acres of forest and timberland in the region under the proposed Plan. A 2007 report by the USDA Forest Service found that on average California forests store 40 tons per acre, and redwood forests support the greatest concentration of Carbon storage among California forest types at 150 tons per acre.³ Even making the conservative assumptions that all 1,352 acres of forest and timberland are developed and entirely consist of redwood forest, that would increase annual GHG emissions by 202,800 tons. In addition, Table 2.3-13 shows that the proposed Plan

³ Christensen, G.A., S. Campbell, J. Fried (Tech. Coords.). 2007. California's Forest Resources: Forest Inventory and Analysis, 2001-2005. USDA Forest Service, Pacific Northwest Research Station, Forest Inventory and Analysis Unit (PNW-FIA), Portland, OR. March 22, 2007 version. Cited in Mader, Steve, 2007. *Climate Project: Carbon Sequestration and Storage by California Forests and Forest Products*.

would potentially convert 1,742 acres of open space; using the 1.5 tons per year figure from the comment, that would increase GHG emissions by another 2,613 tons. Combined, conversion of forestland and open space would reduce sequestration and increase GHG emissions by 205,413 tons per year. However, when compared to the total regional annual GHG emissions shown in Table 2.5-10, which show 7,503,000 tons of CO₂e reduction in 2040, accounting for lessened sequestration would only lower this number to around 7,297,587, or a 2.7 percent decrease, and the proposed Plan would still easily have no adverse impact under Criterion 2.5-2.

Note that Tables 2.3-12 and 2.3-18 together estimate the loss of 135 open space acres and 255 forestland acres in Marin County, respectively. The land development pattern in the proposed Plan includes a significant amount of urban infill and redevelopment, which generally would not affect sequestration.

C26-33: See response C26-32.5.

C26-34: The comment claims that high density TOD would increase GHG emissions in Marin County. The Draft EIR emissions analysis is a regional analysis. See Master Response D.2 regarding the connection between high-density housing near transit and reduced GHG emissions and Master Response A.3 regarding the level of specificity in the EIR.

C26-35: The comment claims the analysis is false and that GHG emissions will be far less than indicated. This comment appears to contradict those made earlier in the comment letter claiming that the GHG analysis vastly understates GHG emissions. See response C26-1.

C26-36: Reducing automobile travel can be accomplished by shifting travelers to public transportation, as noted in the comment letter, but can also be accomplished by reducing the length of travel (a subject not mentioned in the comment letter). Meaning, increasing available housing – including affordable housing – and employment opportunities has the potential to reduce the length of trips made in automobiles and, as follows, the amount of Carbon dioxide generated from automobiles. For example, the Census (American Community Survey 2011 data summaries B08007 and B08604) estimates that approximately 46,000 commuters travel to Marin to work each day. If these workers were able to live in Marin, less automobile travel would likely be required for them to travel to work – even if they continued to travel by automobile. A reduction in automobile trip length, as highlighted in Figures 14 and 15 of the *Summary of Predicted Traveler Responses* document, is a key outcome of Plan Bay Area.

C26-37: MTC and ABAG followed the same procedures in analyzing Criterion 2.5-1 for all alternatives as used for the proposed Plan, shown in Chapter 3.1 Per responses C26-1 through 36, MTC and ABAG followed CARB requirements and used the appropriate inputs.

C26-38: See responses C26-32.5 through 37.

C26-39: Please refer to Master Response D.2 on the relationship between high density housing near transit and greenhouse gas emissions.

C26-40: As the comment cites no evidence of bias or provides examples of studies that reach different conclusions than those referred to in the Draft EIR, MTC and ABAG cannot meaningfully comment.

- C26-41: See responses C26-39 and 40.
- C26-42: See responses C26-43 through 53.
- C26-43: Criterion 2.5-2 does not involve per capita GHG emissions, rather total net emissions, so this comment does not apply.
- C26-44: See response C26-43.
- C26-45: It is unknown to MTC and ABAG if the factors used by BAAQMD (see response B26-32) include energy consumption from common areas. However, assuming that including common areas would increase emissions from multi-family units by 20 percent, recalculating the 2010 and 2040 GHG emissions from multi-family residential in Table 2.5-8 of the Draft EIR would only increase 2040 emissions from the proposed Plan by 252,600 MTCO₂e compared to existing conditions. This would not change the conclusion that the proposed Plan would have no adverse impact under Criterion 2.5-2.
- C26-46: Calculating the heat island effect would be speculative since it is not possible for MTC and ABAG to know how much vegetation, type of roofing, etc. that future land development would include in its design. This factor is better assessed in project-level environmental review; see Master Response A.3 regarding the level of specificity of a program EIR.
- C26-47: Including all such “externalities” of urbanism would be speculative as it would need to make assumptions about everything from food diets to agricultural trends.. Similarly the length and efficiency of electrical transmission varies greatly and is beyond the scope of this EIR to research and calculate at a regional scale. Unlike the graph in the comment, this EIR uses data based on American rather than foreign consumption habits.
- C26-48: See response C26-32.5 regarding the relatively small impact of including sequestration in the analysis. Tables 3.1-25 and 26 of the Draft EIR show the amount of open space and forestland each alternative could potentially convert. Applying the same calculations as in response C26-32.5, the No Project alternative would result in the greatest lessening of sequestration (almost 390,000 tons), but when taking that into account with the comparative annual GHG emissions shown in Table 3.1-29, would still easily meet Criterion 2.5-2.
- C26-49: See Master Response D.2. The proposed Plan would also reduce the average distance between employment, services, and housing, which results in less VMT due to shorter trips.
- C26-50: See responses C26-32.5 and C26-48.
- C26-51: See responses C26-32.5 through 49.
- C26-52: The commenter’s admittedly “overly simplistic analysis” (see comment letter page 28) relies on the assumption that vehicles owned by Marin County residents travel, on average, the same distance in an average year as vehicles owned by San Francisco County residents (see comment letter page 27). It also assumes that the “rural and suburban, low density development” in Marin County could exist independently of the “high density urban development” in San Francisco County, i.e. that it is possible to have suburban housing development in the absence of urban job centers. No evidence is provided or referenced to support either of these highly dubious claims, making the conclusions reached thereafter

speculative. SB 375 directs MTC and ABAG to reduce emissions from automobiles and light-duty trucks. See also Master Response D.2 regarding the connection between high-density housing near transit and reduced GHG emissions.

C26-53: See response C26-1.

C26-54: See response C26-1 and Master Response D.2.

C26-55: The comment claims that the Plan and alternatives will be economically destabilizing, are financially irresponsible and will be environmentally harmful. The Draft EIR identifies 39 significant environmental impacts, disclosing multiple potential environmental impacts. However, the proposed Plan consistently has less of an environmental impact than the No Project, which is the alternative if no Plan were adopted. The EIR is an informational document that discloses potential impacts so the public and decision-makers can make informed decisions.

C26-56: The comment claims that the Draft EIR fails to prove that any of the alternatives will reduce per capita of overall GHG from the use of autos and light trucks. The Draft EIR demonstrates in the analysis for Criterion 2.5-1 that the proposed Plan will reduce the GHG emissions from passenger vehicles and light duty trucks on a per capita basis; it will also result in an overall increase in GHG emissions from passenger vehicles and light duty trucks when excluding the GHG emission reductions anticipated from other regulatory and technological approaches (e.g. vehicle technology and fuel efficiency) to reducing GHG emissions.

C26-57: See response C26-1.

C26-58: See response C26-1.

C26-59: Throughout the comment letter, the relationship between “transit-oriented development (TOD)” and “high density urban development” and travel behavior is discussed. At no point, however, does the letter address or criticize or praise the methods MTC actually used in the Draft EIR to estimate travel-related outcomes, including the behavioral models MTC uses to estimate the likely actions of travelers living in TODs or high density urban areas. It is unclear how the conclusions in the letter were reached absent this type of investigation. Regarding the relationship between TOD and high density development and travel behavior, MTC and ABAG provide a detailed summary report (*Summary of Predicted Traveler Responses*), which includes references to other, even more detailed, documentation.

C26-60: See response C26-1.

C26-61: See response C26-1.

Letter C27 Wouter Dito (5/4/2013)

C27-1: The types of impacts suggested by the commenter constitute project-specific concerns more appropriately assessed at the local level when specific projects are considered in the future by implementing agencies; see Master Response A.3 regarding the level of analysis for this regional EIR. The comment questions if the analysis considers the impacts of bus-only lanes. The travel model does evaluate bus rapid transit project, including if a project includes bus

only lanes. However, the impacts cited in the comment are better addressed at the project-level, as the regional model is not designed to evaluate local impacts of a bus only lane.

Letter C28 Sabine Grandke-Taft (5/5/2013)

- C28-1: MTC and ABAG followed CEQA requirements for public noticing of the EIR. See Chapter 1.2 of the Draft EIR for a description of the public participation process for development of the proposed Plan. Regarding public engagement for the EIR, please see Chapter 1.1 of the Draft EIR for a description of the Notice of Preparation and public scoping process and Section 1 of this Final EIR for a description of the public review process for the Draft EIR. Please see Master Response C regarding requests for extensions of the public comment period.
- C28-2: Commenter's general concern regarding the data used to develop the proposed Plan is noted. The decision-makers will consider this comment prior to adopting the proposed Plan or one of the other alternatives included in the EIR.
- C28-3: Chapter 2.8 (Water Resources) of the EIR and Chapter 2.12 (Public Utilities and Facilities) evaluate potential water and sewer related impacts of the proposed Plan respectively. Chapter 2.14 (Public Services and Recreation) of the Draft EIR evaluates discusses potential impacts to public services including schools.
- C28-4: Implementing agencies retain the discretion to approve or deny future residential development proposals within their jurisdiction. See Master Response A.1 regarding local land use control.
- C28-5: Commenter's suggestions regarding social equity issues is noted. The decision-makers will consider this comment prior to adopting the proposed Plan or one of the other alternatives included in the Draft EIR. See also Master Response F regarding displacement.

Letter C29 Rebecca Lapedus (4/29/2013)

This is the same as Letter C17; see the responses to C17.

Letter C30 John Spangler (5/3/2013)

- C30-1: Please see Master Response C regarding requests for extensions of the public comment period.

Letter C31 John Wallace (4/22/2013)

- C31-1: Commenter's opposition to the proposed Plan is acknowledged. See response C28-1 regarding the public noticing for this EIR. Plan Bay Area will not override local zoning and land use regulations; see Master Response A.1 for more information on local land use control.
- C31-2: Commenter's support for the No Project alternative is noted. Decision-makers will weigh the advantages and disadvantages of each alternative in determining which option to adopt.

Letter C32 Libby Lucas (5/3/2013)

- C32-1: Chapter 2.9 of the Draft EIR analyzes wetlands impacts at a regional level and additional information is included in Appendix H. See also Master Response A.3 regarding the programmatic nature of this EIR. Avoidance of wetlands is the preferred mitigation identified in the EIR (see Mitigation Measure 2.9(d)). Implementing agencies will conduct project-specific biological resource assessments, where necessary, to comply with CEQA. Implementing agencies retain the ability to exercise their discretion to deny projects that cannot avoid wetland impacts. See Master Response A.1 regarding local land use control.
- C32-2: Climate change and sea level rise are analyzed in Chapter 2.5 in the Draft EIR. Future improvements to existing transportation infrastructure must comply with CEQA. Where necessary, potential sea level rise impacts will be evaluated as part of future project-specific environmental assessments.

Letter C33 Sharon Rushton (5/8/2013)

- C33-1: The comment states that the Draft EIR fails as an informational document because it defers analysis and fails to disclose significant impacts and does not provide sufficient mitigations. The Draft EIR is a programmatic EIR and includes extensive analysis of the potential environmental impacts of proposed Plan, finding 39 significant impacts. As described in Master Response A.3, future projects will comply with CEQA at the project-level.
- C33-2: For an overview of the Regional Housing Needs Allocation, DOF Population Projections and ABAG's Plan Bay Area Forecast please see Master Response B.1 and the following document here:
http://apps.mtc.ca.gov/meeting_packet_documents/agenda_2038/06_Overview_of_RHN_D_DOF_Projections_and_Plan_Bay_Area.pdf

The document was prepared jointly by the California Housing and Community Development Department (HCD), the California Department of Finance (DOF), and the Association of Bay Area Governments (ABAG). It provides key points regarding the differences across the Regional Housing Need Determination (RHND), the DOF Population Projections, and the Plan Bay Area Forecast as described by each of the responsible agencies. It also contains a chart that summarizes how the three efforts vary in purpose, methodology and timing.

ABAG's regional growth forecast starts with projected regional job growth which is the main determinant of ABAG's regional growth projections and includes population growth as in all major regional forecast modeling in California and around the nation including regional projections produced by SCAG, SANDAG, SACOG, AMBAG, and SBCAG. In addition, job growth is the primary determinant of regional population growth in the models used by the three major national forecasting firms – IHS Global Insight, Regional Economic Models, Inc., and Moody's. ABAG estimated job growth through 2040 as a share of U.S. projected job growth, also known as “shift-share” which is a widely used and accepted employment forecasting methodology, based on an assessment of regional competitiveness by major industry sectors. ABAG projections use Department of Finance (DOF) fertility and mortality assumptions to determine the amount of natural increase in the population to develop a population profile. Migration, rather than being tied to recent trends, is a function of job growth. Moreover, DOF has acknowledged that the ABAG regional growth forecast

is reasonable and that they will incorporate portions of our methodology to improve their forecasts for the region in the future. The theory of deriving migration forecasts linked to job growth is that most migration is the result of people moving to regions where job growth exceeds the number of workers supplied by the local economy and vice versa. For the Bay Area, the best example is the large number of people who migrated to the region from other parts of the state, nation and world during the high-tech and dot.com boom of the late 1990s and the exodus out of the region in the years when job losses occurred after 2000 when the boom ended.

The proposed Plan, or distribution of growth to individual jurisdictions, is not a forecast. It is a blueprint for growth to achieve the goals and objectives of the Sustainable Communities Strategy (SCS) and was developed through a variety of land use and transportation scenarios that distributed the total amount of growth forecasted for the region to specific locations. The amount distributed to Marin County is about 8,800 households over 30 years or less than 300 new households annually for the entire County. These scenarios sought to address the needs and aspirations of each Bay Area jurisdiction, as identified in locally adopted general plans and zoning ordinances, while meeting Plan Bay Area performance targets adopted by the agencies to guide and gauge the region's future growth.

The framework for developing these scenarios consisted of the pre-existing Priority Development Areas (PDAs) and Priority Conservation Areas (PCAs) nominated by a local government, not ABAG or MTC. ABAG and MTC incorporated local feedback from individual jurisdictions relying on their best assessment of feasible growth over the plan period and then applied a series of additional factors to achieve the goals of the SCS. See Master Response I regarding the PDA process. The scenarios were then developed through a transparent, deliberative process, during which public input was sought at every step along the way. After further modeling, analysis and public engagement, the five initial scenarios were narrowed down to a single preferred land use scenario.

For more on how the Plan distributed projected regional growth, see:

http://onebayarea.org/pdf/Draft_Plan_Bay_Area/Draft_PBA_Forecast_of_Jobs_Population_and_Housing.pdf

C33-3: See response C33-2.

C33-4: Mitigation measures 2.1(a) and 2.1(c) are primarily directed towards the region's major congested freeways, rather than smaller roadways across the region. As the proposed Plan does not evaluate localized operational traffic impacts (instead focusing on regional impacts), the Draft EIR analysis neither supports nor contradicts the commenter's claim that State Route 1 near Mill Valley is a LOS F facility requiring mitigation. (Note that LOS F facilities are defined on page 2.1-33 as having a volume-to-capacity ratio greater than 1.) Local traffic operational issues as identified in this comment should instead be dealt with as part of local project analyses, rather than this program Draft EIR, as described in Master Response A.3. Further information on the programmatic nature of this environmental document can be found on page 1.1-4 of the Draft EIR

C33-5: Refer to response C33-4 regarding the regional scope of the Plan Bay Area Draft EIR – for the purposes of this regional programmatic EIR the localized operational issue cited by the commenter is not addressed. Roadways across the region, including major freeways, state highways, and major arterials, would benefit from a commuter benefit ordinance as specified

in mitigation measure 2.1(b), as that policy would reduce the need to drive by providing alternative transportation options and by encouraging telecommuting. This would not only benefit major freeways but also smaller roadways, as those roads provide necessary connections from residential neighborhoods to the regional freeway network.

C33-6: Refer to the responses C33-4 and C33-5 regarding the regional scope of this EIR. Mitigation measure 2.1(b) would mitigate Impact 2.1-3 by reducing the overall need to drive across the region, including on small highways and arterials.

C33-7: The Draft EIR did not identify any mitigation measures to lessen TAC and PM_{2.5} impacts for areas identified above the numerical thresholds for these pollutants in impact 2.2.5(a) or 2.2.5(b). Phasing of residential development or site design to locate sensitive land uses as far as possible from a source can be effective mitigation measures in reducing the public's exposure to these pollutants, but they were not relied on to reduce impacts below the level of significance for the 100/million or 0.8ug/m³ thresholds. The 1000-foot "zone of influence" is part of the methodology to evaluate potential cumulative impacts from a proposed project on the environment or upon a proposed project from the existing environment to determine if sensitive populations will be exposed to TAC and PM_{2.5} concentrations above the numerical significance thresholds. The 1000-foot zone of influence is not a significance threshold in and of itself.

Impact 2.2.5(b) identifies mitigation measures for projects locating within "set distances" of sources other than refineries, the Port of Oakland, dry cleaners and gas stations, that if implemented will reduce exposure to future sensitive receptors. If in any of these "set distances" TAC and PM_{2.5} concentrations were estimated to be above the 100/million or 0.8ug/m³ thresholds, the impact would still be considered significant. For these areas above the numerical thresholds for TAC and PM_{2.5} and the other sources listed above, additional project level analysis should be done when specific projects are designed and proposed to determine the significance of impacts and the level of mitigation measures needed to reduce impacts below the significance level, if available.

C33-8: The dispersion modeling used in the Draft EIR takes into consideration multiple sources of emissions for the TAC and PM_{2.5} local pollutant analysis. The Air District used its current stationary source database to identify all stationary sources, such as dry cleaners, gas stations and back-up generators, within the Bay Area, and combined these emissions with those from highways and major roadways to identify areas above the numerical significance thresholds for TACs and PM_{2.5}.

C33-9: The methodology for the dispersion modeling assumes an individual is exposed to the estimated emissions from the source(s) 24 hours per day, 7 days per week, and 365 days per year over a 70-year lifetime. Therefore, the concentrations estimated from the modeling and the exposure to an individual represent an absolute worst-case analysis when applied to the numerical significance thresholds to determine the significance of impacts. MTC and ABAG, in consultation with the BAAQMD, believe the mitigations included in the Draft EIR are appropriate. Local jurisdictions will determine if implementing agencies have adequately reduced impacts if they seek to tier off of this Draft EIR. See Master Responses A.1 on local land use control and A.2 on CEQA streamlining.

C33-10: See response B25-8 and 10 for more information on health effects of emissions.

C33-11: This comment compares the findings of the Plan Bay Area Draft EIR with the findings of the Draft EIR for the 2007 Marin Countywide Plan in regards to the potential impact related to groundshaking and claims that the impacts are not adequately analyzed, disclosed or mitigated. As noted in the Plan Bay Area Draft EIR on page 2.7-25, an earthquake that exceeds magnitude 6.7 is likely to occur in the Bay Area region over the next 30 years. An earthquake of this magnitude could cause damage to existing improvements especially to those constructed under less stringent building code requirements and those located on unengineered fills. However, the regulatory requirements that would apply to the proposed improvements would include, without limitation:

- California Building Code– Chapter 18 Soils and Foundations
- American Society of Civil Engineers (ASCE 7) – Chapter 11 Seismic Design Criteria
- Seismic Hazards Mapping Act of 1990 (SHMA 1990) (Public Resources Code, Chapter 7.8, Section 2690-2699.6)
- Special Publication 117A Guidelines for Evaluating and Mitigation Seismic Hazards in California (SP117A)
- California Code of Regulations, Title 14 Section 3724 (CCR Title 14 Section 3724)

These regulatory requirements present circumstances in which a geotechnical investigation is required and provide details on the seismic design criteria necessary for proposed improvements that incorporate site specific conditions, the purpose of which is to prevent the structure from significant damage resulting from seismic events. While some damage may be unavoidable, the protection of human safety is paramount to these code requirements and based on years of scientific study that incorporate events that have occurred across the world. Therefore, with incorporation of the requirements as stated in Mitigation Measure 2.7(b) of the Draft EIR, the potential impact for proposed improvements would be less than significant.

The Plan Bay Area Draft EIR identifies all of the seismic risks noted by the commenter: liquefaction (Physical Setting, p. 2.7-10; Impact 2.7-3, p. 2.7-26); subsidence and settlement (Physical Setting, p. 2.7-13; Impact 2.7-6, p. 2.7-32); seismically induced ground failure (Physical Setting, pp. 2.7-10, 2.7-18; Impact 2.7-3, p. 2.7-26). The Plan Bay Area Draft EIR also discusses fault rupture (Physical Setting, p. 2.7-6; Impact 2.7-1, p. 2.7-22); ground shaking (Physical Setting, p. 2.7-9; Impact 2.7-2, p. 2.7-24); and landslides (Physical Setting, p. 2.7-14; Impact 2.7-4, p. 2.7-28). In *Oakland Heritage Alliance v. City of Oakland* (2011) 195 Cal.App.4th 884, the court held that an agency properly conclude “that conformity with the current building standards ... in conjunction with ... other require[d] [future studies], adequately mitigated the seismic impacts of the project.” (*Id.* at p. 635.) Therefore, notwithstanding the more conservative interpretation taken by Marin County, based on identification of the same risks, the impact analysis in the Draft EIR reasonably concludes that geologic and seismic impacts can be reduced to a less-than-significant level with regulatory compliance and implementation of the identified mitigation.

C33-12: The comment compares the findings of the 2007 Marin Countywide Plan Draft EIR to the Plan Bay Draft EIR and claims that the impacts relating to liquefaction are not adequately analyzed, disclosed, or mitigated. As noted on page 2.7-10 of the Draft EIR, liquefaction hazards vary across the region and can only be determined with evaluation of site specific data from a geotechnical investigation as required by Mitigation Measure 2.7(b). Current

building code requirements including requirements within Special Publication 117A, A Guideline for Evaluating and Mitigation Seismic Hazards in California, contain effective measures for reducing the potential of liquefaction, based on years of scientific research, to minimize the potential for damage to a less than significant level. See also response C33-11.

- C33-13: The comment addresses settlement issues (e.g., cracking of pathways and walkways surrounding buildings, particularly related to Mill Valley's Tam Junction) that can become tripping hazards for pedestrians. As noted in the Draft EIR on page 2.7-32, site preparation measures such as compaction of engineered fill materials would be required to adhere to building code and local grading requirements that are designed to minimize the potential for unstable soils to adversely affect proposed improvements. While periodic maintenance of walkways and sidewalks may be necessary over time, the potential impact is not considered significant with incorporation of Mitigation Measure 2.7(b).
- C33-14: See master response E regarding sea level rise.
- C33-15: See master response E regarding sea level rise.
- C33-16: "The level of specificity of an EIR is determined by the nature of the project and the 'rule of reason'." (*Laurel Heights Improvement Ass'n v. Regents of University of California* (1988) 47 Cal.3d 376, 407.) "[W]here an EIR covers several possible projects that are diverse and geographically dispersed, the agency has discretion to evaluate the potential environmental impacts of the individual projects in general terms in the EIR, while deferring more detailed evaluation of the projects for future EIRs." (*California Oak Foundation v. Regents of University of California* (2010) 188 Cal.App.4th 227, 271, citing *In re Bay-Delta* (2008) 43 Cal.4th 1143, 1170-1171.) See also master response E regarding sea level rise.
- C33-17: See master response E regarding sea level rise.
- C33-18: See response C33-16. See also master response E regarding sea level rise.
- C33-19: The statement "CEQA Streamlining Projects Under SB 375 That Implement All Feasible Mitigation Measures: Less than Significant with Mitigation" was used in the executive summary to summarize a conclusion more fully described in Part Two of the EIR under the "Significance After Mitigation" section that accompanies the impact analysis and mitigation measures for each potential impact. See Master Responses A.1 on local land use control and A.2 on CEQA streamlining.
- C33-20: The decision-makers may find that the proposed Plan would create significant environmental impacts, but that these impacts are outweighed by other benefits of the proposed Plan. In addition many of the significant and unavoidable impacts occur because for land use projects MTC and ABAG cannot require local implementing agencies to adopt mitigation measures, and it is ultimately the responsibility of a lead agency to determine and adopt mitigation. Please see Master Response A.1 on local control over land use for additional information.
- C33-21: See responses C33-1 through 20 above.
- C33-22: The expected amount of growth will occur regardless of Plan Bay Area. The growth projections are not advocated for by MTC and ABAG but merely represent the best current

estimates; see Master Response B.1 for more information on the population projections. TPPs are defined under SB 375 and relate to locations in relation to transit service. PDA boundaries are developed and submitted by local jurisdictions to ABAG for consideration. See Master Response I regarding the PDA process. Hazards are evaluated in Chapter 2.13 of the Draft EIR, which proposes Mitigation Measures 2.13(a) through (g) to reduce potential impacts. Approval of development projects, and consideration of project-specific hazards, will be considered by implementing agencies as future projects are proposed. See Master Response A.1 regarding local land use control.

Letter C34 Elliott and Shayna Stein (5/2/2013)

C34-1: The Draft EIR thoroughly evaluates the regional impacts of sea level rise (Chapter 2.5), flood hazards (Chapter 2.8), and transportation (Chapter 2.1) under the proposed Plan, and sets forth mitigation measures, as appropriate, to address each of these issues. Master Response E contains additional information on the draft EIR's analysis of sea level rise. Please see Master Response A.3 regarding the specificity of a program EIR.

Letter C35 John and Kathleen Swart (5/4/2013)

C35-1: Your support for the No Project alternative is acknowledged.

Letter C36 Zelda Bronstein (5/15/2013)

C36-1: Industrial lands are taken into account in the land use pattern, as described in response C36-2 below. Moreover, ABAG and MTC are currently undertaking a three year initiative funded by a \$5 million Regional Prosperity grant from US Department of Housing and Urban Development. The initiative is intended to identify strategies to improve the region's economic prosperity by encouraging stronger, more sustainable communities, integrating housing and jobs planning, fostering local innovation in support of new jobs and building a healthy regional economy. The three pronged planning efforts include the Economic Opportunity Strategy, a Housing the Workforce Initiative, and an Equity Collaborative. The final Regional Economic Prosperity Strategy will include a framework and action plan to inform local and regional economic development activities, workforce training and job placement programs, and small business development initiatives. For more information see: <http://www.onebayarea.org/regional-initiatives/Bay-Area-Prosperity-Plan.html>.

C36-2: The discrepancy in the industrial employment trends you cite depend in part on how "industrial" employment is defined. Specifically, ABAG and MTC expect manufacturing to decline by 5.5 percent over the next 30 years, while goods movement related industries—wholesale; retail; and transportation and warehousing—to increase by 20 percent, 17 percent and 32 percent respectively. The forecast assumes that the number of jobs in sectors such as agriculture and manufacturing will grow according to the existing distribution of jobs in each of these sectors. The manufacturing sector lost approximately 300,000 jobs between 2000 and 2010 in the Bay Area. By 2040 manufacturing job levels are expected to be slightly greater than 2010 levels, but never reaching the 2000 pre-recession totals. This is because over time manufacturing firms can produce more with fewer workers and productivity growth in the sector is expected to continue. For more information on employment trends and the regional employment forecast see: http://onebayarea.org/pdf/Draft_Plan_Bay_Area/Draft_PBA_Forecast_of_Jobs_Population_and_Housing.pdf

- C36-3: The comment notes findings from the 2008 Goods Movement/Land Use Study, which found that as industrial land uses move further from the core of the region, emissions and vehicle miles traveled are anticipated to increase. The Goods Movement/Land Use Study was based on a different set of assumptions than Plan Bay Area. The analysis of the Plan includes a 2040 forecast for housing, jobs and population, which accounts for anticipated locations of jobs, including industrial and manufacturing, in 2040. The emissions associated with the anticipated locations of those uses are included in the analysis completed for the Draft EIR.
- C36-4: The comment claims that the Draft EIR does not adequately take into account additional emissions that will occur due to the dispersion of industrial and manufacturing land uses. As noted in response C36-3, the Draft EIR includes estimates of vehicle miles traveled, air quality emissions and greenhouse gas emissions for the forecast transportation networks and land use plan in 2040. Those forecasts include forecasts of the locations of industrial and manufacturing activity. The comment also requests that analysis be done regarding the pressure local land use decisions and Priority Development Areas place on industrial uses. In addition, it is important to note that PDAs are identified by local jurisdictions. While the proposed Plan is built on a PDA framework, neither MTC nor ABAG has local land use authority and implementation of the Plan is up to local jurisdictions. See Master Response I regarding the PDA process and Master Response A.1 regarding local control.

Letter C37 Julane Jazzique (5/14/2013)

- C37-1: The Plan proposes a land use development pattern based in part on Priority Development Areas (PDAs) voluntarily designated by local jurisdictions, and thus does not result from a “top-down” planning process. See Master Response I regarding the PDA selection process. While the Plan proposes this land pattern, neither MTC nor ABAG has local land use authority and implementation of the Plan is up to local jurisdictions. Please see Master Response A.1 for additional information regarding local control of land uses. Furthermore, contrary to Commenter’s suggestion, both MTC and the ABAG Board consist of elected officials from Bay Area cities and counties.

See Chapter 1.2 of the Draft EIR for a description of the public participation process for development of the proposed Plan. MTC and ABAG followed CEQA requirements for public noticing of the EIR. Please see Chapter 1.1 of the Draft EIR for a description of the Notice of Preparation and public scoping process and Section 1 of this Final EIR for a description of the public review process for the Draft EIR.

Please refer to Master Response B.1 on population projections and Master Response D.2 on the connection between high-density housing near transit and the reduction of greenhouse gases. Chapter 2.5 of the Draft EIR analyzes GHG emissions from transportation sources and explains the methodology; Chapter 3.1 shows that the No Project alternative would not attain the SB 375 GHG emissions reduction targets. . See Master Response F regarding Displacement.

Water supply and public utilities are analyzed in Chapter 2.12, sea level rise in Chapter 2.5, and public services in Chapter 2.14. The comment does not provide details or evidence to support commenter’s opinion that the Draft EIR is inadequate in addressing these topics. See Master Response A.3 on the level of specificity in a program EIR, which analyzes environmental impacts at the regional level. Also please refer to Master Responses E on sea

level rise and G on water supply. The EIR cites specific mitigation measures in each chapter that, if implemented by implementing agencies and/or project sponsors, will mitigate the effects of these impacts.

MTC and ABAG will take the significant and unavoidable impacts of the proposed Plan into account in their deliberations on this EIR and the Plan.

Letter C38 Anonymous (5/16/2013)

- C38-1: See Master Response A.1 regarding local control over land use. Please refer to Master Response C on requests for extensions of the public comment period.
- C38-2: Please refer to Master Response A.1 for more information on the relationship between Plan Bay Area and local control over land use and local regulations.
- C38-3: The MTC Commission and ABAG Executive Board will vote to decide approval of the Plan. The MTC and ABAG boards consist of elected representatives from counties and cities within the region, therefore, MTC's and ABAG's decisions reflect the decisions of these elected officials.
- C38-4: See response C38-3.
- C38-5: As part of the EIR process, MTC is required to respond to each comment that raises a significant environmental issue on the EIR. Consistent with CEQA, responses are provided in this Final EIR.
- C38-6: See response C38-3.
- C38-7: Page 2.3-5 of the Draft EIR explains that ABAG projections, independent of the proposed Plan, foresee shifts in housing demand by 2040 that would result in single-family homes being demanded by 39 percent of households in the region, down from 56 percent in 2010. If that projection holds true, then the region already has more single-family home supply than will be in demand in 2040, but that page also notes that "[a]lthough this suggests no demand for newly constructed single-family homes, some production will likely occur as the Bay Area housing market adjusts to these trends." See Master Response B.1 for more information on the population projections and Master Response B.2 regarding PDA Feasibility.
- C38-8: The EIR is an environmental document that identifies potential environmental impacts and changes to the environment that could occur as a result of the proposed Plan. CEQA does not require economic impacts to be evaluated as part of an EIR.
- C38-9: Plan Bay Area is a regional plan, and the accompanying EIR is "a programmatic document that presents a region-wide assessment of the potential impacts from the proposed Plan Bay Area." (Draft EIR, Executive Summary, p. ES-2.) Please see Master Response A.1 regarding local control over land use planning and Master Response A.3 on the specificity of a program EIR.
- C38-10: The proposed Plan is subject to CEQA and, as a result, this program EIR is being prepared. MTC and ABAG are serving as joint lead agencies in preparing this program EIR for the

proposed Plan. Pursuant to Section 15367 of the State CEQA Guidelines, the lead agency is the “public agency which has the principal responsibility for carrying out or approving a project.” The lead agency is “responsible for preparing an EIR...for the project.” (CEQA Guidelines, Section 15050(a)) Therefore, no conflict of interest arises as a result of MTC and ABAG developing the proposed Plan and serving as lead agencies for the EIR.

- C38-11: The projected population growth described in the proposed Plan and in the EIR is projected to occur even in the absence of Plan Bay Area. It will continue to be the responsibility of local jurisdictions to fund the public services for growth that occurs in their respective jurisdictions, which, because these jurisdictions retain the right to approve development locally, may or may not correspond with the allocations described in the proposed Plan.
- C38-12: CEQA does not require economic impacts to be evaluated as part of an EIR.
- C38-13: See response C38-9.
- C38-14: The EIR includes an analysis of geology and seismicity in Chapter 2.7, and an evaluation of sea level rise in Chapter 2.5, which also provides a number of adaptation strategies. Please refer to Master Response E for a detailed description of the sea level rise analysis in the EIR. The scale of review in the Draft EIR is a function of the programmatic nature of the document. See Master Response A.3 regarding the level of specificity of a program EIR.
- C38-15: Commenter’s opposition to the proposed Plan is acknowledged. Public hearings such as the one that cited in the comment are intended to gather comments that are then responded to in this Final EIR.

Letter C39 Denise Beck (5/15/2013)

- C39-1: As discussed on page 1.2-11 of the Draft EIR, the U.S. Department of Transportation requires that metropolitan planning organizations, such as MTC, prepare long-range transportation plans and update them every four years. The proposed Plan represents that update from the Transportation 2035 Plan, adopted in 2009. This EIR evaluates potential environmental impacts that could result from implementation of the proposed Plan. Mitigation measures are provided for each potentially significant impact. Some mitigation measures will be carried out by MTC and/or ABAG. Other mitigation measures are designed so that if considered and implemented by an implementing agency and/ or project sponsor, impacts from the plan will be reduced to the extent feasible. See Master Response A.1 and A.3 regarding local control over land use and the level of specificity in the EIR. For mitigation measures related to the impact areas mentioned in the comment, please refer to the following chapters: Air Quality (2.2), Climate Change and Greenhouse Gases (2.5), Land Use and Physical Development (2.3), Biological Resources (2.9), Water Resources (2.8), Public Utilities and Facilities (2.12). For a detailed description of the analysis of population displacement, please refer to Master Response F.

In its consideration of this EIR and the Draft Plan, MTC and ABAG may find that the proposed Plan would create significant and unavoidable environmental impacts, but that these impacts would be outweighed by other benefits, including having fewer impacts than under a No Project scenario.

C39-2: This issue is analyzed in Chapter 2.12, which explained that mitigation measures 2.12(a) through (c) would reduce the impact to less than significant, but concluded a significant and unavoidable impact since MTC and ABAG cannot require local implementing agencies to adopt the mitigation measures, and it is ultimately the responsibility of a lead agency to determine and adopt mitigation. As discussed under Impact 2.12-1, the Urban Water Management Plans (UWMPs) for the major water suppliers of the region indicate adequate water supplies for the amount of the region's projected growth, at a regional level. This amount of population growth and development projected for the region will occur regardless of the proposed Plan and would be the actual cause of any impacts from expansions of water supply. In other words, these impacts will occur with or without Plan Bay Area, as shown in Chapter 3.1 of the Draft EIR. Please refer to Master Response G on a description of water supply requirements for this regional program-level EIR.

The current 2010 Marin Municipal Water District's (MMWD) Urban Water Management Plan indicates adequate water supplies through the year 2035 without a need to resort to desalination. The proposed Plan would result in essentially the same year 2040 population as under the No Project alternative - a three percent increase overall, with the proposed Plan resulting in 500 more households in Marin County than under the No Project scenario. Given the water supplies indicated by MMWD, it is extremely unlikely that additional water supplies will need to be acquired due to growth under the proposed Plan. Per the UWMP Section 3.3, the district has coordinated its future water demands through 2035 through the Sonoma County Water Agency (SCWA), and SCWA's UWMP. Furthermore, as explained in the UWMP, the MMWD has a contracted volume of 14,300 acre-feet per year with SCWA; as of 2035, the MMWD anticipates needing no more than 8,500 acre-feet per year from this contracted volume. We assume that the Sonoma County Water Agency's supply and demand figures incorporate their obligations to MMWD; also note that Table 2.12-4 relates to a single dry year, for which water supply agencies typically apply water conservation requirements on customers, which will likely allow SCWA to reduce demand to meet supply. The details of providing adequate water are the responsibility of water supply agencies; the implementation of 2.12(a), (b), and (c) would mitigate these impacts to a less than significant level.

C39-3: Chapters 2.1 through 2.14 of the Draft EIR analyze the potential impacts of the proposed Plan and recommend related mitigation measures. See responses C39-1 and C39-2 as well.

Letter C40 Glen Bossow (5/16/2013)

C40-1: Please refer to Master Response D.2 on the connection between high-density housing near transit and reduced greenhouse gas emissions. See Master Response D.1 regarding the SB 375 GHG reduction analysis.

C40-2: Please refer to Master Response G on water supply. See response B30-5 regarding Marin Municipal Water District and desalination.

C40-3: Please refer to Master Response B.1 for more information on population projections, and the relationship between ABAG and DOF projections.

C40-4: This issue is effectively covered in Chapter 2.2 of the Draft EIR, under Impacts 2.2-5(a), (b), and (c), pp. 2.2-38 through 83. The Draft EIR proposes Mitigation Measure 2.2(d) to reduce these impacts.

C40-5: Alternative 5 is identified as the Environmentally Superior Alternative. Please see Chapter 3.1 for a comparative impact analysis of alternatives.

Letter C41 Carl Fricke (5/16/2013)

C41-1: Please refer to Master Response C on requests for extensions of the public comment period.

C41-2: As the comment notes, the Marinwood Area is within a Priority Development Area—the Urbanized 101 Corridor. This PDA was nominated by the Marin Board of Supervisors, who adopted a resolution authorizing submission of an application on August 7, 2007. It was adopted by the ABAG Executive Board and is therefore included in the Draft Plan. Any change to the PDA would need to come at the request of the Marin County Board of Supervisors.

C41-3: The comment does not cite specific examples of inconsistencies. Please refer to Master Response B.1 for more information on population projections. Since local governments retain authority over local land use decisions, they will ultimately decide the extent to which the proposed Plan is implemented within their jurisdiction. See Master Response A.1 on local control over land use.

C41-4: The proposed Plan does not call for the elimination of or defunding of roads, and in fact devotes a significant portion of its budget to operating and maintaining the existing roadway system. The Draft EIR, on p. 1.2-49, notes that the proposed Plan allocates over 79 percent of its budget to committed projects, which include many highway and roadway projects, and the remaining discretionary funds are allocated mainly to “fix it first” projects with 88 percent of discretionary funds going to operations and maintenance. “Compared to Transportation 2035, the proposed Plan Bay Area would spend a higher percentage of its budget on transit and roadway operations and maintenance, less on expansion of transit network, and roughly the same percent on road and bridge expansion.” (Draft EIR, p. 1.2-49.) In addition, as Table 1.2-10 of the Draft EIR shows, the proposed Plan will increase road and bridge operations and maintenance from 30 percent of the overall Transportation 2035 budget to 32 percent of the Plan Bay Area budget, an increase of \$28 billion (see updated numbers in Section 2.2 of this Final EIR); these funds are available due to a decrease in the proportion and amount of money to be spent on transit system expansion compared to the last RTP. In light of this transportation investment strategy, the proposed Plan clearly supports a continuation of personal automobile use. MTC must fund a transportation system that serves a growing population and many lifestyles, while achieving GHG emissions reduction targets assigned by the State; and this requires supporting transit as well as roadway systems. The proposed land use pattern attempts to concentrate growth within transit-served locations, thereby lessening future growth and traffic pressures on rural roadways.

C41-5: This EIR evaluates Plan Bay Area as a single, regional project and assesses its impacts at a regional level across all nine counties, which is consistent with CEQA provisions regarding program EIRs. See Master Response A.3 regarding specificity of a program EIR.

C41-6: Funding of Plan implementation is not an environmental issue under CEQA, and thus is not analyzed in the EIR.

- C41-7: The Draft EIR provides a regional-scale evaluation of public services, including police, fire and schools, in the Draft EIR, Chapter 2.14, Public Services. The chapter analyzes the potential impacts and provides adequate mitigation measures to lessen these impacts. Local jurisdictions will continue to be responsible for ensuring that adequate funds are identified to support public services for new local development. See Master Response A.1 and response C41-3 regarding local control and implementation.
- C41-8: MTC and ABAG acknowledge that the EIR found 39 significant and unavoidable impacts, partially due to the fact that they do not have land use authority to mitigate these impacts. MTC and ABAG may find that the proposed Plan would create significant environmental impacts, but that these impacts would be outweighed by other benefits, including having fewer impacts than the No Project alternative. Please refer to Master Response G on water supply. For an analysis of the exposure to hazardous materials, please refer to the Draft EIR, Chapter 2.13, Hazards. For an analysis of the proposed Plan's impacts on wastewater treatment capacity, please refer to Draft EIR, Chapter 2.12, Public Utilities and Facilities. For a detailed description of the sea level rise analysis conducted in the Draft EIR, please refer to Chapter 2.5, Climate Change and Master Response E on sea level rise. Please refer to the Draft EIR, Chapter 2.9, Biological Resources, for the full analysis of the proposed Plan's potential impacts on biological resources as well as mitigation measures to lessen these potential impacts.
- C41-9: The proposed Plan is a regional plan, and its environmental effects are evaluated at the regional level in a program EIR. Please see Master Response A.3 on the level of specificity of a program EIR.
- C41-10: Chapter 2.12 of the Draft EIR analyzes the proposed Plan's impacts on water supply. Please also refer to Master Response G on water supply. An analysis of the energy needed to provide such water is outside the scope of the Plan. See Master Response A.3 regarding the level of specificity in the EIR.
- C41-11: Please refer to responses C41-1 through 10 above.

Letter C42 Frank Egger (5/15/2013)

- C42-1: Please refer to Master Response G on water supply. Additionally, Chapter 2.12, Public Utilities and Facilities, describes the impacts and mitigation measures of the proposed Plan on water supply and wastewater collection, transport, and treatment. Note that the projected population increase will occur with or without the proposed Plan.
- C42-2: The Urban Water Management Plans (UWMPs) for the major water suppliers of the region generally cover the period of time through 2035. The latest UWMPs indicate that, except for Solano County, adequate water supplies already exist during normal years through 2035 for an aggregate population greater than that accommodated by Plan Bay Area in 2040 (Draft EIR, pp. 2.12-19 to 23). The UWMPs generally indicate few to no planned actions to undertake capital projects to acquire additional water supplies or storage; if they do, any environmental impacts from these actions would not be as a result of the proposed Plan as the UWMPs existed prior to Plan Bay Area - the two are not connected. Furthermore, the population growth and development projected for the region will occur regardless of the proposed Plan and would be the actual cause of any impacts from expansions of water supply - these impacts will occur with or without Plan Bay Area, as shown in Chapter 3.1 of

the Draft EIR. Water supply and wastewater treatment are not functions of MTC or ABAG; these are and will remain the function of local service providers whose role is to provide adequate utilities for existing and projected customers.

- C42-3: This issue is analyzed under Impact 2.12-4 in the Draft EIR, p. 2.12-56, which finds a potentially significant impact and proposes mitigation measures which would reduce the impact to less than significant, if implemented. GHG emissions from wastewater treatment are factored into land-based GHG generation and are the same across all the Plan alternatives, as the population growth is independent of Plan Bay Area.
- C42-4: Please refer to response C42-2.
- C42-5: The Draft EIR notes two statutes, which are described in the regulatory setting of Draft EIR Chapter 2.12 (pp. 2.12-43 and 44) and cited in the impact analyses, related to role of local jurisdictions regarding adequate water supply and new developments: “The enforcement of SB 610 and SB 221 by local jurisdictions should ensure that an adequate water supply is available for large residential developments prior to their approval.” (Draft EIR p. 2.12-47).
- C42-6: The current MMWD Urban Water Management Plan indicates adequate water supplies through the year 2035. The proposed Plan would result in essentially the same year 2040 population as under the No Project alternative - a three percent increase, with the proposed Plan resulting in 500 more households in Marin County than under the No Project scenario. Given the water supplies indicated by MMWD, it is extremely unlikely that additional water supplies will need to be acquired due to growth under the proposed Plan. Per the MMWD Urban Water Management Plan (UWMP) Section 3.3, the district has coordinated its future water demands through 2035 with the Sonoma County Water Agency (SCWA), and SCWA’s UWMP. Furthermore, MMWD has a contracted volume of 14,300 acre-feet per year with SCWA; as of 2035, MMWD anticipates needing no more than 8,500 acre-feet per year from this contracted volume.

It is the responsibility of individual wastewater treatment suppliers to provide adequate treatment capacity for existing and projected population in order to receive a valid NPDES permit, a federal program administered by the regional water quality control board. The Draft EIR does recognize that localized potentially significant impacts could occur on wastewater treatment capacity. As a consequence, Mitigation Measure 2.12(d) requires land development under the proposed Plan to undertake environmental assessments, “to determine whether sufficient wastewater treatment capacity exists for a proposed project. These environmental assessments must ensure that the proposed development can be served by its existing or planned treatment capacity, and that the applicable NPDES permit does not include a Cease and Desist Order or any limitations on existing or future treatment capacity. If adequate capacity does not exist, the implementing agency must either adopt mitigation measures or consider not proceeding with the project as proposed.”

The current MMWD Urban Water Management Plan indicates adequate water supplies through the year 2035 without a need to resort to desalination. In addition, in August of 2010, the District adopted Ordinance 420, which states that the District shall not approve construction, or financing for construction, of a desalination facility unless such construction is approved by a majority of District voters, voting in an election held within the District’s service area for that purpose. Therefore, this EIR does not assume any desalinated water will be used for Marin County water supplies.

- C42-7: See response C42-6.
- C42-8: The Draft EIR includes Mitigation Measures 2.12(a), (b), and (c) to reduce the impacts on water supply to a less than significant level, if implemented. For more information, refer to response C42-2.
- C42-9: The planning process and environmental review relied on the public planning documents of water supply and wastewater treatment agencies regarding their existing and planned capacity. These are cited, summarized, and analyzed quantitatively in Chapter 2.12 of the Draft EIR.
- C42-10: Issues of housing unit size, density, condo conversions, etc., remain within the discretion of local jurisdictions. Please refer to Master Response A.1 for a detailed description of local control over land use. The land development pattern in the proposed Plan and the transportation projects and programs are designed to limit future growth to existing urban footprint and growth restrictions, which, if implemented, will reduce sprawl considerably as compared with the No Project alternative. The Draft EIR demonstrates that per capita CO₂ emissions from cars and light duty trucks will decline under the proposed Plan. See Master Response D.1 regarding SB 375's GHG emissions reduction targets.
- C42-11: See responses C42-1 through 10 above.

Letter C43 Adrian Jordan (5/16/2013)

- C43-1: Please refer to Master Response C on requests for extension of the public comment period for the Plan Bay Area Draft EIR. The Marin County Housing Element Supplemental EIR is a separate document with its own timeline for public comment; MTC and ABAG have no control over that EIR. Plan Bay Area explicitly recognizes that local governments continue to exercise authority over land use within their borders; as such, the proposed Plan will not and cannot rezone any property. Please also refer to the response to Sharon Rushton's letter, comment number C-33, for a response to her comments and research, which also incorporates comments made by Geoffrey H. Hornek. See also Master Response A.1 regarding local control over land use planning.

Letter C44 Katherine Jain (5/14/2013)

- C44-1: The proposed Plan reduces the amount of land that would be urbanized in comparison to the No Project alternative and thereby aims to preserve greenbelt space throughout the Bay Area region. Please also see Master Response D.2 on the connection between high-density housing near transit and reduced GHG emissions. Also note that projected population growth in the region will occur regardless of the proposed Plan.
- C44-2: See responses C42-1, 2, 3, 5, 6, 8 and 9 and please refer to Master Response G for more information on the water supply analysis in the EIR.

Letter C45 Marian Johnson (5/17/2013)

- C45-1: CEQA does not require the EIR to evaluate the economic impact of the proposed Plan. The population and job growth anticipated in the entire region is projected to occur regardless of whether Plan Bay Area is adopted. Please refer to Chapter 3.1 of the draft EIR for a

comparison of traffic conditions under the proposed Plan as compared to the No Project alternative (which presents “business-as-usual” conditions for land use and transportation). In general across the region, the No Project alternative leads to per-capita congested vehicle miles traveled (VMT) levels that are 168 percent higher than the proposed project during the AM peak, 94 percent higher during the PM peak, and 123 percent higher over the course of a typical weekday. Per-capita VMT is six percent greater than the proposed Plan, resulting in the typical Bay Area resident driving approximately 21 miles per day. (Draft EIR, p. 3.1-20.)

The EIR evaluates environmental issues and presents mitigation to address potentially significant impacts of the proposed Plan. For specific mitigation measures related to biological resources, please refer to Chapter 2.9, Biological Resources. See Master Response A.3 regarding the level of specificity in the EIR.

The comment cites no evidence of increased crime rates. In addition, crime is not an environmental impact that requires a response under CEQA.

C45-2: Please refer to Master Response C on requests for extensions of the public comment period.

Letter C46 Roger L. Duba (5/15/2013)

C46-1: Priority Development Area—the Urbanized 101 Corridor—of which you write was nominated by the Marin Board of Supervisors, which adopted a resolution authorizing submission of an application on August 7, 2007. It was adopted by the ABAG Executive Board and is therefore included in the Draft Plan. See Master Response I regarding the PDA process.

C46-2: Plan Bay Area, the region’s first integrated Regional Transportation Plan/Sustainable Communities Strategy, considers both transportation and housing as equally important issues that are fundamentally connected. The region’s robust highway and public transit networks (discussed on pages 2.1-1 through 2.1-7 of the Draft EIR) will be maintained and improved using \$292 billion in funding under the proposed Plan. These facilities provide transportation mobility across the region that allows for further housing development through the proposed Plan’s focused growth land use strategy. See Master Response D.2 for a discussion of how higher-density development patterns will support reductions in per-capita greenhouse gas emissions and growth in regional transit ridership. Integrated transportation and land use planning is one of the key elements of SB 375. Transportation investments and land use development should ideally be concurrent with each other. However, the actual timing of transportation and land use investments can vary depending on funding availability, project readiness, and market forces. The proposed Plan focuses growth around existing infrastructure. Transit service is one of the requirements for an area to be a PDA, around which much of the region’s growth is anticipated to occur, See Master Response I regarding the requirements to be a PDA and the PDA process.

C46-3: The comment correctly notes that transit ridership tends to be lower in lower-density suburban and rural areas compared to higher-density urban areas. However, the proposed Plan’s focused growth land use strategy should support growth in transit ridership across the region, a strategy that reduces greenhouse gases in combination with clean vehicle initiatives. Further discussion of the strengths of dense development in increasing transit usage and reducing greenhouse gases can be found in Master Response D.2.

The Draft EIR does not analyze greenhouse gas emissions impacts on a localized level; as a program EIR, it is focused on regional impacts. See Master Response A.3 on the level of specificity of a program EIR and Master Response D.1 regarding SB 375's GHG reduction requirements.

- C46-4: As the comment notes, the Marinwood Area is within a Priority Development Area—the Urbanized 101 Corridor. This PDA was nominated by the Marin Board of Supervisors, which adopted a resolution authorizing submission of an application on August 7, 2007. It was adopted by the ABAG Executive Board and is therefore included in the Draft Plan. See Master Response I regarding the PDA process.

Letter C47 Bruce De Benedictis (5/15/2013)

- C47-1: The proposed Plan invests in all modes of public transportation, including local services (such as bus and light rail) and express services (such as heavy rail and commuter rail). This comment incorrectly states that public transit is not disaggregated by mode in the transportation impacts chapter. In fact, transit ridership (page 2.1-5), transit seat-miles (page 2.1-27), and transit utilization (page 2.1-37) data are all broken down by mode in the Draft EIR.

- C47-2: The proposed Plan focuses both on improving jobs-housing fit (bringing housing and jobs closer together) and on providing transportation alternatives to an automobile commute (such as heavy-rail BART service). These strategies work together to decrease the share of residents engaged in long-distance automobile commuting, as indicated by the reductions in per-capita VMT under Impact 2.1-4 of the Draft EIR. While some of the projects in the Draft Plan do benefit longer-distance trips, such as the Regional Express Lanes Network, most of the proposed Plan's investments are focused on improving existing communities by investing in continued local streets maintenance and transit operations and by constructing infrastructure to serve infill development and redevelopment in Priority Development Areas. Projects such as the Central Subway, AC Transit East Bay Bus Rapid Transit, and El Camino Real Bus Rapid Transit emphasize improved mobility within existing communities and support the focused growth land use pattern envisioned under the proposed Plan.

With regards to the land use impacts of transportation projects that serve long-distance travel patterns, the associated impacts of such projects are analyzed in Chapter 2.3 (under Impacts 2.3-1 and 2.3-2). Both of these impacts are identified as significant and unavoidable, but can be reduced to less-than-significant levels if local implementing agencies adopt the recommended mitigation measures.

Letter C48 Daniel G. DeBrusschere (5/15/2013)

- C48-1: The EIR does not “propose” any reallocation of street maintenance funds. As noted on page 1.2-50 of the Draft EIR, 33 percent of funding in the proposed Plan, or \$94 billion, is dedicated to operating and maintaining existing roads and bridges. As per SB 375, the region is required to reduce greenhouse gases emissions, which will be a benefit to all Californians, including those with disabilities. Future projects must comply with CEQA. Where applicable, future project-specific environmental analysis will consider potential project-specific impacts associated with commenter's concerns. See Master Response A.1 regarding local land use authority. Additionally, any possible future violations of the ADA within the

region may be remedied through legal channels as provided by the Act as well as related state and local laws.

- C48-2: This EIR does not assume that local authority and responsibility for local street maintenance would be usurped or that local jurisdictions' ADA obligations would change. The comment claims that local funding for street maintenance will be taken away from local jurisdictions that do not adopt the Plan. That is incorrect. One program that accounts for 4.9 percent of funding in the Plan, the OneBayArea Grant (OBAG) program, includes as a requirement for eligibility that the jurisdiction have an adopted housing element. However, a housing element is not the same thing as Plan Bay Area. Jurisdictions do not need to adopt Plan Bay Area to be eligible for OBAG. County Congestion Management Agencies are responsible for developing the list of OBAG projects. A certain percentage of OBAG funds in each county are to be directed to Priority Development Areas, however, this amount of funding is not equal to a jurisdiction's total funds for local streets and roads (much of which does not actually flow through MTC). No change in local government's ADA obligations, as already noted, is implied or expected. See Master Response A.1 regarding local land use authority.

Letter C49 Raymond Day (5/15/2013)

- C49-1: Your support for the No Project alternative is acknowledged.
- C49-2: MTC and ABAG followed CEQA requirements for public noticing of the EIR. See Chapter 1.2 of the Draft EIR for a description of the public participation process for development of the proposed Plan. Regarding public engagement for the EIR, please see Chapter 1.1 of the Draft EIR for a description of the Notice of Preparation and public scoping process and Section 1 of this Final EIR for a description of the public review process for the Draft EIR. Please also see Master Response C regarding the public comment period for the Draft EIR.
- C49-3: The proposed Plan used the best available data available at the time, and was developed over a series of years involving multiple scenarios. The process engaged thousands of stakeholders through dozens of community meetings, forums, and public hearings held in each county. See response C49-2 for more information regarding public engagement. The purpose of this EIR is to consider environmental impacts including impacts to infrastructure.

See Master Response B.1 regarding population projections.

The regional land development pattern, or distribution of growth to individual jurisdictions, is not a forecast. It is a blueprint for growth to achieve the goals and objectives of the Sustainable Communities Strategy (SCS) and was developed through a variety of land use and transportation scenarios that distributed the total amount of growth projected for the region to specific locations. These scenarios sought to address the needs and aspirations of each Bay Area jurisdiction, as identified in locally adopted general plans and zoning ordinances, while meeting Plan Bay Area performance targets adopted by the agencies to guide and gauge the region's future growth.

The framework for developing these scenarios consisted of the Priority Development Areas (PDAs) and Priority Conservation Areas (PCAs) nominated by local governments. ABAG and MTC incorporated local feedback from individual jurisdictions relying on their best assessment of feasible growth over the plan period and then applied a series of additional

factors to achieve the goals of the SCS, as set by SB 375 and ARB. The scenarios were then developed through a transparent, deliberative process, during which public input was sought at every step along the way. After further modeling, analysis and public engagement, the five initial scenarios were narrowed down to a single preferred land use scenario.

As required by SB 375, the land use distribution in the proposed Plan identifies the locations that can accommodate future growth, including the scale and type of growth most appropriate for different types of locations. In order to meet the Bay Area's greenhouse gas (GHG) emissions reduction and housing targets, set by SB 375 and ARB, and to make progress toward meeting MTC and ABAG's adopted performance targets, the proposed Plan encourages future job and population growth in existing communities with access to existing or planned transportation investments.

For more on how the proposed Plan distributed projected regional growth, see the Supplemental Report *Forecast of Jobs, Population and Housing*.

- C49-4: Impacts to infrastructure including water, sewer, schools, and highways are assessed in Chapter 2.12, Public Utilities; Chapter 2.14, Public Services; and Chapter 2.1, Transportation of the Draft EIR. Please also refer to Master Response G for a detailed discussion of water supply for this regional Plan.
- C49-5: See Master Response B.1 regarding population projections.
- C49-6: See Master Response D.2 for more information on the relationship between high density housing near transit and reduced greenhouse gas emissions. See also Master Response A.3 regarding the level of specificity in the EIR.
- C49-7: See Master Response D.2 for more information on the relationship between high density housing near transit and reduced greenhouse gas emissions.
- C49-8: The proposed Plan does not seek to increase segregation by income but rather the opposite by creating more housing choices for households at all income levels.

MTC and ABAG support Habitat for Humanity single family home rehabilitation, second units, equity sharing programs, senior housing and other policies and programs to increase diversity and housing choices, and also recognize that the most successful developments are those that mix market rate housing with more affordable options to house a range of households at different income levels. SB 375 requires metropolitan areas to create a Sustainable Communities Strategy (SCS) for the Regional Transportation Plan that aligns land use and transportation planning in order to reduce greenhouse gas emissions from cars and light-duty trucks. Addressing these different mandates requires achieving a balance between the more focused growth pattern necessary to achieve GHG emission reductions and the need to ensure that every jurisdiction contributes its "fair share" toward meeting the region's housing need.

The land development pattern in the proposed Plan directs housing growth to areas throughout the region (including PDAs and non-PDA areas) with high levels of transit service, low vehicle miles traveled (which is strongly correlated with GHG emissions), high employment in 2040, a high number of low-income workers commuting from other places, and high housing values. Particular emphasis was placed on home values, which was given a

weight of three in the formula, while low-income in-commuting was given a weight of two, and 2040 employment was given a weight of one. Each jurisdiction was ranked and scored on each of the three factors, and then the three were combined. A jurisdiction with a larger positive combined factor score received more housing units, while a jurisdiction with a smaller negative combined factor score received fewer housing units. These factors aim to expand housing and transportation options; increase access to jobs, particularly for low-income workers; and promote housing growth in places with high-quality services, such as parks, and schools. In particular, the methodology directs more housing to jurisdictions that currently offer the fewest affordable housing options. PDAs exist in a variety of wealthy jurisdictions and the presence (or lack) of a PDA does not prevent a jurisdiction from receiving its fair share of housing growth.

C49-9: MTC recognizes the importance of all modes of passenger transportation, including automobiles, public transit, walking, and bicycling. While public transit may not be appropriate for all trip purposes, Plan Bay Area invests in existing and new public transit services to make it a more time-competitive option for individuals across the region. At the same time, the proposed Plan funds improvements to the highway system, including freeway interchange operational improvements, new high-occupancy vehicle lanes, and a network of regional express lanes, all of which are designed to improve the transportation system for individuals who continue to drive to their daily destinations. The proposed Plan also devotes a significant portion of its budget to operating and maintaining the existing roadway system. The Draft EIR, on p. 1.2-49, notes that the proposed Plan allocates over 80 percent of its budget to committed projects, which include many highway and roadway projects, and the remaining discretionary funds are allocated mainly to “fix it first” projects with 88 percent of Plan revenues going to operations and maintenance: “Compared to Transportation 2035, the proposed Plan Bay Area would spend a higher percentage of its budget on transit and roadway operations and maintenance, less on expansion of transit network, and roughly the same percent on road and bridge expansion.”

In addition, as Table 1.2-10 of the Draft EIR shows, the proposed Plan will increase road and bridge operations and maintenance from 30 percent of the overall Transportation 2035 budget to 32 percent of the Plan Bay Area budget, an increase of \$28 billion (see updated numbers in Section 2.2 of this Final EIR); these funds are available due to a decrease in the proportion and amount of money to be spent on transit system expansion compared to the last RTP. In light of this transportation investment strategy, the proposed Plan clearly supports a continuation of personal automobile use. MTC must fund a transportation system that serves a growing population and many lifestyles while hitting targets assigned by the State, and this requires supporting transit as well as roadway systems. The proposed land use pattern attempts to concentrate growth within transit-served locations, thereby lessening future growth and traffic pressures on rural roadways.

Letter C50 Vickie Day (5/15/2013)

C50-1: Your support for the No Project alternative is noted.

C50-2: This issue is directly addressed in Chapter 2.2 of the Draft EIR, under Impacts 2.2-5(a), (b), and (c), pp.2.2-38 through 83. The Draft EIR proposes Mitigation Measure 2.2(d) to reduce these impacts to the extent feasible.

Letter C51 Sidney (Susan) Dent (5/16/2013)

- C51-1: The EIR evaluates the potential environmental impacts and changes that could occur as a result of the proposed Plan. Please refer to Chapter 2.9, Biological Resources, for an analysis of the possible biological impacts of the proposed Plan.
- C51-2: The population and job growth anticipated in the region will happen regardless of the Plan; see Master Response B.1 on population projections. Chapter 2.1 of the Draft EIR found that compared to existing conditions, the proposed Plan would not have a significant impact on commute travel times, non-commute travel times, or per capita vehicle miles travelled, although it would have a significant and unavoidable impact on per capita congested vehicle miles traveled; Chapter 3.1 found that the No Project alternative would also have this significant and unavoidable impact with congestion substantially greater than the proposed Plan as a result of fewer road and transit expansion projects. Chapter 2.5 found that the proposed Plan would not have adverse significant impacts related to GHG emissions. Water supply is assessed in Chapter 2.12 which found that at a regional level there are no significant impacts as the Urban Water Management Plans (UWMPs) for the major water suppliers of the region indicate adequate water supplies for the amount of the region's projected growth, at a regional level. See also Master Response G regarding water supply. In the case of a localized water shortage caused by the distribution of growth under the proposed Plan, mitigation measures 2.12(a) through (c) would reduce the impact to less than significant, if applied by the implementing agency. See Master Response A.3 regarding the level of specificity in the EIR.
- C51-3: The proposed Plan is designed specifically to reduce per capita GHG emissions from cars and light trucks, per SB 375. See Chapter 2.5 of the Draft EIR for more details. See Master Response D.1 regarding SB 375 GHG reduction targets.

Letter C52 Sidney Dent (5/15/2013)

- C52-1: See responses to letter C51.

Letter C53 Eric Egan (5/16/2013)

- C53-1: Please refer to Master Response C on requests for extensions of the public comment period.
- C53-2: As the comment notes, the Marinwood Area is within a Priority Development Area—the Urbanized 101 Corridor. This PDA was nominated by the Marin Board of Supervisors, who adopted a resolution authorizing submission of an application on August 7, 2007. It was adopted by the ABAG Executive Board and is therefore included in the proposed Plan. Any change to the PDA would need to come at the request of the Marin County Board of Supervisors.

Letter C54 Stephen Einhaus (5/15/2013)

- C54-1: Your support for the No Project alternative is acknowledged. As the comment notes, the Marinwood Area is within a Priority Development Area—the Urbanized 101 Corridor. This PDA was nominated by the Marin Board of Supervisors, who adopted a resolution authorizing submission of an application on August 7, 2007. It was adopted by the ABAG

Executive Board and is therefore included in the Draft Plan. Any change to the PDA would need to come at the request of the Marin County Board of Supervisors.

Letter C55 Charles Cagnon (5/16/2013)

C55-1: Economic issues such as price elasticity are beyond the scope of CEQA. See Master Response B.1 for further information on the population projections.

The proposed Plan seeks to create more housing choices for households at all income levels, regardless of ethnicity.

Many public workshops were held around the region during development of the proposed Plan and after the release of the Draft Plan, including a public hearing in each of the nine Bay Area counties; public comments made on the EIR at those Draft Plan hearings can be found in category “E” in Section 3 of this Final EIR. See Chapter 1.2 of the Draft EIR for a description of the public participation process for development of the proposed Plan.

C55-2: See Master Response B.1 for more information on population projections. The Draft EIR notes, on p. 2.3-5, that supply and demand of housing type, which would likely manifest as price, is taken into account: “The projected oversupply of single-family homes is expected to reduce demand for other housing types by almost 170,000 units as some households that would otherwise choose multifamily units instead opt for single family homes made more affordable due to excess supply.” MTC and ABAG acknowledge that the land use pattern in the proposed Plan deviates from the “business as usual” development scenario in the No Project alternative. It does so in order to fulfill the GHG emissions reduction mandates of SB 375, better attain the adopted objectives of Plan Bay Area, and to avoid or reduce environmental impacts.

C55-3: These comments do not raise environmental concerns that require a response under CEQA. See Master Response F regarding displacement.

C55-4: See response C55-1. For the EIR process, MTC and ABAG followed CEQA requirements for public noticing of the EIR. Regarding public engagement for the EIR, please see Chapter 1.1 of the Draft EIR for a description of the Notice of Preparation and public scoping process and Section 1 of this Final EIR for a description of the public review process for the Draft EIR.

Letter C56 Bob Cohen (5/16/2013)

C56-1: This comment suggests that climate models currently used by the scientific community do not account for all of the processes that may affect global temperatures; therefore these models should not be used to develop environmental policy. The global climate science community is continually advancing the state of the science with respect to understanding historic climate change and developing models to assist in the larger understanding of how the climate may change over time in the future. The Draft EIR relies on the best information and science available, at the time of this Draft EIR, to evaluate alternatives and compare findings. Although no single global climate model may accurately predict the future, the use of these models for comparison purposes is reasonable and defensible for the purposes of a Draft EIR.

Regardless of any differences of opinion on the causes and existence of climate change, Plan Bay Area is required to adhere to the GHG emissions reductions targets established by SB 375.

- C56-2: This comment extends comment C56-1 to questions regarding the rates of sea level rise used in the Draft EIR, due to uncertainties associated with the accuracy of the available global climate models. The commenter suggests that sea level is not dependent on changes in CO₂. The Draft EIR relies on the best science available at the time of this Draft EIR, and information on the appropriate sea level rise rates to use for the San Francisco Bay region were derived from multiple sources, including IPCC, the California Climate Action Team's 2010 Interim Guidance Document ⁴, and the recent 2012 National Research Council Report ⁵. Although there is a degree of uncertainty associated with estimates of future rates of sea level rise, as each respective study reports, there is agreement between the respective studies that sea level rise in the San Francisco Bay region is increasing beyond historical rates of sea level rise. The commenter is not questioning the general findings of the Draft EIR, but questioning the available climate science data.
- C56-3: The commenter suggests that sea level rise trends are not increasing and predictions of extreme sea level rise are incorrect. See response C56-2.
- C56-4: The commenter suggests that any conclusions reached using regional climate models are wrong and have no basis in this report. See responses C56-1 and 2.
- C56-5: The commenter suggests that any decreases in CO₂ that might occur in the Bay Area will have little, if any, effect on either temperatures or the rate of sea level rise. Regardless of any differences of opinion on the causes and existence of climate change, Plan Bay Area is required to adhere to the GHG emissions reductions targets established by SB 375.
- C56-6: Your opposition to the proposed Plan and the EIR are noted.

Letter C57 Anne Cole (5/15/2013)

- C57-1: Your support for the No Project alternative is acknowledged.
- C57-2: See response C49-2.
- C57-3: See responses C49-3 and C49-4.
- C57-4: See responses C49-5 and C49-8.

⁴ Sea-Level Rise Task Force of the Coastal and Ocean Working Group of the California Climate Action Team. State of California Sea-Level Rise Interim Guidance Document. Developed with science support provided by the Ocean Protection Council's Science Advisory Team and the California Ocean Science Trust, October 2010.

⁵ National Research Council. Sea-level rise for the Coasts of California, Oregon, and Washington: Past, Present, and Future. Prepared by the Committee on Sea Level Rise in California, Oregon, and Washington and the National Research Council Board on Earth Sciences and Resources and Ocean Studies Board Division on Earth and Life Studies. Pre-publication copy, 2012

- C57-5: Please refer to Master Response D.2 on the connection between high-density housing near transit and reduced greenhouse gas emissions. As the proposed Plan is a regional level plan, GHG analysis is done on a regional level, and county-specific analysis is not part of the regional-level EIR. See Master Response A.3 regarding the level of specificity in the EIR.
- C57-6: See Chapter 3.1 of the Draft EIR for the analysis of GHG emissions reduction performance by the project alternatives. In terms of alternative methods of reduction, SB 375's mandate that the SCS must reduce per capita GHG emissions from cars and light trucks to the assigned targets requires MTC and ABAG to reduce vehicle miles travel by these modes, with the main strategies available being reducing trip length by placing housing closer to jobs and vice-versa and shifting more trips onto other travel modes (transit, walking, biking). See Master Response D.1 regarding the calculations in the SB 375 GHG analysis. For a description of the connection between transit and reduced greenhouse gas emissions, refer to Master Response D.2, which also contains information on the greenhouse gas emissions of public transit versus that of cars and light trucks.
- C57-7: See response C49-8.
- C57-8: CO₂ and PM emissions from all transportation modes are included in the modeling used in Chapters 2.2 (air quality) and 2.5 (GHG) of the Draft EIR. As the proposed Plan is a regional level plan, GHG analysis is done on a regional level, and county-specific analysis is not part of the regional-level EIR. See Master Response A.3 regarding the level of specificity in the EIR. See Master Response D.1 regarding the calculations in the SB 375 GHG analysis.

Letter C58 Leal Charonnat (5/1/2013)

- C58-1: MTC and ABAG acknowledge your concern regarding the importance of infill development. While the proposed Plan aims to direct development into PDAs, which represent infill areas region-wide that are suitable for development intensification, ultimately it remains a choice and responsibility of local governments to direct development to infill locations and to build out their allocated urban areas. Please refer to Master Response A.1 for more information on local control over land use.

Letter C59 Peter Hensel (5/15/2013)

- C59-1: Please refer to Master Response G on a description of water supply requirements for this regional program-level EIR. The most recent versions of Urban Water Management Plans (UWMPs) were prepared in 2010 per the additions to the Urban Water Management Planning Act in 2005. These plans specify the specific water needs and facilities for each urban water management agency. The water supply analysis in Chapter 2.12 found that mitigation measures 2.12(a) through (c) would reduce impacts to less than significant, but had to find a significant and unavoidable impact since MTC and ABAG cannot require local implementing agencies to adopt the mitigation measures, and it is ultimately the responsibility of a lead agency to determine and adopt mitigation. As discussed under Impact 2.12-1, the UWMPs for the major water suppliers of the region indicate adequate water supplies for the amount of the region's projected growth, at a regional level. This amount of population growth and development projected for the region will occur regardless of the proposed Plan and would be the actual cause of any impacts from expansions of water supply - these impacts will occur with or without Plan Bay Area, as shown in Chapter 3.1 of the Draft EIR.

As per SB 610 and SB 221, which are described in the regulatory setting of Draft EIR Chapter 2.12 (pp. 2.12-43 and 44) and cited in the impact analyses: “The enforcement of SB 610 and SB 221 by local jurisdictions should ensure that an adequate water supply is available for large residential developments prior to their approval.” (Draft EIR p. 2.12-47).

- C59-2: Projecting and managing water demand is a responsibility of individual water supply agencies. The EIR analysis relies on the analysis in local UWMPs.
- C59-3: It would be too speculative for this EIR to assess the impacts of unforeseeable extreme weather shifts during the lifetime of the proposed Plan, and beyond the scope of the analysis required under CEQA.
- C59-4: This comment is general and not related the implementation of the proposed Plan. Please refer to Master Response G on water supply for a detailed description of water supply analysis in the EIR. The Urban Water Management Plans relied upon in this EIR are required to analyze supply and demand scenarios for multiple-dry years.
- C59-5: The current MMWD Urban Water Management Plan indicates adequate water supplies through the year 2035 without a need to resort to desalination. The proposed Plan would result in essentially the same year 2040 population as under the No Project alternative - a three percent increase, with the proposed Plan resulting in 500 more households in Marin County than under the No Project scenario. Given the water supplies indicated by MMWD, it is unlikely that additional water supplies will need to be acquired due to growth under the proposed Plan.
- C59-6: The Draft EIR describes these statutes in the regulatory setting of Chapter 2.12, on pages 2.12-43 and 44. The proposed Plan does not directly authorize any development and is therefore not a “project” as defined by Water Code section 10912, rather it is a long-term transportation investment and land use pattern strategy. Therefore the Plan is not subject to the requirements of SB 610 or SB 221. Land development projects developed under the proposed Plan must undergo their own environmental review and adhere to those statutes if they apply. See Master Response A.2 regarding additional CEQA review for projects and Master Response G for a detailed description of the water supply impact analysis required of a regional-scale program EIR. Furthermore, note that the population growth anticipated for the region will occur with or without the proposed Plan.
- C59-7: See response C59-6, Master Response A.1 on local control over land use, and Master Response B.1 on population projections. SB 375 explicitly states that an SCS does not and may not usurp local land use control. The population projections were undertaken to estimate the region’s growth through 2040, and are independent of the Plan and EIR. Priority Development Areas (PDAs) were nominated and approved by local jurisdictions, not selected by MTC or ABAG. Local jurisdictions are not obligated to endorse, pursue, or adopt Plan Bay Area, and face no punishment if they do not do so; they will forgo eligibility for some OneBayArea Grant funds, which are intended to help plan for the growth anticipated. The proposed Plan is a separate project from the RHNA, which will use the growth blueprint Plan Bay Area as one of several considerations.
- C59-8: This issue is analyzed under Impact 2.12-4, which found that mitigation measures 2.12(a) through (h), adopted and implemented by an individual project as feasible, would reduce the impact to less than significant, but had to find a significant and unavoidable impact since

MTC and ABAG cannot require local implementing agencies to adopt the mitigation measures, and it is ultimately the responsibility of a lead agency to determine and adopt mitigation. As discussed under Impact 2.12-1, the Urban Water Management Plans (UWMPs) for the major water suppliers of the region indicate adequate water supplies for the amount of the region's projected growth, at a regional level. This amount of population growth and development projected for the region will occur regardless of the proposed Plan and would be the actual cause of any impacts from expansions of water supply - these impacts will occur with or without Plan Bay Area, as shown in Chapter 3.1 of the Draft EIR. In the case of a localized water shortage caused by the distribution of growth under the proposed Plan, mitigation measures 2.12(a) through (h) will reduce the impact to less than significant, if applied by the implementing agency.

C59-9: Your support for the No Project alternative is acknowledged.

Letter C60 Peter Hensel (5/15/2013)

C60-1: The proposed Plan is designed to meet the mandates of SB 375 to ensure adequate housing for anticipated growth and reduce per capita GHG emissions from cars and light trucks, with the intention of reducing the long-term adverse effects of climate change. The proposed Plan has also been designed to pursue the objectives adopted by MTC and ABAG, as described in Chapter 1.2 of the Draft EIR, which include improving health, safety, circulation, and the economy concurrently. This approach is consistent with Section 21001 (b) of the Public Resource Code

C60-2: Potential impacts to biological resources are analyzed relative to appropriate thresholds of significance. As presented in Chapter 2.3, Land Use in Table 2.3-2, detached/ single-family homes constituted 56 percent of the share of demand in 2010, and are predicted to constitute 39 percent of demand as of 2040, the highest percentage of all building types. Therefore, under the proposed Plan, single-family neighborhoods will remain as the primary type of housing in the Bay Area through 2040.

C60-3: As required by CEQA, the EIR evaluated the impacts of the proposed Plan on biological resources. See Draft EIR Chapter 2.9 and Master Response A.3.

Letter C61 Eleanor S. Hansen (5/14/2013)

C61-1: MTC and ABAG believe the analysis of potential environmental impacts in the Draft EIR is thorough and adequate. As required by CEQA, this EIR evaluates the categories of potential impacts as reviewed through the public scoping process and presents mitigation measures to reduce identified impacts to the extent feasible. Chapters 1.1 of the Draft EIR also states that, "[f]or analytic purposes in this EIR, 2010 is the base year (existing conditions), except for greenhouse gas emissions where 2005 is the base year for one criterion to demonstrate compliance with SB 375. 2040 is the horizon year (future conditions) when it is assumed that the proposed Plan will be fully implemented."

C61-2: Every chapter of Part Two of the Draft EIR contains a summary of existing physical settings for the topic area. This provides the baseline of existing conditions for the EIR.

C61-3: Traffic impacts of the proposed plan are presented in Chapter 2.1, Transportation. The EIR presents analysis of projected traffic conditions after full implementation of the Plan in 2040,

and provides mitigation for related environmental effects on that time horizon. This approach is appropriate for a regional, program-level analysis. See Master Response A.3 regarding the level of specificity in the EIR.

- C61-4: The traffic impacts in Chapter 2.1 of the Draft EIR compare expected conditions under the proposed Plan in 2040, the year of the plan horizon, to existing conditions in 2010. As stated on page 2.1-1 of the Draft EIR, “Note that all of the existing conditions data for transportation reflects travel patterns and infrastructure for the baseline year of 2010. More information about the selection of this baseline analysis year is provided in Part 1 of this EIR.”
- Qualifying projects that use the CEQA streamlining provisions of SB 375 must apply all of the applicable and feasible mitigation measures in this EIR and will still need to obtain discretionary permits or other approvals from the lead agency and the local jurisdiction, in accordance with local codes and procedures, including any agreements related to zoning, design review, use permits, and other local code requirements. See Master Response A.2 for more information on CEQA streamlining.
- C61-5: CEQA requires the evaluation of a No Project alternative as it performs in the same horizon year as the proposed Plan, in this case 2040; this is the approach taken by this EIR. As page 1.1-9 of the Draft EIR states: “As with the evaluation of the proposed Plan, this EIR evaluates impacts of the No Project alternative and the other alternatives in 2040, the horizon year for the proposed Plan.” The Draft EIR does not substitute the No Project alternative for existing conditions. See response C61-1 regarding the 2010 base year for existing conditions.
- C61-6: The subjects listed are discussed in Chapters 2.1 through 2.14, Chapter 3.1, and Chapter 3.2 of the Draft EIR.
- C61-7: See responses C61-4, 5, and 6. The Draft EIR analyzed the Plan’s potential growth inducing impacts in Chapter 3.2. As Chapter 3.2 explains, the Plan provides a strategy to accommodate projected regional population growth but should not be considered growth-inducing.
- C61-8: This EIR evaluates Plan Bay Area as a single, regional project and assesses its impacts at a regional level across all nine counties, which is consistent with CEQA provisions regarding program EIRs. As stated in Chapter 2.0 of the Draft EIR, “as a program-level EIR individual project impacts are not addressed in detail; the focus of this analysis is to address the impacts which, individually or in the aggregate, may be regionally significant.” As a result, site specific impacts are properly not included; these would be analyzed and mitigated, if appropriate, by project-level environmental review. See Master Response A.2 for information on additional environmental review and A.3 regarding the level of specificity in the EIR. Also see response C61-4 regarding the baseline for the transportation analysis.
- C61-9: The proposed Plan includes relatively little roadway expansion, devoting just 5 percent of its available funds to do so (see Draft EIR, Table 1.2-10) while the regional population increases by 30 percent (Table 1.2-1). MTC and ABAG believe the traffic modeling and analysis in Chapter 2.1 are thorough and accurate. As discussed in Chapter 3.2, the Plan is designed to help local agencies accommodate regional population growth that will occur

with or without the Plan. The EIR discloses projected population growth, but the Plan is not growth inducing.

C61-10: CEQA streamlining under an SCS is a State mandate under SB 375 and beyond the authority of MTC and ABAG. See Master Response A.2 regarding CEQA streamlining.

C61-11: See responses C61-1 through C61-10.

Letter C62 Lorriana Leard (5/15/2013)

C62-1: As the comment notes, the Tam Valley is within a Priority Development Area—the Urbanized 101 Corridor. This PDA was nominated by the Marin Board of Supervisors, who adopted a resolution authorizing submission of an application on August 7, 2007. It was adopted by the ABAG Executive Board and is therefore included in the Draft Plan. Any change to the PDA would need to come at the request of the Marin County Board of Supervisors. See Master Response I

This EIR evaluates Plan Bay Area as a single, regional project and assesses its impacts at a regional level across all nine counties, which is consistent with CEQA provisions regarding program EIRs. As stated in Chapter 2.0 of the Draft EIR, “as a program-level EIR individual project impacts are not addressed in detail; the focus of this analysis is to address the impacts which, individually or in the aggregate, may be regionally significant.” As a result, specific housing developments and site specific impacts such as on local roadways are not included in this EIR; these would be analyzed and mitigated, if appropriate, by project-level environmental review. See Master Response A.3 regarding the level of specificity in the EIR.

Letter C63 Jill Kai (5/15/2013)

C63-1: Your support for the No Project alternative is acknowledged. As the comment notes, Marinwood is within a Priority Development Area—the Urbanized 101 Corridor. This PDA was nominated by the Marin Board of Supervisors, who adopted a resolution authorizing submission of an application on August 7, 2007. It was adopted by the ABAG Executive Board and is therefore included in the Draft Plan. Any change to the PDA would need to come at the request of the Marin County Board of Supervisors.

C63-2: The Draft EIR, on p. 1.2-49 and 50, notes that the proposed Plan allocates \$109 billion to highway and roadway projects. Overall, the Plan’s greatest emphasis is on “fix it first” projects, with 88 percent of funds going to transit and roadway operations and maintenance. “Compared to Transportation 2035, the proposed Plan Bay Area would spend a higher percentage of its budget on transit and roadway operations and maintenance, less on expansion of transit network, and roughly the same percent on road and bridge expansion.” In addition, as Table 1.2-10 of the Draft EIR shows, the proposed Plan will increase road and bridge operations and maintenance from 30 percent of the overall Transportation 2035 budget to 32 percent of the Plan Bay Area budget, an increase of \$28 billion (see updated numbers in Section 2.2 of this Final EIR); these funds are available due to a decrease in the proportion and amount of money to be spent on transit system expansion compared to the last RTP. In light of this transportation investment strategy, the proposed Plan clearly supports a continuation of personal automobile use. MTC must fund a transportation system that serves a growing population and many lifestyles while hitting targets assigned by the State, and this requires supporting transit as well as roadway systems. The proposed land

use pattern concentrates growth within transit-served locations, thereby lessening future growth and traffic pressures on rural roadways.

Letter C64 Justin Kai (5/15/2013)

C64-1: Your support for the No Project alternative is acknowledged. As the comment notes, Marinwood is within a Priority Development Area—the Urbanized 101 Corridor. This PDA was nominated by the Marin Board of Supervisors, who adopted a resolution authorizing submission of an application on August 7, 2007. It was adopted by the ABAG Executive Board and is therefore included in the Draft Plan. Any change to the PDA would need to come at the request of the Marin County Board of Supervisors. See Master Response I.

C64-2: See response C49-8.

Letter C65 Libby Lucas (5/14/2013)

C65-1: For analysis of the regional biological impacts of the proposed Plan, including an analysis of the possible impacts on wetlands, please refer to Chapter 2.9, Biological Resources. Regarding the level of detail in the tables, this is a regional-scale program EIR which evaluates the proposed Plan’s impacts at that scale; see Master Response A.3 on the level of specificity required in a program EIR.

This EIR evaluates Plan Bay Area as a single, regional project and assesses its impacts at a regional level across all nine counties, which is consistent with CEQA provisions regarding program EIRs. As stated in Chapter 2.0 of the Draft EIR, “as a program-level EIR individual project impacts are not addressed in detail; the focus of this analysis is to address the impacts which, individually or in the aggregate, may be regionally significant.” As a result, site specific impacts such as along specific roadways and for particular wetlands are not included in this EIR; these would be analyzed and mitigated, if appropriate, by project-level environmental review. Only certain projects will qualify for CEQA streamlining (see Table 1.1-1 in the Draft EIR) and would be required to implement all of the applicable and feasible mitigation measures in this EIR, and still need to obtain discretionary permits or other approvals from the lead agency and the local jurisdiction, in accordance with local codes and procedures, including any agreements related to zoning, design review, use permits, and other local code requirements (p.1.1-13). See Master Response A.2 for detailed information on CEQA streamlining and additional environmental review. See Master Response A.3 regarding the level of specificity in the EIR.

C65-2: See response C65-1 regarding the regional nature of this EIR. When specific projects such as the I-280 ramp extensions mentioned in the comment move forward, geologic and other impacts will be evaluated at the project level.

C65-3: The analysis in Chapter 2.12 of the Draft EIR relied in part on the latest Urban Water Management Plan of the SFPUC, which indicated adequate water supplies through 2035. It is within the rights of a water supply agency to encourage or require water conservation. Please refer to Master Response G on water supply.

C65-4: Please refer to figure 2.8-3, which shows the latest FEMA 100-year floodplain maps. A discussion of sea level rise impacts can be found in EIR Chapter 2.5, Climate Change.

Letter C66 Patty Moore (5/15/2013)

- C66-1: Your support for the No Project alternative is acknowledged.
- C66-2: Please refer to Master Response C on requests for extensions of the public comment period.
- C66-3: Please refer to Master Response A.2 on CEQA streamlining. Your opposition to reduced parking requirements is acknowledged. The VMT tax concept is only included in Alternative 5, which was developed by environmental and equity stakeholders, as described in the Draft EIR, pages 3.1-7 and 8. The stakeholders sought to exempt low income residents from any future VMT tax in order to reduce the financial impact such a tax might have on low income residents. However, the modeling analysis was not able to exempt low income residents; therefore the analysis in the Draft EIR includes a VMT tax applied to all residents regardless of income level.

Letter C67 Hilary Mize (5/15/2013)

- C67-1: Your support for the No Project alternative is acknowledged. As the comment notes, Marinwood is within a Priority Development Area—the Urbanized 101 Corridor. This PDA was nominated by the Marin Board of Supervisors, who adopted a resolution authorizing submission of an application on August 7, 2007. It was adopted by the ABAG Executive Board and is therefore included in the Draft Plan. See Master Response I for additional information on the PDA process.
- C67-2: Please refer to Master Response D.2 on the connection between high-density housing near transit and reduced greenhouse gas emissions.

Letter C68 Ryan Mize (5/15/2013)

- C68-1: Your support for the No Project alternative is acknowledged. As the comment notes, Marinwood is within a Priority Development Area—the Urbanized 101 Corridor. This PDA was nominated by the Marin Board of Supervisors, who adopted a resolution authorizing submission of an application on August 7, 2007. It was adopted by the ABAG Executive Board and is therefore included in the Draft Plan. See Master Response I for additional information on the PDA process.
- C68-2: The Plan provides a strategy for accommodating projected regional population growth, in part by identifying higher density housing opportunities in transit-served locations. Potential emissions from all transportation modes are included in the modeling used in Chapters 2.2 (air quality) and 2.5 (GHG) of the Draft EIR. As the proposed Plan is a regional level plan, GHG analysis is done on a regional level, and county-specific analysis is not part of the regional-level EIR. See Master Response A.3 regarding the level of specificity of the EIR. See Master Response D.1 regarding the calculations in the SB 375 GHG analysis.

Letter C69 Paul and Elizabeth McDermott (5/16/2013)

- C69-1: The EIR for the proposed Plan is a programmatic document and evaluates impacts on a regional scale, covering impacts—including cumulative impacts—throughout the entire nine-county region of the Bay Area. See Master Response A.3 regarding the level of specificity of the EIR.

- C69-2: Chapter 2.13 of the Draft EIR evaluates potential impacts from hazardous materials and notes that projects are already required to comply with the Resource Conservation and Recovery Act, Title 22 of the California Code of Regulations, California Hazardous Waste Control Law, Cal/EPA requirements, HAZMAT training requirements, and any local regulations such as city or county Hazardous Materials Management Plans regulating the generation, transportation, treatment, storage, and disposal of hazardous materials and waste. Please refer to Master Response G for a description of the water supply analysis as conducted in the EIR.
- C69-3: For the analysis on these facilities, please refer to the EIR Chapter 2.12, Public Utilities and the mitigation measures proposed to reduce any potentially significant impacts on wastewater treatment and stormwater drainage facilities.

Letter C70 Joe McBride (5/15/2013)

- C70-1: Commenter's support for the No Project alternative is acknowledged. The decision-makers will weigh the advantages and disadvantages of each alternative in determining which option to adopt. MTC and ABAG followed CEQA requirements for public noticing of the EIR. See Chapter 1.2 of the Draft EIR for a description of the public participation process for development of the proposed Plan. Regarding public engagement for the EIR, please see Chapter 1.1 of the Draft EIR for a description of the Notice of Preparation and public scoping process and Section 1 of this Final EIR for a description of the public review process for the Draft EIR.
- C70-1.5: The EIR provides an open analysis of the proposed Plan and its environmental impacts, including those on public utilities and services; see Chapters 2.12 and 2.14 of the Draft EIR. Additionally, as shown in Chapter 3.1, the proposed Plan development pattern would only add around 500 more households to all of Marin County by 2040 compared to under the No Project alternative; much of the County's growth will occur regardless of the proposed Plan due to regional population and job growth.
- C70-2: The EIR is an environmental document that identifies potential environmental impacts and changes that could appear as a result of the proposed Plan. The proposed Plan is a regional-level Plan and therefore all analysis has been conducted on a regional scale; see Master Response A.3 regarding the specificity of a program EIR. For a detailed description of the water supply analysis as presented in the EIR, please refer to Master Response G on water supply. The Marin Municipal Water District's Urban Water Management Plan lays out the specific water-related adaptation and mitigation measures that plan for water infrastructure needs through 2035; these policies are solely at the discretion of MMWD and beyond the authority of MTC and ABAG.
- C70-3: See response C49-5, which describes how the forecast begins with jobs and therefore does not prioritize housing development over job creation. See Master Response D.2 for more information on the relationship between high density housing near transit and reduced greenhouse gas emissions. Chapter 2.5 of the Draft EIR analyzes whether the proposed Plan would attain the per capita GHG emissions reduction targets for cars and light trucks as required by SB 375 (it does) and also whether it would result in a net increase in direct and indirect GHG emissions in 2040 when compared to existing conditions (it does). Pages 2.5-55 and 56 of the Draft EIR show that overall GHG emissions from transportation would decrease under the proposed Plan.

C70-4: Please refer to Master Response D.2 on the connection between high-density housing near transit and reduced greenhouse gas emissions.

C70-5: See response C49-8.

C70-6: See response C49-9.

Letter C71 Jessica Middleton (5/16/2013)

C71-1: Commenter correctly summarizes the number of significant, irreversible environmental changes and significant unavoidable environmental impacts of the proposed Plan. The MTC Commission and ABAG Board will vote whether to approve the proposed Plan or on of the alternatives analyzed in the EIR in light of these findings.

C71-2: Please refer to Master Response G on water supply.

C71-3: For an analysis of the exposure to hazardous materials, please refer to the EIR Chapter 2.13, Hazards.

C71-4: For an analysis of the proposed Plan's impacts on wastewater treatment capacity, please refer to Draft EIR Chapter 2.12, Public Utilities.

C71-5: Please refer to the Draft EIR Chapter 2.2, Air Quality, for the proposed Plan's potential impacts related to toxic air contaminants and particulate matter.

C71-6: For a detailed description of the sea level rise analysis conducted in the Draft EIR, please refer to Chapter 2.5 as well as Master Response E on sea level rise.

C71-7: Please refer to the Draft EIR, Chapter 2.9, Biological Resources, for the full analysis of the proposed Plan's potential impacts on biological resources as well as mitigation measures to combat these potential impacts.

C71-8: Please refer to response C71-7.

C71-9: Commenter provides no specific examples of how the EIR is inadequate. Therefore, MTC and ABAG cannot meaningfully respond. However, MTC and ABAG disagree with the general assertion that the EIR fails to comply with the requirements of CEQA. See also Master Response B.1 regarding the population projections.

Letter C72 Michael Meyer (5/15/2013)

C72-1: Please refer to Master Response B.1 on population and job projections.

C72-2: Draft EIR Chapter 2.14, Public Utilities addresses the proposed Plan's potential impacts on water supply and wastewater resources. Additionally, please refer to Master Response G on water supply. Climate change impacts are analyzed in Chapter 2.5, including sea level rise, and also see Master Response E on sea level rise. In addition, flood hazards are addressed in the EIR in Chapter 2.8, Water Resources.

C72-3: The proposed Plan cannot "force" housing development anywhere; as noted repeatedly in the Draft EIR, MTC and ABAG do not have land use authority. See Master Response A.1

on local land use control. Local infrastructure capacity will be evaluated for individual land use plans and developments through project-level environmental review. All projects under the proposed Plan, including those qualifying for CEQA streamlining, will still be subject to regulations of local jurisdictions including permitting requirements and impact fees. The Draft EIR does evaluate public utilities and services at a regional level in Chapters 2.12 and 2.14.

C72-4: Commenter's support for the No Project alternative is acknowledged. Decision-makers will weigh the advantages and disadvantages of each alternative in determining which option to adopt.

Letter C73 Cindy Miracle (5/16/2013)

C73-1: Population growth is projected to occur regardless of implementation of the proposed Plan; Plan Bay Area is not advocating for this growth but rather attempting to mitigate its impacts. See Master Response B.1 regarding population projections. Draft EIR Chapter 2.12, Public Utilities, analyzes the potential impacts on water supply as a result of the proposed Plan and as discussed under Impact 2.12-1, the Urban Water Management Plans for the major water suppliers of the region indicate adequate water supplies for the amount of the region's projected growth, at a regional level. In addition, please refer to Master Response G on water supply.

C73-2: Please refer to response C73-1. In addition, the Urban Water Management Plans (UWMPs) for the major water suppliers of the region generally cover the period of time through 2035. The latest UWMPs indicate that, except for Solano County, adequate water supplies already exist through 2035 for an aggregate population greater than that accommodated by Plan Bay Area in 2040 (Draft EIR, pp.2.12-19 to 23). The UWMPs generally indicate few to no planned actions to undertake capital projects to acquire additional water supplies or storage; if they do, the water supplier would need to comply with CEQA before undertaking such capital projects.

C73-3: Please refer to response C73-1. The current MMWD Urban Water Management Plan indicates adequate water supplies through the year 2035 without a need to resort to desalination. In Marin County, the proposed Plan would result in essentially the same year 2040 population as under the No Project alternative - a three percent increase, with the proposed Plan resulting in 500 more households than under the No Project scenario. Given the ample water supplies indicated by MMWD, it is extremely unlikely that additional water supplies will need to be acquired due to growth under the proposed Plan. Furthermore, MMWD would need to comply with CEQA before undertaking future water supply projects. In addition, the decision to use desalination as a water source would be solely the decision of MMWD and is not advocated for or required by the proposed Plan. Moreover, in August of 2010, the District adopted Ordinance 420, which states that the District shall not approve construction, or financing for construction, of a desalination facility unless such construction is approved by a majority of District voters, voting in an election held within the District's service area for that purpose. It should also be noted that, as stated in *North Coast Rivers Alliance v. Marin Municipal Water District Board of Directors* (2013) 216 Cal.App.4th 614, the MMWD Board decided, as a matter of policy, even if a desalination plant is authorized by the voters in the future, MMWD will not develop a desalination plant unless all its electricity could be supplied from renewable sources. (*Id.* at p. 654.)

Contrary to commenter's assertion, the Draft EIR does not include a Statement of Overriding Considerations. However, CEQA does require that the MTC Commission and ABAG Board adopt a Statement of Overriding Considerations in the event they exercise their discretion to adopt the proposed Plan or any alternative thereto that has significant and unavoidable environmental impacts.

Letter C74 Pamela Macknight (5/14/2013)

C74-1: MTC and ABAG acknowledge that the EIR found 39 significant and unavoidable impacts, due to in part to the fact that SB 375 expressly does not provide MTC and ABAG with local land use authority. Therefore, MTC and ABAG cannot require local implementing agencies consider future land use projects to adopt the mitigation measures, and it is ultimately the responsibility of a lead agency to determine and adopt mitigation. Please see Master Response A.1 on local control over land use for additional information. To adopt the proposed Plan or an alternative analyzed in the EIR, the MTC Commission and ABAG Board would be required to adopt a Statement of Overriding Considerations as required by CEQA.

Letter C75 Paul D. Magginetti (5/16/2013)

C75-1: See pages 1.2-50 and 51 of the Draft EIR for a breakdown of how the anticipated revenues will be spent, and the updated numbers in Section 2 of this Final EIR. Plan Bay Area is a regional transportation plan which includes a proposed land development blueprint as required by SB 375; anticipated revenues are almost all earmarked for transportation expenditure. The main exception is the OBAG program, which provides grants to assist jurisdictions with planning efforts to implement the proposed Plan and livability initiatives. See Master Response F for details.

C75-2: Table 1.2-10 of the Draft EIR shows that 87percent of anticipated revenues would be spent on operations and maintenance, and the remainder on transit expansion (7%) and roadway expansion (5%). It is beyond the scope of an EIR to break down costs beyond those critical to the project description.

C75-3: Please refer to master response B.1 on population projections. Regarding your comment about transportation use expectations, Table 2.1-13 in the Draft EIR, p. 2.1-29, compares the typical weekday mode split for the region in 2010 and 2040. The table shows that 2.151 million typical weekday daily person trips would occur by transit in 2040 under the proposed Plan, seven percent of the regional total, up from five percent in 2010. It is not possible to ascertain the travel mode used specifically by the region's additional households in the future.

C75-4: The EIR examines multiple impact areas related to transportation, as summarized on page ES-9 of the Executive Summary, and as covered in Chapter 3.1 of the Draft EIR, pages 3.1-19 to 31. As noted by the Executive Summary, Alternative 3 has the least negative transportation impacts overall compared to the rest of the alternatives.

C75-5: The 66 dBA threshold is explained on p. 2.6-20 of the Draft EIR. Mitigation Measures 2.6(e), (f), and (g) would normally reduce impacts to a less-than-significant level, but as acknowledged on p. 2.6-34, "there may be instances in which site-specific or project-specific conditions preclude the reduction of all project impacts to less than significant levels, such as

where a new rail line or rail extension passes through a heavily developed residential neighborhood.” Local jurisdictions maintain all local land use authority, as explained in Master Response A.1, and have the ability to proscribe residential uses from an area due to noise and other concerns.

- C75-6: Please see Draft EIR, pp. 2.3-32 to 42, for an explanation of the analytic methods and criteria used to determine the likelihood of displacement or disruption resulting from land use and transportation projects. See also Master Response F regarding displacement. Since cities and counties retain their local land use authority, MTC and ABAG would not be able to proscribe development under the proposed Plan regardless of the significance of its impacts. See Master Response A.1 regarding local land use control.
- C75-7: Under CEQA, the conversion of any open space or farmland by a proposed plan is usually considered significant, which was the standard selected by MTC and ABAG after the receipt of public comments during the scoping process. No impacts are considered more or less important than others. EIRs are intended to provide for the public disclosure of potential environmental impacts to facilitate informed decision-making.
- C75-7.5: Population growth is anticipated to occur, as forecasted, regardless of whether Plan Bay Area is adopted. The proposed Plan represents an attempt to accommodate that growth and seeks to concentrate development in Priority Development Areas (PDAs) that were nominated by local jurisdictions. Neither MTC nor ABAG has the authority to change local zoning or to otherwise impose a particular type of development on a community. See Master Response A.1 regarding local control over land use under the proposed Plan and Master Response I regarding the PDA process.
- C75-8: The super majority discussion regarding Alternative 5 involved the feasibility of its use of a VMT tax, which may need approval from the State legislature. Nothing in the proposed Plan (Alternative 2) or the other alternatives would require such approval, only a majority vote by the MTC and the ABAG Board. An EIR must be performed and certified on a proposed plan or project prior to the decision to adopt it.
- C75-8.5: The comment asks about the “incentives” for implementation of changes to land use policy. The One Bay Area Grant program is a new grant program accounting for 4.9 percent of the total Plan funding. To be eligible for OBAG funding, jurisdictions must have current adopted housing elements and complete streets policies. OBAG is funded primarily through federal Surface Transportation Program and Congestion Mitigation and Air Quality funds, which are regional discretionary funds.
- C75-9: Under CEQA, a lead agency (here, MTC and ABAG) must balance the “economic, legal, social, technological, or other benefits” of a project against its unavoidable environmental risks. If the agency determines in its judgment that the project’s benefits outweigh its unavoidable environmental effects, the agency may approve the project, but must state in writing the reasons supporting its approval of the project based on the final EIR and/or other information in the record. (State CEQA Guidelines, Section 15093). Bay Area residents have an opportunity to give their input through the public participation processes required by CEQA, but the ultimate decision to approve the proposed Project or an alternative thereto rests with the elected officials from throughout the region who are on the MTC Commission and ABAG Board.

- C75-10: The Draft EIR, Chapter 2.13 (Hazards) evaluates the risk of locating projects on hazardous sites and recommends implementation of Mitigation Measure 2.13(d) to mitigate this risk (pp. 2.13-35 to 36). As this is a programmatic plan, site-specific analysis is not included in the EIR. See Master Response A.3 regarding program-level EIRs.
- C75-11: The requirement to prepare a regional transportation plan that includes a sustainable communities strategy arises under State law and there are no federal approvals that would necessitate NEPA review, so the preparation of this type of plan is subject only to CEQA. Future projects covered by the proposed Plan that receive federal funding or require federal permits may be required to undergo joint CEQA/NEPA review.
- C75-12: Per Mitigation Measure 2.11(a), structures more than 45 years of age would require, “an assessment by a qualified professional...to determine their eligibility for recognition under State, federal, or local historic preservation criteria.” As indicated in the measure, these historic preservation criteria vary by jurisdiction. However, the standards for a historical resources inventory are set forth in CEQA Guidelines Section 15064.5(b) and, when federal funding or permits are involved, Section 106 of the National Historic Preservation Act. Even though MTC and ABAG cannot require local compliance with Mitigation Measure 2.11(a), projects that seek to benefit from CEQA streamlining under SB 375 will have to implement that measure’s provisions.
- C75-13: Chapter 2.4 of the Draft EIR examines the energy impacts of the proposed Plan in depth, considering electricity, natural gas, gasoline, etc. The analysis looks at both direct and indirect energy use resulting from land use and transportation projects. The analysis concludes that implementation of the proposed Plan would lead to an overall 10 percent decrease in per capita energy use. No mitigation is needed to address this issue because the proposed Plan’s impact on energy consumption is less than significant. (See Draft EIR, Chapter 2.4 (Energy), p. 2.4-23.) The Draft EIR’s analysis does not consider phasing of improvements or interim stages of the proposed Plan because its purpose is to evaluate the Plan as a whole. (See Draft EIR, p. ES-8.) Site-specific infrastructure issues are beyond the scope of this EIR. Implementing agencies must comply with CEQA before adopting second-tier projects. See Master Response A.3 regarding the programmatic nature of this EIR.
- C75-14: The standards governing the construction and operation of natural gas pipeline infrastructure are beyond the scope of the proposed Plan and EIR. Please see Master Response A.3 regarding the scope of a program EIR. Public utilities must comply with CEQA as part of the CPUC permitting process for natural gas pipeline infrastructure.
- C75-15: The commenter misread the Draft EIR, which found no significant impact on exceeding wastewater treatment requirements of the RWQCBs. Page 2.12-58 explains that, “Existing and future land use plans, and development proposed under these plans, have been and will continue to undergo environmental assessment under CEQA that ensures that new development will not exceed a system’s ability to meet wastewater treatment requirements per the system’s NPDES permit.” It is reasonable for this EIR to assume that local jurisdictions will adhere to existing laws and regulations to which they are subject. Also, Plan Bay Area covers development through the year 2040, and it is reasonable to assume that wastewater treatment systems that fall out of RWQCB standards must eventually make improvements to meet them in order to continue operations. Local jurisdictions are under no compulsion to implement the development pattern in the proposed Plan, or may do so at

a later point in time after infrastructure has been improved; see Master Response A.1 regarding local land use control.

- C75-15.5: The comment asks if OBAG funds will be used to fund public utilities, specifically water infrastructure. OBAG funds consist of federal highway and transit funds from the Surface Transportation Program (STP) and Congestion Mitigation and Air Quality (CMAQ) Program. These funds cannot be used to fund public utility infrastructure.
- C75-16: The Draft EIR, Chapter 2.13 (Hazards), discusses the risk posed by hazardous materials and/or waste contaminating some parcels in the Bay Area, not all of which are located in Priority Development Areas (PDAs). To mitigate this impact, it recommends implementation of Mitigation Measure 2.13(d), which requires an evaluation of project sites, preparation of Phase I and Phase II ESAs, as appropriate, and implementation of any recommendations resulting from those ESAs. The measure requires compliance with ASTM standards to ensure that qualified personnel perform appropriate tests of soil, water, etc. See also Master Response A.1 regarding local control over land use. However, projects that wish to benefit from CEQA streamlining under SB 375 will have to implement this mitigation measure, if feasible.
- C75-17: Public services will need to be expanded in many locations to accommodate future growth. Note that the projected growth in the region will occur regardless of the proposed Plan, which only proposes a development pattern to accommodate the growth; see Master Response B.1 for more information on the growth projections. Public services are typically paid for and funded at the local level by a variety of methods, including impact and use fees and property and sales taxes; development under the proposed Plan would be subject to all such local regulations. Chapter 2.14 of the Draft EIR analyzes impacts on public services, finds potentially significant impacts, and proposes mitigation measures, which as noted on pages 2.14-14 and 16, must be implemented in order for a project to benefit from CEQA streamlining under SB 375. Mitigation Measures 2.14(a) and (b) require lead agencies to ensure that adequate public services, and related infrastructure and utilities, will be available to meet levels identified in applicable local plans prior to approval of new development projects. This requirement addresses Commenter's concern about proper phasing of infrastructure construction in relation to project construction. Development in PDAs will be subject to the same requirements regarding infrastructure provision as development outside of PDAs.

Letter C76 Krystal Macknight (5/15/2013)

- C76-1: Please refer to Master Response G on water supply. In addition, Chapter 2.14, Public Utilities, states the regional impacts on water supply and sanitation. Because the proposed Plan is a regional level plan, these impacts are evaluated on a regional scale. See Master Response A.3 regarding the programmatic nature of this EIR. That said, the Draft EIR used the latest planning documents from the Marin Municipal Water District and the wastewater treatment providers in Marin County; the commenter does not specify what is not realistic about the capacity numbers that came from these service providers.
- C76-2: Please refer to Chapter 2.5, Climate Change, for the impact analysis related to sea level rise and climate change and accompanying mitigation measures. Additionally, please refer to Master Response E on sea level rise.

C76-3: MTC and ABAG acknowledge that the EIR found 39 significant and unavoidable impacts, due in part to the fact that SB 375 expressly does not provide MTC and ABAG with local land use authority. Therefore, MTC and ABAG cannot require local implementing agencies consider future land use projects to adopt the mitigation measures, and it is ultimately the responsibility of a lead agency to determine and adopt mitigation. Please see Master Response A.1 on local control over land use for additional information. To adopt the proposed Plan or an alternative analyzed in the EIR, the MTC Commission and ABAG Board would be required to adopt a Statement of Overriding Considerations as required by CEQA.

Letter C77 Stephen Nestel (5/15/2013)

C77-1: Commenter's support for the No Project alternative is acknowledged. MTC and ABAG followed CEQA requirements for public noticing of the EIR. The decision-makers will weigh the advantages and disadvantages of each alternative in determining which option to adopt. See Chapter 1.2 of the Draft EIR for a description of the public participation process for development of the proposed Plan. Regarding public engagement for the EIR, please see Chapter 1.1 of the Draft EIR for a description of the Notice of Preparation and public scoping process and Section 1 of this Final EIR for a description of the public review process for the Draft EIR.

C77-1.3: Please refer to the Draft EIR Chapter 2.2, Air Quality, for the proposed Plan's potential impacts related to toxic air contaminants and particulate matter and mitigation measures.

C77-1.5: The EIR provides an open analysis of the proposed Plan and its environmental impacts, including those on public utilities and services; see Chapters 2.12 and 2.14 of the Draft EIR. Additionally, as shown in Chapter 3.1, the proposed Plan development pattern would only add around 500 more households to all of Marin County by 2040 compared to under the No Project alternative; much of the County's growth will occur regardless of the proposed Plan due to regional population and job growth.

C77-2: See response C49-5, which describes how the forecast begins with jobs and therefore does not prioritize housing development over job creation. See Master Response D.2 for more information on the relationship between high density housing near transit and reduced greenhouse gas emissions. Chapter 2.5 of the Draft EIR analyzes whether the proposed Plan would attain the GHG emissions reduction targets for cars and light trucks as required by SB 375 (it does) and also whether it would result in a net increase in direct and indirect GHG emissions in 2040 when compared to existing conditions (it does). Pages 2.5-55 and 56 show that overall GHG emissions from transportation would decrease under the proposed Plan.

C77-3: Please refer to Master Response D.2 on the connection between high-density housing near transit and reduced greenhouse gas emissions.

C77-4: Greenhouse gas emissions of the region's transit systems are included in the analysis of Impact 2.5-2 in Chapter 2.5 of the Draft EIR. Impacts have been assessed at a regional level and a conceptual localized level. County level information has been provided in the EIR when feasible, but does not represent an obligation to evaluate all impacts at that level.

C77-5: The SCS provides for low and moderate income homes by producing a land use pattern sufficient to accommodate RHNA and through ABAG's and MTC's efforts to support

additional affordable housing production. This includes Chapter 6 of the Plan, which identifies strategies for facilitating greater affordable housing preservation and production in the region. Many of these efforts require policy changes at the state or federal level that are beyond the control of the regional agencies, who will act as advocates for these changes. The regional agencies are providing more direct support for affordable housing through the Transit Oriented Affordable Housing (TOAH) fund, which supports affordable projects in Priority Development Areas and the identification of Affordable Housing as an allowable use for future Cap and Trade funds. Through these and other mechanisms, MTC and ABAG determined that of the 660,000 new housing units contemplated by the proposed Plan, 26 percent will be affordable to very low income households, 17 percent to low income households, 17 percent to moderate income households, and 39 percent to above moderate income households. (See Draft EIR, p. 1.2-53.) See also Master Response F, which addresses the issue of displacement in greater detail and identifies actions included in the Draft Plan to help address this challenge.

C77-6: See response C49-9.

C77-7: See responses C77-2 and C77-4.

Letter C78 Nancy Okada (5/16/2013)

C78-1: Commenter's support for the No Project alternative is acknowledged. The decision-makers will weigh the advantages and disadvantages of each alternative in determining which option to adopt.

Letter C79 Joseph Orr (5/15/2013)

C79-1: Commenter's support for the No Project alternative is acknowledged. The decision-makers will weigh the advantages and disadvantages of each alternative in determining which option to adopt. As the commenter notes, the Marinwood Area is within a Priority Development Area—the Urbanized 101 Corridor. This PDA was nominated by the Marin Board of Supervisors, who adopted a resolution authorizing submission of an application on August 7, 2007. It was adopted by the ABAG Executive Board and is therefore included in the Draft Plan. Any change to the PDA would need to come at the request of the Marin County Board of Supervisors. See Master Response I regarding the PDA process.

C79-2: MTC and ABAG followed CEQA requirements for public noticing of the EIR. See Chapter 1.2 of the Draft EIR for a description of the public participation process for development of the proposed Plan. Regarding public engagement for the EIR, please see Chapter 1.1 of the Draft EIR for a description of the Notice of Preparation and public scoping process and Section 1 of this Final EIR for a description of the public review process for the Draft EIR.

Letter C80 Lori Orr (5/15/2013)

C80-1: Commenter's support for the No Project alternative is acknowledged. The decision-makers will weigh the advantages and disadvantages of each alternative in determining which option to adopt. As the commenter notes, the Marinwood Area is within a Priority Development Area—the Urbanized 101 Corridor. This PDA was nominated by the Marin Board of Supervisors, who adopted a resolution authorizing submission of an application on August 7, 2007. It was adopted by the ABAG Executive Board and is therefore included in the

Draft Plan. Any change to the PDA would need to come at the request of the Marin County Board of Supervisors. See Master Response I regarding the PDA process.

- C80-2: Commenter does not provide any evidence that the data used in the proposed Plan and EIR are out of date or from non-neutral sources. MTC and ABAG disagree with this general assertion. MTC and ABAG followed CEQA requirements for public noticing of the EIR. See Chapter 1.2 of the Draft EIR for a description of the public participation process for development of the proposed Plan. Regarding public engagement for the EIR, please see Chapter 1.1 of the Draft EIR for a description of the Notice of Preparation and public scoping process and Section 1 of this Final EIR for a description of the public review process for the Draft EIR. In addition, potential impacts of the proposed Plan on schools are analyzed in Chapter 2.14 of the Draft EIR, Public Services. An evaluation of water infrastructure can be found in Chapter 2.12 of the Draft EIR, Public Utilities, and in addition please refer to Master Response G on water supply. Chapter 2.1 of the Draft EIR, Transportation, analyzes the regional impacts on highways and other major regional routes. For details on the population projections used for the Draft EIR, please refer to Master Response B.1 on population projections.
- C80-3: See Master Response B.1 on the population projections. The comment on “large high-density developments” is unclear—the proposed Plan does not specify the density or size of any individual projects; such developments may occur with or without the proposed Plan. However, it should be noted that the proposed Plan envisions limited development in Marin County, consistent with the existing scale of Marin’s communities.
- C80-4: Feasibility of the proposed Plan’s blueprint for growth was further tested by an assessment of a representative sample of PDAs from throughout the region by Economic and Planning Systems (EPS). Overall, the study concluded that the proposed development pattern contained in Plan Bay Area, while ambitious, represents an achievable level of growth with sufficient policy changes, some of which are now underway or currently being examined. See Master Response B.2 on feasibility of the PDAs.

Letter C81 Linda Rames (4/26/2013)

- C81-1: Water supplies are analyzed in Chapter 2.12 of the Draft EIR. As the proposed Plan is a regional level plan, all analysis in the EIR is done on the regional scale; see Master Response A.3 on the specificity of a program EIR. An evaluation of water resources specific to Marin County is therefore outside the scope of the EIR. Please refer to Master Response G on water supply. That said, the current MMWD Urban Water Management Plan indicates adequate water supplies through the year 2035. In Marin County, The proposed Plan would result in essentially the same year 2040 population as under the No Project alternative - a three percent increase, with the proposed Plan resulting in 500 more households than under the No Project scenario. Given the water supplies indicated by MMWD, it is unlikely that additional water supplies will need to be acquired due to growth under the proposed Plan.
- C81-2: Per the Marin Municipal Water District’s (MMWD) Urban Water Management Plan (UWMP) Section 3.3, the district has coordinated its future water demands through 2035 through the Sonoma County Water Agency (SCWA), and SCWA’s UWMP. Furthermore, the MMWD has a contracted volume of 14,300 acre-feet per year with SCWA; as of 2035, the MMWD anticipates needing no more than 8,500 acre-feet per year from this contracted volume. This issue was not raised in the Draft EIR for the reasons listed in response C81-1.

- C81-3: Please refer to response C81-1. These numbers come from MMWD's Urban Water Management Plan; the decrease in demand is likely due to Marin's low rate of growth combined with conservation programs.
- C81-4: This information comes from MMWD's Urban Water Management Plan. MTC and ABAG properly relied on the expert conclusions reached by MMWD regarding its projected future water supplies.
- C81-5: MTC and ABAG believe that the mitigation measure is adequate, especially in light of the water conservation targets set by the State under SB X7-7 and SB 610 and SB 221 which should ensure that an adequate water supply is available for large residential developments prior to their approval.
- C81-6: MTC and ABAG cannot locate the text quoted in this comment; it does not appear in the Draft EIR. The comment may be referring to the text that notes that despite Mitigation Measure 2.12(a), "MTC and ABAG cannot require local implementing agencies to adopt the above mitigation measures, and it is ultimately the responsibility of a lead agency to determine and adopt mitigation. Therefore it cannot be ensured that this mitigation measure would be implemented in all cases, and this impact remains significant and unavoidable." This statement is correct. See Master Response A.1 regarding local land use authority.
- C81-7: It would be speculative for the EIR to state that such capital projects would be needed and to know how they would be designed, implemented, and mitigated. Impact 2.12-4 finds this to be a potentially significant impact and proposes Mitigation Measures 2.12(a) through (h). See also Master Response A.3 regarding the programmatic nature of this EIR. CEQA does not require an evaluation of economic impacts; an analysis of the costs associated with water development is outside the scope of the EIR. Costs of water and wastewater utilities are typically borne by existing and new customers who cover the costs of service through utility rates and hookup fees.
- C81-8: The potential impacts of the proposed Plan on these areas are thoroughly evaluated in Chapter 2.14 of the Draft EIR, Public Services, at a level appropriate for a regional-level programmatic EIR. The chapter also provides mitigation measures to lessen possible impacts, but MTC and ABAG cannot require local implementing agencies to adopt the mitigation measures, and it is ultimately the responsibility of a lead agency to determine and adopt mitigation for these potential impacts where necessary. Please see Master Response A.1 on local control over land use for additional information.
- C81-9: The Priority Development Area referenced in the comment—the Urbanized 101 Corridor in unincorporated Marin County—was nominated by the Marin Board of Supervisors, who adopted a resolution authorizing submission of an application on August 7, 2007. It was adopted by the ABAG Executive Board and is therefore included in the Draft Plan. Any change to the PDA would need to come at the request of the Marin County Board of Supervisors. See Master Response I regarding the PDA process.
- C81-10: CEQA does not require an evaluation of economic impacts; an analysis of the costs associated with water development is outside the scope of the EIR. Local public services are typically funded by property and sales taxes and impact fees.

C81-11: Refer to the response C150-18 regarding the growth in traffic congestion under year 2040 Plan conditions. As indicated in that response, the growth in regional population and employment is the primary driver of increased traffic congestion. In fact, the transportation investments and land use strategy included in the proposed Plan reduce congestion compared to No Project conditions, as shown in Table 3.1-11. The proposed mitigations under Impact Area 2.1-3 would help to mitigate the growth in regional traffic congestion; however, the Draft EIR properly acknowledges that this impact is significant and unavoidable despite these mitigation measures.

C81-12: Mitigation measures are identified for all significant impacts, but many of the significant and unavoidable impacts identified occur because MTC and ABAG cannot require local implementing agencies to adopt the mitigation measures, and it is ultimately the responsibility of a lead agency to determine and adopt mitigation. See Master Response A.1 regarding local land use control. Many of the mitigation measures are considered industry best practices. MTC and ABAG believe all the mitigation measures proposed in the EIR are reasonable and implementable.

Letter C82 Jean Rieke (5/14/2013)

C82-1: Please refer to Master Response C on requests for extensions of the public comment period.

Letter C83 Pamela Sandu (5/12/2013)

C83-1: This comment is primarily focused on the transportation programs funded in the proposed Plan. The commenter notes that while there is some very effective transit service in the urban core, in the suburbs, the service is not effective. The commenter is critical of the amount of funds going to operate and maintain the existing system, stating that the systems need to provide more cost effective transportation options, and consider more innovative service delivery. MTC has a long-standing commitment to “fix it first”, which includes investing to maintain and operate the existing road and transit network. Within the general categories of transit capital or transit operating, transit agencies have a great deal of flexibility and autonomy regarding how those funds are spent and what service they provide. MTC recently completed the Transit Sustainability Project, which focused on improving the cost effectiveness and efficiency of the existing system, and considered alternative service delivery strategies. The project resulted in performance targets related to cost effectiveness and efficiency for the large transit operators in the region, as well as a new Transit Performance Initiative, which provides incentives and funding for projects that speed service and improve the customer experience.

C83-2: Recognizing the increasing demand for non-automobile modes given the region’s aging population, the proposed Plan expands existing public transit services and funds senior transportation programs across the region. As shown on page 2.1-27 of the Draft EIR, the proposed Plan expands transit seat-miles by 27 percent over the next three decades, providing additional fixed-route service that will make it easier for older residents to reduce their usage of automobiles. The proposed Plan also includes funding for a number of senior transportation programs designed to provide innovative transportation solutions. In addition to county-specific programs, a regional program administered by MTC (the Senior & Disabled Transportation Program – RTPID #230716) includes \$238 million in federal funding to address senior-specific mobility issues. This program has historically funded

flexible transportation options, such as shuttles and paratransit services, to serve the Bay Area's aging population.

Letter C84 Brad Sharp (5/15/2013)

- C84-1: Commenter's support for the No Project alternative is acknowledged. The decision-makers will weigh the advantages and disadvantages of each alternative in determining which option to adopt. As the commenter notes, the Marinwood Area is within a Priority Development Area—the Urbanized 101 Corridor. This PDA was nominated by the Marin Board of Supervisors, who adopted a resolution authorizing submission of an application on August 7, 2007. It was adopted by the ABAG Executive Board and is therefore included in the Draft Plan. Any change to the PDA would need to come at the request of the Marin County Board of Supervisors. See Master Response I regarding the PDA process.
- C84-2: See response C49-5, which describes how the forecast begins with jobs and therefore does not prioritize housing development over job creation. See Master Response D.2 for more information on the relationship between high density housing near transit and reduced greenhouse gas emissions.
- C84-3: See response C84-1. The proposed Plan does not specify the density or size of any individual projects; such developments may occur with or without the proposed Plan. See Master Response A.1 regarding local land use control. However, it should be noted that the proposed Plan does not anticipate high density development for Marin County.

Letter C85 Jim Shroyer (5/15/2013)

- C85-1: Commenter's support for the No Project alternative is acknowledged. The decision-makers will weigh the advantages and disadvantages of each alternative in determining which option to adopt.
- C85-2: Greenhouse gas data from 2005 is used because 2005 is the base year relative to which AB 32 requires future greenhouse gas emissions projections to be compared. This is noted on page 1.1-9 of the Draft EIR. See also Master Response D.1 regarding regional GHG emissions reductions for land use and transportation planning sectors under SB 375.
- C85-3: MTC and ABAG followed CEQA requirements for public noticing of the EIR. See Chapter 1.2 of the Draft EIR for a description of the public participation process for development of the proposed Plan. Regarding public engagement for the EIR, please see Chapter 1.1 of the Draft EIR for a description of the Notice of Preparation and public scoping process and Section 1 of this Final EIR for a description of the public review process for the Draft EIR.
- C85-4: See Master Response D.2 regarding the connection between high-density housing near transit and reduced GHG emissions,

Letter C86 Stephen F. Shank (5/13/2013)

- C86-1: The local traffic concerns identified by the commenter are noted. The proposed Plan is a long-term, regional-scale plan covering 101 cities and nine counties, over 150 major transportation projects, and many other transportation and land use projects over the next

approximately 28 years. Accordingly, the EIR analyzes the proposed Plan at a programmatic level. See Master Response A.3 regarding the programmatic nature of this EIR

- C86-2: The Draft EIR analyzes the capacity of wastewater facilities at a regional level in Chapter 2.12, Public Utilities. It remains the responsibility of local jurisdictions to assess infrastructure capacity for subsequent individual development projects that may follow this proposed Plan. See Master Response A.3 regarding the programmatic nature of this EIR.
- C86-3: Please refer to the Draft EIR Chapter 2.8, Water Resources, which evaluates the possible flood impacts as a result of the proposed Plan and provides mitigation measures for possible impacts. As stated in the Draft EIR on page 2.8-34, “any developments proposed within the 100-year flood zone would be required to meet local, State and federal flood control design requirements. In general, local jurisdictions have flood control policies that require new construction in flood-prone areas to be built to flood-safe standards, such as ensuring that ground levels of living spaces are elevated above anticipated flood elevations”. Therefore, if proposed development can meet these requirements then the potential impact related to flooding would be less than significant.

Letter C87 Toni Shroyer (5/6/2013)

- C87-1: For relevant impacts to public services, please refer to the Draft EIR Chapter 2.14, Public Services.
- C87-2: Development projects - even if using SB 375 CEQA streamlining benefits - must obtain discretionary permits or other approvals the local jurisdiction, in accordance with local codes and procedures, including any agreements related to impact fees.
- C87-3: MTC and ABAG followed CEQA requirements for public noticing of the EIR. See Chapter 1.2 of the Draft EIR for a description of the public participation process for development of the proposed Plan. Regarding public engagement for the EIR, please see Chapter 1.1 of the Draft EIR for a description of the Notice of Preparation and public scoping process and Section 1 of this Final EIR for a description of the public review process for the Draft EIR. Commenter’s support for the No Project alternative is acknowledged. The decision-makers will weigh the advantages and disadvantages of each alternative in determining which option to adopt.

Letter C88 Clayton Smith (5/16/2013)

- C88-1: The impact areas mentioned in the comment are analyzed in the Draft EIR at a level appropriate to the proposed Plan’s regional, programmatic nature. See Master Response A.3 regarding the programmatic nature of this EIR. Please refer to the Draft EIR, Chapter 2.14, Public Services, for an evaluation of the proposed Plan’s potential impacts on public services and the adequate accompanying mitigation measures. In addition, please refer to the Draft EIR, Chapter 2.12, Public Utilities, for the potential impacts and adequate mitigation measures. In addition, please refer to Master Response G for more information on water supply. Regarding population projections used, including a discussion of the Department of Finance projections versus those of ABAG, see Master Response B.1.

Letter C89 Barbara Snekkevik (5/15/2013)

- C89-1: Commenter's support for the No Project alternative is acknowledged. The decision-makers will weigh the advantages and disadvantages of each alternative in determining which option to adopt. As the commenter notes, the Marinwood Area is within a Priority Development Area—the Urbanized 101 Corridor. This PDA was nominated by the Marin Board of Supervisors, who adopted a resolution authorizing submission of an application on August 7, 2007. It was adopted by the ABAG Executive Board and is therefore included in the Draft Plan. Any change to the PDA would need to come at the request of the Marin County Board of Supervisors. See Master Response I regarding the PDA process.
- C89-2: See response C81-1. Please also refer to Master Response G on water supply for a detailed description of the water supply analysis as conducted in the EIR.
- C89-3: See response C89-1. The proposed Plan does not specify the density or size of any individual projects; such developments may occur with or without the proposed Plan. See Master Response A.1 regarding local land use control. However, it should be noted that the proposed Plan does not anticipate high density development for Marin County.

Letter C90 Elizabeth Specht (5/15/2013)

- C90-1: Please refer to Master Response G on water supply. In addition, the decision to use desalination as a water source would be solely the decision of MMWD and is not advocated for or required by the proposed Plan. The current MMWD Urban Water Management Plan indicates adequate water supplies through the year 2035 without a need to resort to desalination. In Marin County, the proposed Plan would result in essentially the same year 2040 population as under the No Project alternative - a three percent increase, with the proposed Plan resulting in 500 more households than under the No Project scenario. Given the ample water supplies indicated by MMWD, it is unlikely that additional water supplies will need to be acquired due to growth under the proposed Plan. Moreover, in August of 2010, the District adopted Ordinance 420, which states that the District shall not approve construction, or financing for construction, of a desalination facility unless such construction is approved by a majority of District voters, voting in an election held within the District's service area for that purpose.

Letter C91 Elizabeth Specht (5/15/2013)

- C91-1: Please refer to response C90-1.

Letter C92 John Stein (5/16/2013)

- C92-1: MTC and ABAG followed CEQA requirements for public noticing of the EIR. See Chapter 1.2 of the Draft EIR for a description of the public participation process for development of the proposed Plan. Regarding public engagement for the EIR, please see Chapter 1.1 of the Draft EIR for a description of the Notice of Preparation and public scoping process and Section 1 of this Final EIR for a description of the public review process for the Draft EIR.
- C92-1.5: Please refer to Master Response B.2 regarding feasibility of the proposed Plan's Priority Development Areas.

C92-2: Please refer to Master Response H for more information on the health impacts of emissions.

C92-3: The SCS provides for low and moderate income homes by producing a land use pattern sufficient to accommodate RHNA and through ABAG's and MTC's efforts to support additional affordable housing production. This includes Chapter 6 of the Plan, which identifies strategies for facilitating greater affordable housing preservation and production in the region. Many of these efforts require policy changes at the state or federal level that are beyond the control of the regional agencies, who will act as advocates for these changes. The regional agencies are providing more direct support for affordable housing through the Transit Oriented Affordable Housing (TOAH) fund, which supports affordable projects in Priority Development Areas and the identification of Affordable Housing as an allowable use for future Cap and Trade funds. Through these and other mechanisms, MTC and ABAG determined that of the 660,000 new housing units contemplated by the proposed Plan, 26 percent will be affordable to very low income households, 17 percent to low income households, 17 percent to moderate income households, and 39 percent to above moderate income households. (See Draft EIR, p. 1.2-53.) See also Master Response F, which addresses the issue of displacement in greater detail and identifies actions included in the Draft Plan to help address this challenge.

C92-4: See response C49-5, which describes how the forecast begins with jobs and therefore does not prioritize housing development over job creation. See Master Response D.2 for more information on the relationship between high density housing near transit and reduced greenhouse gas emissions.

The proposed Plan also includes policies that support telecommuting such as the 511 Rideshare program managed by MTC. The 511 Rideshare program encourages a menu of options for ways to reduce emissions and congestion, including carpooling, vanpooling, bicycling, transit, and telecommuting/tele-working. In order to make telecommuting a realistic option for commuters, the 511 Rideshare program works with employers to implement telework policies. The program conducts management surveys, analyzes management concerns and offers creative policy solutions, and even drafts policies for companies to implement. 511 Rideshare employer outreach staff also offer ideas on technologies to support telecommuting.

See also Master Response A.1 regarding local land use control.

Letter C93 Robin Stelling (5/16/2013)

C93-1: This PDA was nominated by the Marin Board of Supervisors, who adopted a resolution authorizing submission of an application on August 7, 2007. It was adopted by the ABAG Executive Board and is therefore included in the Draft Plan. Any change to the PDA would need to come at the request of the Marin County Board of Supervisors.

C93-2: Please refer to Master Response B.1 on population projections.

C93-3: As the proposed Plan is a regional-level plan, all analysis has been conducted on a regional scale. See Master Response A.3 regarding the programmatic nature of this EIR. Water supply and sanitation information specific to Marin County can be found in the Marin Municipal Water District's Urban Water Management Plan, which specifies water demands through 2035. Please refer to Master Response G on water supply and Master Response E on sea

level rise. In addition, the EIR, Chapter 2.12, Public Utilities, evaluates the wastewater facilities of the Bay Area region and presents the potential impacts along with adequate mitigation measures.

- C93-4: By State and federal requirement, the RTP/SCS, also known as Plan Bay Area in the San Francisco Bay Area, must cover all nine Bay Area counties, including Marin. See also response C93-0.5.

Letter C94 Terry Stelling (5/16/2013)

- C94-1: For relevant impacts to public services, please refer to the Draft EIR Chapter 2.14, Public Services.
- C94-2: This PDA was nominated by the Marin Board of Supervisors, who adopted a resolution authorizing submission of an application on August 7, 2007. It was adopted by the ABAG Executive Board and is therefore included in the Draft Plan. Any change to the PDA would need to come at the request of the Marin County Board of Supervisors. See Master Response I regarding the PDA process.
- C94-3: See Master Response B.1 regarding population projections. In Marin County, the proposed Plan would result in essentially the same year 2040 population as under the No Project alternative - a three percent increase, with the proposed Plan resulting in 500 more households than under the No Project scenario.
- C94-4: As the proposed Plan is a regional-level plan, all analysis has been conducted on a regional scale. See Master Response A.3 regarding the programmatic nature of this EIR. Water supply and sanitation information specific to Marin County can be found in the Marin Municipal Water District's Urban Water Management Plan, which specifies water demands through 2035. Please refer to Master Response G on water supply and Master Response E on sea level rise. In addition, the EIR, Chapter 2.12, Public Utilities, evaluates the wastewater facilities of the Bay Area region and presents the potential impacts along with adequate mitigation measures.
- C94-5: As no specific examples are provided regarding a lack of substantial evidence, MTC and ABAG cannot meaningfully comment. With regards to the level of analysis provided for Marin County, all counties are analyzed at a similar level of detail. This EIR evaluates Plan Bay Area as a single, regional project and assesses its impacts at a regional level across all nine counties, which is consistent with CEQA provisions regarding program EIRs. See Master Response A.3 regarding the programmatic nature of this EIR. The individual second tier projects envisioned by the proposed Plan - transportation improvements and land use development - must comply with CEQA.

Letter C95 Rachel Stengel (5/15/2013)

- C95-1: See responses to Letter C49.

Letter C96 Kerry Stoebner (5/14/2013)

- C96-1: See responses to Letter C73.

Letter C97 Carolyn Turner (5/7/2013)

- C97-1: This PDA was nominated by the Marin Board of Supervisors, who adopted a resolution authorizing submission of an application on August 7, 2007. It was adopted by the ABAG Executive Board and is therefore included in the Draft Plan. Any change to the PDA would need to come at the request of the Marin County Board of Supervisors. See Master Response I regarding the PDA process.
- C97-2: The local traffic concerns identified by the commenter are noted. The proposed Plan is a long-term, regional-scale plan covering 101 cities and nine counties, over 150 major transportation projects, and many other transportation and land use projects over the next approximately 28 years. Accordingly, the EIR analyzes the proposed Plan at a programmatic level. See Master Response A.3 regarding the programmatic nature of this EIR.
- C97-3: See Master Responses D.1 and D.2 regarding the GHG emissions reductions conclusions reached in this EIR.
- C97-4: Please refer to Master Response G on water supply. In addition, the decision to use desalination as a water source would be solely the decision of MMWD and is not advocated for or required by the proposed Plan. The current MMWD Urban Water Management Plan indicates adequate water supplies through the year 2035 without a need to resort to desalination. In Marin County, the proposed Plan would result in essentially the same year 2040 population as under the No Project alternative - a three percent increase, with the proposed Plan resulting in 500 more households than under the No Project scenario. Given the ample water supplies indicated by MMWD, it is unlikely that additional water supplies will need to be acquired due to growth under the proposed Plan. Moreover, in August of 2010, the District adopted Ordinance 420, which states that the District shall not approve construction, or financing for construction, of a desalination facility unless such construction is approved by a majority of District voters, voting in an election held within the District's service area for that purpose.

Letter C98 Lisa Culbertson (5/15/2013)

- C98-1: Please see Master Response C regarding requests for extensions of the public comment period. MTC and ABAG followed CEQA requirements for public noticing of the EIR. See Chapter 1.2 of the Draft EIR for a description of the public participation process for development of the proposed Plan. Regarding public engagement for the EIR, please see Chapter 1.1 of the Draft EIR for a description of the Notice of Preparation and public scoping process and Section 1 of this Final EIR for a description of the public review process for the Draft EIR.
- C98-2: See the Plan objectives adopted by MTC and ABAG on page 1.2-22 of the Draft EIR which generally do not include the items listed in the comment. See Chapters 2.3, 2.10, and 2.11 which analyze and mitigate the proposed Plan's potential significant impacts on land use, visual resources, and cultural resources issues, which overall cover the qualities of existing neighborhoods. All land development under the proposed Plan will be subject to local land use control, design guidelines, permits, impact fees, and all other regulations in force; see Master Response A.1 for more information on local land use control and Master Response A.2 on CEQA streamlining. Your opposition to the proposed Plan is acknowledged. As the comment notes, the Marinwood Area is within a Priority Development Area—the

Urbanized 101 Corridor. This PDA was nominated by the Marin County Board of Supervisors, who adopted a resolution authorizing submission of an application on August 7, 2007. It was adopted by the ABAG Executive Board and is therefore included in the proposed Plan. See Master Response I regarding PDAs.

C98-3: This comment addresses the relationship between the Plan's job growth projections and recent local trends and local growth projections, specifically for the county of Marin. The distribution of jobs in the Draft Plan takes into account a variety of factors—including input from jurisdictions, level of transit service, existing employment base, population growth, and concentration of knowledge-based economic activity. As such, the jobs distribution assumes that local conditions will change over the next three decades (e.g. market feasibility, changes in land use, etc.), and is not constrained by existing zoning or past trends.

More specifically, the overall regional employment forecast for 2040 is estimated as a share of the U.S. Bureau of Labor Statistics' national growth projections, reflecting the difference in 2010 between national and regional labor force participation in various economic sectors, such as the professional services and retail sectors. It is important to note that indicators suggest that the regional economy has been steadily recovering from the 2007-2009 recession.

At the county level, the distribution of 2040 employment among the nine counties for each industry sector is based upon county shares of regional employment in *Caltrans' California County-Level Economic Forecast: 2011-2040*. The distribution of employment by jurisdiction and Priority Development Area was then calculated as a share of county growth based on three basic approaches depending on the type of job: population-serving jobs, knowledge-sector jobs, and all other jobs. ABAG staff reviewed the employment figures for Marin County and considers the allocations appropriate given the level of population and housing growth anticipated in the county and the existing base of employment. This level of growth could be reasonably accommodated over the thirty-year time-frame of the Plan given the potential for changes in and intensification of land uses within the county.

The commenter also notes that the Plan should account for the level of in-commuters and transit in the overall distribution. Both the employment and housing distribution do account for levels of transit service in various locations and the level of in-commuting in various locations is factored into the housing distribution.

In summary, ABAG's regional forecast for employment for the county of Marin is accurate and supported by substantial evidence. See response C37-4, below and Master Response B.1 for more information on the regional forecast, and the *Draft Forecast of Employment, Population and Housing* for the Draft Plan for more information on the employment distribution methodology (http://onebayarea.org/pdf/Draft_Plan_Bay_Area/Draft_PBA_Forecast_of_Jobs_Population_and_Housing.pdf).

C98-4: The comment refers to the validity of the regional growth forecast, specifically the population and housing forecasts. ABAG's population and housing forecasts are accurate and supported by substantial evidence. Please refer to Master Response B.1 for more

information on the population forecast, including the differences between ABAG's and DOF's projections.

The commenter requests an assessment of impacts and costs for local services such as schools, police, fire, water, etc. In Chapter 2.14, the Draft EIR analyzes impacts to public services and facilities to the extent appropriate for a long-term regional land use and transportation plan. See Master Response A.3 for the level of specificity in the EIR. See Master Response G for more information on water supply.

The comment also refers to the types of housing anticipated in the Plan. The precise type and nature of housing developed in a given jurisdiction remains entirely under the local control of that jurisdiction (see Master Response A.1 regarding local control). More specifically, it is important to note that while the Plan does anticipate that nearly 80 percent of projected new housing will be built in the region's Priority Development Areas (PDAs), by 2040 the bulk of the region's total housing stock will still be provided by single-family homes even assuming modest production. Moreover, the PDAs are areas that have been identified and nominated by local jurisdictions throughout the region and each jurisdiction plans for the type of growth that their communities envision for these areas. As such, the PDAs comprise a wide range of place types that encompass the widely varying characteristics of communities across the Bay Area, from smaller, lower density transit neighborhoods and town centers, to medium-density suburban centers and mixed-use corridors, to larger urban neighborhoods and regional centers. Therefore, the plan does not make the assumption that all future housing preference is for high-density, mixed-use housing within urban areas; the Plan does, in fact, provide for a range of housing preferences and locations. See Master Response I regarding the PDA process.

Note that household and job growth expected for the region will occur regardless of the implementation of the proposed Plan, which seeks to mitigate the impacts of such growth on the regional transportation system while reducing greenhouse gas emissions. As shown in Table 3.1-3 of the Draft EIR (p. 3.1-14), the development pattern in the proposed Plan (Alternative 2) would result in 112,021 households in Marin County, in comparison to 111,509 households under the No Project alternative, and compared to 103,210 households in 2010. That is, without the adoption of the proposed Plan or any alternative, MTC and ABAG expect an additional 8,299 households in Marin between 2010 and 2040, an 8 percent increase, while under the proposed Plan, MTC and ABAG expect an additional 8,811 households in Marin by 2040, a 9 percent increase—and just 512 more households than under the No Project alternative.

Local public services are typically funded at the local level through property and sales taxes and impact fees. See Master Response A.1 for more information on local land use control. Utilities are typically funded by service and hookup fees which cover the cost of operations, as regulated by the California Public Utilities Commission. See Master Response H on UrbanSim modeling and subsidies.

As discussed on p. 2.3-5 of the Draft EIR, ABAG's projections anticipate a shift in the type of housing desired in the region, and note that multi-family and townhome units may be currently underrepresented relative to demand. The proposed Plan provides a broader array of housing options than currently exist. The region has a relatively small supply of multi-family units located near transit services, for example, and a relatively large supply of auto-

dependent single family homes. The proposed Plan's growth development pattern attempts to match housing development with demand trends by balancing options. In addition, the types of housing built will ultimately be determined by local jurisdictions and private developers.

C98-5: See Master Response D.2 on the connection between high-density housing near transit and reduced greenhouse gas emissions.

Regarding travel by car, the proposed Plan devotes a significant portion of its budget to operating and maintaining the existing roadway system. The Draft EIR, on p. 1.2-49, notes that the proposed Plan allocates over 79 percent of its budget to committed projects, which include many highway and roadway projects. Overall, 87 percent of total funds are going to operations and maintenance of the existing system: "Compared to Transportation 2035 [the current regional transportation plan], the proposed Plan Bay Area would spend a higher percentage of its budget on transit and roadway operations and maintenance, less on expansion of transit network, and roughly the same percent on road and bridge expansion."

In addition, as Table 1.2-10 of the Draft EIR shows, the proposed Plan will increase road and bridge operations and maintenance from 30 percent of the overall Transportation 2035 budget to 32 percent of the Plan Bay Area budget, an increase of \$28 billion (see updated numbers in Section 2.2 of this Final EIR); these funds are available due to a decrease in the proportion and amount of money to be spent on transit system expansion compared to the last RTP. In light of this transportation investment strategy, the proposed Plan clearly supports a continuation of personal automobile use. MTC must fund a transportation system that serves a growing population and many lifestyles while hitting targets assigned by the State, and this requires supporting transit as well as roadway systems. The proposed land use pattern attempts to concentrate growth within transit-served locations, thereby lessening future growth and traffic pressures on outlying roadways.

C98-6: As the comment notes, there are many ways to reduce GHG emissions. The strategies the comment mentions are all included in the proposed Plan. The comment notes vehicle technology and fuel efficiency, including incentives for individuals for the most fuel efficient cars, as an effective way to reduce GHG emissions. The Climate Program Initiative includes a vehicle buyback program and an incentive program focused on electric vehicles. In addition, the comment notes that creating more jobs in Marin County could reduce the need for people to commute into Marin County. Improving the jobs/housing balance is a key strategy of the proposed Plan, as noted by the *Jobs Housing Connection Strategy*, which was the land use strategy developed by ABAG that serves as the basis of the proposed land use. In addition, see Master Response D.2 on the connection between high-density housing near transit and reduced greenhouse gas emissions.

The comment criticizes the proposed Plan for not focusing on the benefits of new technologies in terms of reducing GHG emissions. One of the key objectives of Plan Bay Area is to reduce the GHG emissions as required by SB 375. SB 375 specifically requires MPOs to not include reductions that are the result of vehicle technology and fuel efficiency improvements in reaching the required GHG emission reduction targets. See Master Response D.1 for more information regarding SB 375 requirements.

The comment requests that a cost benefit analysis of the proposed Plan be done as it relates to overall GHG emission reduction estimates. The request will be considered by MTC and

ABAG; however, a cost benefit analysis is beyond the scope of an EIR. The proposed Plan does not intrude on basic economic and personal freedoms. See Master Response A.1 regarding local control.

Master Response D-2 addresses the relationship between public transit and greenhouse gas emissions; public transit has significantly lower GHG emissions per passenger-mile than automobile travel. The proposed Plan focuses on reducing passenger vehicle GHG emissions per the mandate of Senate Bill 375. That said, as transit vehicles are replaced over the life of the Plan, they will likely be succeeded by increasingly GHG-efficient vehicles (e.g. many local transit agencies are currently converting from older diesel buses to hybrid or natural gas buses).

- C98-7: See response B25-8 regarding the analysis of public health impacts of emissions. As a program Draft EIR, this document focuses on regional impacts of the transportation and land use strategy. Any project-specific traffic issues should instead be considered as part of local project analyses. Further information on the programmatic nature of this environmental document can be found on page 1.1-4; additional information regarding the Draft EIR's emphasis on regional impacts can be found on page 2.0-1 and see Master Response A.3 regarding the specificity of a program EIR.
- C98-8: See response C98-9 regarding regional traffic congestion impacts. As shown in Table 2.1-16, the proportion of trips at LOS F (where GHG emissions per mile would be greatest for automobiles) are still expected to be a minuscule proportion of overall VMT in year 2040 under the Proposed Plan. Any growth in GHG emissions from greater levels of travel in LOS F conditions are negated by mode shift to transit, reduced driving distances, and reduced travel at free-flow freeway speeds (more moderate speeds of approximately 45-55 mph are considered optimal for automobile GHG emissions). This leads to the forecasted reductions in per-capita GHG emissions as shown in Chapter 2.3.
- C98-9: The Draft EIR appropriately considers impacts to travel time under Impact Areas 2.1-1 and 2.1-2 (commute and non-commute travel times for all modes). Impact Area 2.1-2 specifically focuses on non-commute travel, which includes escort trips (e.g. transporting children to school or activities), shopping trips, and other discretionary travel. While per-capita congested VMT is expected to have a significant and unavoidable impact on the region's population (as shown under Impact Area 2.1-3), this is primarily due to the population and employment growth expected over the next three decades, rather than the transportation investments or land use pattern envisioned under the proposed Plan. Because residential and employment locations are shifted to be closer together under the proposed Plan, travel time impacts are expected to be less than significant, even as regional traffic congestion worsens.
- C98-10: See response C98-7 regarding the scale of analysis in this EIR. Localized impacts should instead be considered as part of local project analyses, including for PDA land use plans adopted by local jurisdictions.
- C98-11: See Master Response H on UrbanSim modeling and subsidies.
- C98-12: The EIR concludes certain environmental impacts will be significant; however, it should be noted that the Plan significantly reduces impacts when compared to the no project scenario. Whether such impacts are outweighed by the Plan's benefits will be considered by decision-makers prior to taking action on the Plan. In addition many of the significant and

unavoidable impacts occur because MTC and ABAG cannot require local implementing agencies to adopt the mitigation measures, and it is ultimately the responsibility of a lead agency to determine and adopt mitigation. Please see Master Response A.1 on local control over land use for additional information

C98-13: The MTC Commission and ABAG Executive Board are responsible for approving Plan Bay Area. Implementation of the Plan relies on voluntary actions by local jurisdictions and agencies to implement the programs and policies identified in the Plan. See Master Response A.1 regarding local control.

C98-14: See responses C98-1 through 13 above.

Letter C99 Nancy Ahnemann (5/16/2013)

This letter forwards Letter C98 from Lisa Culbertson. See responses to C98.

Letter C100 Peter Alexander (5/16/2013)

This letter forwards Letter C98 from Lisa Culbertson. See responses to C98.

Letter C101 Rebecca Andersen (5/16/2013)

This letter forwards Letter C98 from Lisa Culbertson. See responses to C98.

Letter C102 Donna Andersen (5/16/2013)

This letter forwards Letter C98 from Lisa Culbertson. See responses to C98.

Letter C103 Eric Andersen (5/16/2013)

This letter forwards Letter C98 from Lisa Culbertson. See responses to C98.

Letter C104 Paul Berg (5/16/2013)

This letter forwards Letter C98 from Lisa Culbertson. See responses to C98.

Letter C105 Vladimir Bogak (5/16/2013)

This letter forwards Letter C112 from Deanna Dearborn, which is the same as Letter C98 from Lisa Culbertson. See responses to C98.

Letter C106 Amie Buecker (5/16/2013)

This letter forwards Letter C98 from Lisa Culbertson. See responses to C98.

Letter C107 Andy Buecker (5/17/2013)

This letter forwards Letter C98 from Lisa Culbertson. See responses to C98.

Letter C108 Kevin Butts (5/16/2013)

This letter forwards Letter C98 from Lisa Culbertson. See responses to C98.

Letter C109 Denice Castellucci (5/16/2013)

This letter is the same as Letter C98 from Lisa Culbertson. See responses to C98.

Letter C110 Gail Cohen (5/17/2013)

This letter forwards Letter C98 from Lisa Culbertson. See responses to C98.

Letter C111 Maribel Cruz (5/17/2013)

This letter forwards Letter C98 from Lisa Culbertson. See responses to C98.

Letter C112 Deana Dearborn (5/15/2013)

This letter is the same as Letter C98 from Lisa Culbertson. See responses to C98.

Letter C113 Deborah Fazeli (5/16/2013)

This letter is the same as Letter C98 from Lisa Culbertson. See responses to C98.

Letter C114 Amy Fitzgerald (5/16/2013)

This letter forwards Letter C98 from Lisa Culbertson. See responses to C98.

Letter C115 Tenley Foran (5/16/2013)

This letter forwards Letter C112 from Deanna Dearborn, which is the same as Letter C98 from Lisa Culbertson. See responses to C98.

Letter C116 Tenley Foran (5/16/2013)

This letter forwards Letter C112 from Deanna Dearborn, which is the same as Letter C98 from Lisa Culbertson. See responses to C98.

Letter C117 Eric Forbes (5/16/2013)

This letter forwards Letter C98 from Lisa Culbertson. See responses to C98.

Letter C118 Paul Franjeh (5/16/2013)

This letter forwards Letter C98 from Lisa Culbertson. See responses to C98.

Letter C119 Becca Friedman (5/16/2013)

This letter forwards Letter C98 from Lisa Culbertson. See responses to C98.

Letter C120 Jean Gallagher (5/17/2013)

This letter forwards Letter C98 from Lisa Culbertson. See responses to C98.

Letter C121 Sabine Grandke-Taft (5/17/2013)

This letter forwards Letter C98 from Lisa Culbertson. See responses to C98.

Letter C122 Maria Gregoriev (5/17/2013)

This letter forwards Letter C98 from Lisa Culbertson. See responses to C98.

Letter C123 Igor Grinckenko (5/16/2013)

This letter forwards Letter C98 from Lisa Culbertson. See responses to C98.

Letter C124 Adrienne Hart (5/17/2013)

This letter forwards Letter C98 from Lisa Culbertson. See responses to C98.

Letter C125 Joanne Hernon (5/15/2013)

This letter forwards Letter C98 from Lisa Culbertson. See responses to C98.

Letter C126 Scott Johnson (5/17/2013)

This letter forwards Letter C98 from Lisa Culbertson. See responses to C98.

Letter C127 Robert Jones (5/16/2013)

This letter forwards Letter C98 from Lisa Culbertson. See responses to C98.

Letter C128 Kim Kurtzman Meehyun (5/15/2013)

C128-1: Commenter's opposition to the proposed Plan is noted. The decision-makers will weigh the advantages and disadvantages of each alternative in determining which option to adopt.

Please see Master Response C regarding requests for extensions of the public comment period. MTC and ABAG followed CEQA requirements for public noticing of the EIR. See Chapter 1.2 of the Draft EIR for a description of the public participation process for development of the proposed Plan. Regarding public engagement for the EIR, please see Chapter 1.1 of the Draft EIR for a description of the Notice of Preparation and public scoping process and Section 1 of this Final EIR for a description of the public review process for the Draft EIR.

As the commenter notes, the Marinwood Area is within a Priority Development Area—the Urbanized 101 Corridor. This PDA was nominated by the Marin Board of Supervisors, who adopted a resolution authorizing submission of an application on August 7, 2007. It was adopted by the ABAG Executive Board and is therefore included in the proposed Plan. Any change to the PDA would need to come at the request of the Marin County Board of Supervisors. See Master Response I regarding the PDA process.

- C128-2: See response C128-1.
- C128-3: See responses C49-3 and C49-4.
- C128-4: See response C49-5.
- C128-5: Any changes to zoning or land use must be made voluntarily at the local level. The proposed Plan does not override local land use authority, and MTC and ABAG have no local land use authority. All development under the proposed Plan will be subject to local jurisdictions' land use regulations and permit requirements, including zoning, design guidelines, and impact fees. See Master Response A.1 on local land use control.
- C128-6: See response C49-8.
- C128-7: See responses C128-1 through 6. See Master Response B.1 regarding population projections. Given the adequacy of the Draft EIR, MTC and ABAG will not be revising and recirculating it.

Letter C129 Barbara Layton (5/16/2013)

This letter forwards Letter C98 from Lisa Culbertson. See responses to C98.

Letter C130 Katherine Lorber (5/16/2013)

This letter forwards Letter C98 from Lisa Culbertson. See responses to C98.

Letter C131 Molly MacDaniel (5/16/2013)

This letter forwards Letter C98 from Lisa Culbertson. See responses to C98.

Letter C132 Carolyn Margiotti (5/17/2013)

This letter forwards Letter C98 from Lisa Culbertson. See responses to C98.

Letter C133 Stephen Nestel (5/16/2013)

This letter forwards Letter C98 from Lisa Culbertson. See responses to C98.

Letter C134 Shawna O'Connor (5/16/2013)

This letter forwards Letter C98 from Lisa Culbertson. See responses to C98.

Letter C135 Laurie A. Pirini (5/16/2013)

This letter forwards Letter C98 from Lisa Culbertson. See responses to C98.

Letter C136 Tanya Powell (5/16/2013)

This letter forwards Letter C98 from Lisa Culbertson. See responses to C98.

Letter C137 Cynthia Riley (5/17/2013)

This letter forwards Letter C98 from Lisa Culbertson. See responses to C98.

Letter C138 Zoe Rolland (5/16/2013)

This letter forwards Letter C98 from Lisa Culbertson. See responses to C98.

Letter C139 Barbra Rosenstein (5/16/2013)

This letter forwards Letter C98 from Lisa Culbertson. See responses to C98.

Letter C140 Mitchell Rossi (5/16/2013)

This letter forwards Letter C98 from Lisa Culbertson. See responses to C98.

Letter C141 Michelle Rowley (5/16/2013)

This letter forwards Letter C98 from Lisa Culbertson. See responses to C98.

Letter C142 Michael Seaman (5/16/2013)

This letter forwards Letter C98 from Lisa Culbertson. See responses to C98. The other comments in the letter raise no environmental issue to which a response is required under CEQA

Letter C143 Gabriela Shea (5/17/2013)

This letter forwards Letter C98 from Lisa Culbertson. See responses to C98.

Letter C144 Wolfgang Taft (5/16/2013)

This letter forwards Letter C98 from Lisa Culbertson. See responses to C98.

Letter C145 Phyllis Teplitz (5/16/2013)

This letter forwards Letter C98 from Lisa Culbertson. See responses to C98.

Letter C146 Pam Wirtherspoon (5/16/2013)

This letter forwards Letter C98 from Lisa Culbertson. See responses to C98.

Letter C147 Pam Wirtherspoon (5/16/2013)

This letter forwards Letter C98 from Lisa Culbertson. See responses to C98.

Letter C148 Heidi Zabit (5/16/2013)

This letter is the same as Letter C98 from Lisa Culbertson. See responses to C98.

Letter C149 Luke Teyssier (5/16/2013)

- C149-1: See Master Response C regarding the request to extend the public comment period. MTC and ABAG followed CEQA requirements for public noticing of the EIR. See Chapter 1.2 of the Draft EIR for a description of the public participation process for development of the proposed Plan. Regarding public engagement for the EIR, please see Chapter 1.1 of the Draft EIR for a description of the Notice of Preparation and public scoping process and Section 1 of this Final EIR for a description of the public review process for the Draft EIR. The comment says that “significant and important facts and conclusions were misstated” but without further detail MTC and ABAG cannot respond to this statement.
- C149-2: Economic impacts are not an environmental issue area required under CEQA. Regarding the issue of the type of development leading to greater GHG emissions from commuting by construction workers, the proposed Plan accommodates housing for all economic segments of the population. See Master Response F. Furthermore, there is no reason to assume that local workers cannot be hired; one of the goals of the land development pattern proposed in the plan is to ensure that job growth is matched with nearby housing development. In addition, the permanent GHG reductions from constructing multi-family and transit-oriented housing mixed with employment uses will more than outweigh any temporary increases from construction workers commuting. Please refer to Master Response D.2 on the connection between high-density housing near transit and reduced GHG emissions.
- C149-3: See Master Response G regarding water supply analysis required of the regional scale program EIR. Impacts on biological resources including sensitive habitat are analyzed in Chapter 2.9, water resources in Chapter 2.8, and water supplies in Chapter 2.12 of the Draft EIR. These chapters note existing mandatory federal and State regulations that reduce these impacts, and provide additional mitigation measures required of any project wishing to take advantage of CEQA streamlining under SB 375; these additional measures may also be adopted and enforced by local jurisdictions although MTC and ABAG cannot compel them to do so. Development projects proposed within the region must comply with CEQA; where applicable, future project-level environmental analysis will evaluate and mitigate project-specific impacts relating to adequate water supplies or storm sewer infrastructure, and the potential for those issues to impact sensitive habitat, create significant traffic impacts, etc. See Master Response A.1 regarding local land use authority.
- The Draft EIR found in Chapter 2.12 that at a regional level there is adequate water supply through 2040 according to the Urban Water Management Plans of the region’s major water supply agencies. These agencies must comply with CEQA prior to approving future water supply projects; where applicable, the agencies will undertake environmental review of capital projects they propose to expand their water supply and must also undergo review and approval from the regional Water Quality Control Board and federal regulations before expanding their take of surface or groundwater.
- C149-4: The comment does not specify what the “flawed data” is and so MTC and ABAG cannot provide a specific response, only that the GHG emissions projections for the Draft EIR used VMT outputs from the MTC Travel Model and utilized the EMFAC2011 model created by CARB, which is the approach required by CARB to comply with SB 375. Also see response C149-6 below.

- C149-5: The Draft EIR, in Chapter 3.1, found that the No Project alternative would not meet the GHG emissions reductions mandate of SB 375, and therefore may not be selected as Plan Bay Area per State law to the extent a feasible alternative is available that is able to meet the GHG emissions reductions mandate of SB 375. Consistent with CEQA, SB 375, and related legal obligations, the decision-makers will consider the advantages and disadvantages of each alternative in determining which alternative to approve and may, in their discretion, modify the proposed Plan or an alternative identified in the EIR prior to taking final action approving one of them.
- C149-6: Per SB 375, MTC and ABAG are not permitted to take the regulations noted in the comment into account; see Master Response D.1 regarding GHG emissions included in analysis for the SB 375 target.
- C149-7: See the responses to the letter from the City of Sausalito, A16; the City did not challenge the projected jobs and housing in the Draft Plan. See Master Response B.1 regarding the growth projections and relationship with the DOF projections.
- C149-8: RHNA is a separate process from Plan Bay Area. See Master Response B.1 on the population projections for Plan Bay Area.
- C149-9: CEQA streamlining under certain conditions is State law as stipulated in SB 375 and beyond the authority of MTC and ABAG. See Master Responses A.1 regarding local control over land use and A.2 regarding CEQA streamlining. The environmental review process for the Sausalito Housing Element is beyond the scope of this EIR, which only pertains to Plan Bay Area.
- C149-10: See Master Response D.2 on the connection between high-density housing near transit and reduced GHG emissions.
- C149-11: Your support for the No Project alternative is acknowledged. Decision-makers will consider the advantages and disadvantages of each alternative in determining which alternative to approve.

Letter C150 Wendell Cox (5/13/2013)

- C150-1: The comment states that the Draft EIR is based on flawed data. See relevant responses below.
- C150-2: Under SB 375 the regional transportation plan must include a land development pattern (the sustainable communities strategy) and together these components must reduce per capita emissions from cars and light trucks to attain targets set by CARB if feasible; the Draft EIR found that the No Project alternative would not attain these targets and identifies other alternatives (including the proposed Plan) that would attain the targets for the region. See response C150-12 and others below. See Master Response D.1 regarding SB 375 targets.
- C150-3: The comment states that the Draft EIR should have included the effects of the latest federal light vehicle fuel economy standards. In fact, MTC and ABAG are not permitted to include these in attaining the CARB standard. See Master Response D.1 regarding the GHG analysis required as part of SB 375.

C150-4: The comment builds off of comment C150-3 and states that were the latest federal light vehicle fuel economy standards used, the No Project would have comfortably met the GHG emissions objectives and the proposed Plan would be unnecessary. As explained in Master Response D.1 regarding GHG analysis, fuel economy regulations per SB 375 and the CARB Scoping Plan cannot be counted towards meeting the MPO's GHG reduction targets. As demonstrated in Chapter 3.1 of the Draft EIR, the No Project alternative fails to meet the GHG reduction targets for both 2020 and 2035 established by CARB for the Bay Area.

In addition, while the SB 375 GHG target is a key objective of the proposed Plan, there are many other goals and targets the proposed Plan seeks to achieve. The Plan goals are outlined in the Draft EIR on page 1.2-21, and the performance targets are listed in the Draft EIR on page 1.2-22. A more extensive discussion of the policy targets developed by MTC and ABAG to guide the development of the Plan is included on pages 95 through 108 in the Draft Plan document.

C150-5: The comment criticizes the Draft EIR for not applying economic metrics to its GHG emissions reduction strategies. CEQA does not require that an EIR utilize economic metrics to evaluate GHG emissions reduction strategies. A cost benefit analysis was completed for large capital projects proposed for the Plan, as well as for the Climate Policy Initiatives, as noted later by the commenter in comment C150-16. Detailed information on that project assessment can be found in the Supplemental Report *Project Performance Assessment*.

When CARB developed the Scoping Plan, it considered how difficult it would be for various sectors to reduce GHG emissions and set the targets based on extensive analysis. This included consideration being given to the efficacy of regulations, technology, and planning and investments in reducing GHG emissions, including economic considerations. The SB 375 GHG emissions reduction targets set by CARB for MPOs to achieve through the Sustainable Communities Strategies were deemed by the State to be reasonable. Meeting the GHG emissions reduction target established by SB 375 and the CARB Scoping Plan is a State law. MPOs do not have the option of claiming that it is simply too expensive to reduce GHG emissions.

C150-6: The comment states that densification has failed to achieve objectives where tried. See Master Response D.2 regarding GHG emissions and densification/transit oriented development.

C150-7: Refer to response C150-17.

C150-8: Refer to response C150-18.

C150-9: The comment states that nearly all the transportation-related GHG emissions reductions are from fuel economy improvements. See Master Response D.1. State and federal regulations are an extremely effective way to reduce GHG emissions. It is much more difficult to reduce GHG emissions from transportation investments.

C150-10: Economic impacts are not environmental issues under CEQA. For more information on displacement and potential effects on low income populations, please see Master Response F.

C150-11: Refer to response C150-23.

C150-12: The comment claims that the Draft EIR substantially under-estimates 2040 GHG emissions reductions. See Master Response D.1 regarding what is included in GHG analysis for SB 375.

In addition, the comment claims that GHG reductions from Climate Policy Initiatives (Climate Initiatives) strategies are skewed to favor the proposed Plan, as compare to the No Project alternative. The No Project alternative does not include the full Climate Initiatives. The No Project alternative does not include new investments or programs, by definition. The Climate Initiatives are a new program, included for the first time in the proposed Plan. Therefore, the analysis is correct in not including the full GHG emissions reductions associated with the Climate Initiatives in the No Project analysis. The analysis, as noted on page 3.1-58 of the Draft EIR, *does* include in the No Project those projects included in the Climate Initiatives that expand on existing programs and policies (car sharing, vanpool incentives/employer shuttles, and the Commuter Benefits Ordinance). These projects were included to reflect the existing and ongoing benefits these programs provide.

The comment states that it is not clear that the Climate Initiatives would yield materially different results under the No Project alternative than under the proposed Plan. Including the full suite of Climate Initiatives projects in the No Project alternative is not consistent with the definition of a No Project alternative.

C150-13: See response C26-45.

C150-14: See Master Response B.1 for more information on the population projections used in the proposed Plan, including a discussion of the DOF estimates.

C150-15: The comment documents what the commenter believes the GHG emissions reductions should have been. As outlined in the responses above, the assumptions used to develop these revised figures are flawed. The analysis prepared by MTC and ABAG staff and expert consultants relied on in preparing this EIR constitutes reasonable GHG emission reduction forecasts consistent with applicable law and predicated upon facts and expert opinions.

C150-16: See response C150-5. In addition, it is true that there are other, less costly ways per ton to reduce GHG emissions than some of the transportation investments and Climate Initiatives strategies proposed in the proposed Plan. Many of those strategies, such as new technologies and regulations, cannot be included in the MPO's analyses of GHG reductions required to attain the SB 375 emissions reduction targets. See Master Response D.1 for more details on the GHG analysis for SB 375. See response C150-22 for information related to the cost metric of densification policies.

C150-17: The comment states that past efforts at densification have failed to achieve objectives. See Master Response D.2 regarding GHG emissions and densification/transit oriented development. In addition, the comment notes that 95 percent of the GHG emissions reductions in the proposed Plan that are attributed to land-use strategies are from energy efficiency and scooping measures, which would be achieved with or without the Proposed Plan. It is indeed true that the vast majority of overall GHG reductions in the region between 2010 and 2040 are attributable to regulations and energy efficiency improvements that are unrelated to the proposed Plan and not under the direct purview of MTC or ABAG. However, all GHG emissions reductions are important, so while land use changes in the

proposed Plan are not the primary source of reductions, they are an important piece of the puzzle and one that MTC and ABAG have a role in advancing.

C150-18: MTC recognizes that regional traffic volumes would increase under year 2040 Plan conditions compared to the year 2010 baseline. Note that the overall growth in traffic volumes (as measured by total VMT) is primarily due to increased levels of regional population and employment, rather than the specific transportation investments and land use decisions incorporated in this Plan. This is demonstrated by the relatively comparable levels of regional VMT between the proposed Plan and the No Project alternative, as shown in Table 3.1-8 of the Draft EIR.

Contrary to this commenter's assertions, the issue of traffic congestion is appropriately considered in the Draft EIR under Impact 2.1-3. Compared to the proposed Plan, per-capita daily VMT in congested conditions was 115 percent greater under the No Project alternative, as shown in Table 3.1-11. Additionally, the No Project alternative has 33 percent more hours of vehicle delay than the proposed Plan, as shown in Table 3.1-8. Contrary to the commenter's claim, the analysis indicates that higher-density development patterns combined with the proposed Plan's related transportation investments would lead to lower levels of traffic congestion.

While greater regional population and employment can be expected to increase traffic congestion, the focused land use development strategy actually mitigates some of the adverse effects of growth. Although year 2040 traffic congestion under the proposed Plan is expected to be worse than current conditions (thus it is recognized as a significant and unavoidable impact on page 2.1-34 of the Draft EIR), the proposed mitigation measures would help to minimize these impacts.

C150-19: The comment claims that MTC and ABAG ignore the impact of traffic congestion on GHG emissions. This is not accurate. As demonstrated in Figures 24 and 26 (pp. 59 and 61) in the *Draft Summary of Predicted Traveler Responses* supplementary report, MTC and ABAG expect congestion to increase between today and 2040. These congestion estimates were entered into the CARB emissions estimation software (EMFAC2011). As such, MTC and ABAG explicitly consider the increase in congestion on the proposed Plan's GHG estimates. MTC and ABAG also point the author of the comment to Figure 4 (pp. 21) of the *Draft Summary of Predicted Traveler Responses* supplementary report, which demonstrates the increase in roadway capacity in the proposed Plan relative to the No Project alternative.

C150-20: The comment claims that greater traffic congestion is likely to have negative health impacts due to air pollution. Chapter 2.2 of the Draft EIR analyzes this issue in depth and finds that the proposed Plan would have no significant impact in terms of criteria pollutant emissions (ROG, NO_x, CO, and PM_{2.5}) and regional toxic air contaminant emissions, but would have potentially significant impacts regarding construction-related emissions, increased emissions of PM₁₀ from on-road mobile sources compared to existing conditions, sensitive receptors located in TPP areas where the increased cancer risk is above the threshold and within set distances to mobile or stationary sources of TAC or PM_{2.5} emissions. See Chapter 2.2 for Mitigation Measures 2.2(a), (b), (c), and (d). See response B25-8 for more information on the emissions analysis and public health.

C150-21: Refer to the responses C172-18 and C153-9.

C150-22: Refer to response C150-10. Also, the commenter argues that the proposed Plan will negatively impact future housing affordability, the regional economy, and low-income households. The commenter follows this argument by asserting that the Plan has “potential detrimental effects on household affluence, especially on low income households” and that “these [effects] are not considered in the Plan Bay Area Draft EIR.”

Analysis of “household affluence” is not required under CEQA. If the commenter is alluding to the potential impact of a project or alternative on economic indicators such as income, CEQA does not require that these be quantified or analyzed. Similarly, CEQA does not require analysis of implicit or explicit policies in a project or alternative that could influence economic indicators, such as those the commenter argues are included in the Plan.

C150-23: This comment is primarily focused on the transportation investments of the Proposed Plan. It should be noted that the proposed Plan works to address mobility and affordability issues for households at all income levels. See Master Response F. The comment incorrectly conflates mobility for low-income households with automobile ownership – the proposed Plan instead improves mobility primarily by offering better public transit options (e.g., reducing travel times and improving service frequencies) and by bringing households and employment opportunities closer together. New and improved BART service, for example, provides a public transit option (featuring travel times competitive with highway travel) for travelers at all income levels. Similarly, new bus rapid transit lines throughout the region reduce travel times on highly-utilized urban bus lines often frequented by lower-income individuals. Greater proximity between residential and employment locations featured in the proposed Plan’s future land use pattern would also reduce commuting costs and travel times for people who own cars.

The proposed Plan already includes many of the commenter’s proposed strategies to improve mobility of individuals at all income levels:

- Expanded car-sharing programs are a key component of the Climate Initiatives Program as detailed on page 1.2-51 of the Draft EIR.
- The commuter benefit ordinance included as mitigation measure 2.1(b) would increase opportunities for telecommuting by encouraging employers to support alternatives to driving.
- Innovative strategies to specifically provide low-income individuals with improved mobility options are already funded as part of MTC’s Lifeline Program. The Lifeline Program is proposed for \$767 million in additional funding over the life of Plan Bay Area.

By arguing that no EIR alternatives addressed low-income mobility issues, the comment ignores the elements of the proposed Plan described above, as well as the inclusion of Alternative 5 (the Environment, Equity, and Jobs alternative) in the Draft EIR, which was specifically designed by social equity advocates to provide even greater mobility and affordability for low-income households than the proposed Plan. Rather than encourage automobile use, stakeholders instead sought to make more aggressive improvements to the regional transit system (beyond what is included in the proposed Plan). In summary, the Draft EIR thoroughly considered a wide array of transportation improvements benefitting Bay Area residents with a variety of income levels.

C150-24: Your support for the No Project alternative is acknowledged. Decision-makers will consider the advantages and disadvantages of each alternative in determining which alternative to approve.

Letter C151 Chris Engl (5/15/2013)

C151-1: There is ample evidence that transit-oriented development will reduce future GHG emissions, see Master Response D.2. In addition, the proposed Plan does not call for the elimination of or defunding of roads, and in fact devotes a significant portion of its budget to operating and maintaining the existing roadway system. The Draft EIR, on p. 1.2-49, notes that the proposed Plan allocates over 79 percent of its budget to committed projects, which include many highway and roadway projects, and the remaining discretionary funds are allocated mainly to “fix it first” projects with 87 percent of total Plan funds going to operations and maintenance. “Compared to Transportation 2035, the proposed Plan Bay Area would spend a higher percentage of its budget on transit and roadway operations and maintenance, less on expansion of transit network, and roughly the same percent on road and bridge expansion.”

In addition, as Table 1.2-10 of the Draft EIR shows, the proposed Plan will increase road and bridge operations and maintenance from 30 percent of the overall Transportation 2035 budget to 32 percent of the Plan Bay Area budget, an increase of \$28 billion (see updated numbers in Section 2.2 of this Final EIR); these funds are available due to a decrease in the proportion and amount of money to be spent on transit system expansion compared to the last RTP. In light of this transportation investment strategy, the proposed Plan clearly supports a continuation of personal automobile use. MTC must fund a transportation system that serves a growing population and many lifestyles while hitting targets assigned by the State, and this requires supporting transit as well as roadway systems. The proposed land use pattern attempts to concentrate growth within transit-served locations, thereby lessening future growth and traffic pressures on rural roadways.

C151-2: See Master Response C regarding requests to extend the public comment period. Additionally, MTC and ABAG followed CEQA requirements for public noticing of the EIR. See Chapter 1.2 of the Draft EIR for a description of the public participation process for development of the proposed Plan. Regarding public engagement for the EIR, please see Chapter 1.1 of the Draft EIR for a description of the Notice of Preparation and public scoping process and Section 1 of this Final EIR for a description of the public review process for the Draft EIR. Regarding your request to vote on the plan, The MTC and ABAG Board consist of elected representatives from many counties and cities of the region and their decisions reflect the decisions of these voter-selected officials.

C151-3: The Draft EIR, in Chapter 2.5, found that the proposed Plan would reduce GHG emissions per capita from cars and light trucks by 16 percent by 2035 and would not increase overall GHG emissions in 2040 despite a significant population and job increase.

C151-4: Commenter’s opposition to the proposed Plan is acknowledged. Decision-makers will consider the advantages and disadvantages of each alternative in determining which alternative to approve.

C151-5: The Plan is financially constrained and must be implemented within the expected revenues.

- C151-6: The Draft EIR, on p. 1.2-49, notes that the proposed Plan allocates over 79 percent of its budget to committed projects, which include many highway and roadway projects, and the remaining discretionary funds are allocated mainly to “fix it first” projects with 87 percent of total Plan funds going to operations and maintenance. “Compared to Transportation 2035, the proposed Plan Bay Area would spend a higher percentage of its budget on transit and roadway operations and maintenance, less on expansion of transit network, and roughly the same percent on road and bridge expansion.” In addition, as Table 1.2-10 of the Draft EIR shows, the proposed Plan will increase road and bridge operations and maintenance from 30 percent of the overall Transportation 2035 budget to 32 percent of the Plan Bay Area budget, an increase of \$28 billion (see updated numbers in Section 2.2 of this Final EIR); these funds are available due to a decrease in the proportion and amount of money to be spent on transit system expansion compared to the last RTP.
- C151-7: The project objectives for Plan Bay Area include increasing the local road pavement condition index (PCI) and decreasing the share of distressed lane-miles of state highways. The proposed Plan is expected to increase the PCI by 8 percent over existing conditions, compared to a 21 percent under the No Project alternative. However, the proposed Plan is expected to increase distressed highway lane-miles by 63 percent, the same amount as under the No Project alternative. Decision-makers will consider these and other advantages and disadvantages of the alternatives in determining which alternative to approve.
- C151-8: See responses C151-3, -5, -6, and -7 above.
- C151-9: The commenter raises no environmental issue to which a response is required under CEQA. The EIR is concerned with the impact of the proposed Plan on a set of environmental criteria, not the relative levels of funding versus other regions. See response C151-6.
- C151-10: The comment is related to past funding decisions by MTC to invest in fixed guideway transit rather than buses and does not raise an environmental issue to which a response is required.
- C151-11: See responses C151-3, -5, -6, and -7 above.
- C151-12: MTC has many responsibilities allocated to it from the State and federal governments and requested by its constituents, including the funding of transit operations.
- C151-13: These technologies are not allowed by SB 375 to be included in meeting the GHG emission reduction targets. See Master Response D.2 on calculations allowed by SB 375 to meeting the GHG targets.
- C151-14: The commenter asks why the proposed Plan does not treat funding from gasoline taxes and bridge tolls as user fees. This is not a comment on the Draft EIR. The expenditure of bridge tolls is largely determined by voter-approved regional measures that identified specific capital projects and operating uses for the bridge tolls.
- C151-15: See Table 1.2-2 on page 1.2-22 of the Draft EIR for the listing of the project objectives adopted by MTC and ABAG for Plan Bay Area.

C151-16: The commenter raises no environmental issue to which a response is required under CEQA. Furthermore, providing the MSC pricing analysis requested by the commenter would not affect the impact analyses in the EIR.

C151-17: The comment criticizes the use of “Anticipated/Unspecified” funding as a revenue source in the proposed Plan. This is not a comment on the EIR, but is instead a comment on the revenue forecast used for Plan Bay Area. As noted in the Supplemental Report *Financial Assumptions*, the inclusion of “Anticipated” revenues in the financially constrained plan strikes a balance between the past practice of only including specific revenue sources currently in existence or statutorily authorized, and the more flexible federal requirement of revenues that are “reasonably expected to be available” within the plan period. The comment criticized the fact that there is no forecast for where the funding is expected to come from. However, examples of past “anticipated/unspecified” revenues are included in the *Financial Assumptions* Supplemental Report.

MTC performed a retrospective analysis of projections for predecessor long-range plans, including a review of unexpected revenues that had come to the region but had not been anticipated or included in these projections. Over a 15-year analysis period, the San Francisco Bay Area received an annualized amount of roughly \$400 million (in 2011 dollars) from these “unanticipated” fund sources. These revenue sources include Traffic Congestion Relief Plan, Proposition 42, nonformula federal funds, Proposition 1B, and American Recovery and Reinvestment Act funding. For each fund source, only the amount distributed to the Bay Area was included. Based on this retrospective analysis, MTC believes it is reasonable to anticipate that additional revenues will become available to the region over the course of the Plan Bay Area period. MTC generated an estimate of these anticipated revenues by projecting the \$400 million figure forward at a 3 percent annual growth rate. To be conservative, these revenues are not assumed in the first five years of the plan.

C151-18: Providing a cost-benefit analysis is not a requirement of CEQA. An EIR is concerned with environmental impacts. The comment raises no environmental issue to which a response is required under CEQA. Decision-makers will consider the advantages and disadvantages of each alternative in determining which alternative to approve, in so doing the decision-makers may consider non-environmental issues including cost-benefit considerations.

C151-19: As the comment itself notes, telecommuting was included in the transportation modeling for the proposed Plan and each alternative. This was one of several trends included in the model that may increase or decrease future travel. Also see response C151-20.

C151-20: The comment criticizes the proposed Plan for not including an assumption that more people will telecommute. As shown in Figure 9 (pp. 39) in the Draft Summary of Predicted Traveler Responses supplementary report, the trend of workers working at home is approximately linear from 1980 to 2010. This linear trend does not align with, as the comment notes, the “parabolic decline in the price of computer, computer peripherals and the price of mobile devices.” This evidence suggests that telecommuting is not directly related to the price of these items. MTC and ABAG believe the telecommuting assumptions are reasonable and conservative (i.e., if telecommuting increases more than expected, the environmental impact of the plan would be reduced).

The comment questions why the Draft Plan does not include telecommuting policies and programs. Support for telecommuting is included in the 511 Rideshare program managed by

MTC. The 511 Rideshare program encourages a menu of options for ways to reduce emissions and congestion, including carpooling, vanpooling, bicycling, transit, and telecommuting/tele-working. In order to make telecommuting a realistic option for commuters, the 511 Rideshare program works with employers to implement telework policies. The program conducts management surveys, analyzes management concerns and offers creative policy solutions, and even drafts policies for companies to implement. 511 Rideshare employer outreach staff also offer ideas on technologies to support telecommuting.

C151-21: The No Project assumes expanded urban growth boundaries and it was found to not meet the SB 375-mandated GHG emissions reductions targets; see the Draft EIR, Chapter 3.1.

C151-22: This question is broad and unclear, and does not appear to be on the EIR.

C151-23: The comment raises no environmental issue to which a response is required under CEQA. CEQA does not require evaluation of financial issues, only environmental impacts.

C151-24: The comment questions if MTC and ABAG treated each of the alternatives objectively and fairly in terms of cost estimates, and what MTC and ABAG's track records are for cost estimates for past projects of large magnitude. All alternatives used the same financial cost assumptions. Project costs are submitted by the project sponsors. MTC, as the project sponsor of the Regional Express Lanes Network, has developed cost estimates for that project. However, that project has not yet been implemented, so an analysis of the accuracy of those cost estimates is not available.

C151-25: This question is beyond the scope of an EIR, which is intended to publicly disclose potential environmental impacts under a proposed Plan, propose mitigation measures that would reduce any identified impacts, and evaluate a range of feasible alternatives that also meet adopted objectives—the EIR is not required to evaluate all possible alternatives.

C151-26: This comment questions why the proposed Plan invests in new projects when maintenance of the existing system has an unfunded need. This is a comment on the Draft Plan, not on the environmental analysis of the Plan. The proposed Plan follows the long-standing Commission policy of “fix it first” and invests 87 percent of total revenue in operating and maintaining the existing road and transit system. While there is still a need for additional funding for maintenance of the local streets and roads and the transit capital, a small amount of funds were identified for roadway and highway expansion or transit expansion either by the counties as county priority projects or during the project performance assessment as strong performers. The vast majority of funds are still committed to operating and maintaining the existing system.

In addition, the comment questions investing in new transit project that will need to be subsidized in the future. Project sponsors, when developing their project costs, must include operating costs for the life of the Plan. For a project to be in the Plan it must be fully funded including capital and operating needs.

C151-27: The *Plan Bay Area Draft Performance Assessment Report*, published by MTC in March 2013, found that Alternative 5 generally performed the best of the scenarios—including the proposed Plan and the No Project alternative—against the project objectives adopted by MTC and ABAG.

C151-28: See responses C151-3, -5, -18, and -23.

Letter C152 Susan Kirsch (5/15/2013)

C152-1: Please see responses to the letters cited: Thomas Rubin – C166, Robert Silvestri – C26 and C156, Ann Spake – C155, Kerry Stoeber – C96, Linda Rames – C81, Liz Specht – C90 and C91, and Sharon Rushton – C33. Please refer to the other responses in this Final EIR as well.

C152-2: The NOP stated that, “The Jobs-Housing Connection alternative is the proposed Project,” on page 11. An NOP must identify the proposed project. Please see Chapter 1.2 of the Draft EIR for a description of the plan development process.

C152-3: The MTC and ABAG Board consist of elected representatives from many counties and cities of the region and their decisions reflect the decisions of these voter-selected officials.

C152-4: The issues cited relate to the Plan preparation process, not the EIR.

C152-5: MTC and ABAG followed CEQA requirements for public noticing of the EIR. See Chapter 1.2 of the Draft EIR for a description of the public participation process for development of the proposed Plan. Regarding public engagement for the EIR, please see Chapter 1.1 of the Draft EIR for a description of the Notice of Preparation and public scoping process and Section 1 of this Final EIR for a description of the public review process for the Draft EIR. Also see Master Response C regarding the request to extend the public comment period.

CEQA does not require public hearings for an EIR; these were held as a courtesy for those wishing to submit their comments orally. The actions or inactions of individuals regarding their representation to MTC and ABAG are immaterial to the adequacy of the EIR.

C152-6: The failure of the proposed Plan to achieve this performance target is noted and will be taken into consideration by the MTC and ABAG prior to taking action on Plan Bay Area.

C152-7: The EIR proposes many feasible mitigation measures intended to mitigate significant impacts. Please see the Executive Summary of the Draft EIR, Table ES-2. However, MTC and ABAG cannot compel local governments to utilize these mitigation measures. Please also see Master Response A.2, which discusses further environmental review.

C152-8: MTC and ABAG may find that the proposed Plan would create significant environmental impacts, but that these impacts would be outweighed by other benefits, including having fewer impacts than under the No Project alternative. The Findings and Facts in Support of Findings and a Statement of Overriding Considerations will accompany the Final EIR when MTC and ABAG review it for certification.

C152-9: The Draft EIR, in Chapter 3.1, found that the No Project alternative resulted in the greatest adverse environmental impacts and would likely create five significant and unavoidable impacts in addition to those under the proposed Plan. Also, the No Project alternative would not attain the GHG emissions reductions targets established by ARB and therefore may not be selected according to SB 375.

C152-10: See response C152-5.

- C152-11: See response C152-3.
- C152-12: The Draft EIR includes a list of preparers in Chapter 4.
- C152-13: These comments are not on the EIR and do not raise environmental issues under CEQA. That said, MTC and ABAG are unaware of any efforts to merge counties and/or public services and that concept is not raised in SB 375.

Letter C153 Randal O'Toole (5/15/2013)

- C153-1: This characterization of the proposed Plan is incorrect. The proposed Plan does not assume or advocate for the demolition of single-family homes or any other housing units. The EIR, in the table cited, is simply presented the results of background research conducted for ABAG on the Jobs-Housing Connection Strategy. In fact, on the same page of the Draft EIR cited, p. 2.3-5, it states that, "The projected oversupply of single-family homes is expected to reduce demand for other housing types by almost 170,000 units as some households that would otherwise choose multifamily units instead opt for single family homes made more affordable due to excess supply." In other words, the expected oversupply of single-family houses relative to demand, estimated to be an excess of 160,000 units, would result in lower production of multi-family units than would otherwise occur because that demand would be satisfied with existing single-family housing stock. The same page of the Draft EIR also notes that, "Although this suggests no demand for newly constructed single-family homes, some production will likely occur as the Bay Area housing market adjusts to these trends."
- C153-2: As Table 2.3-2 on p. 2.3-5 of the Draft EIR shows, single-family detached homes are expected to still be the housing type most in demand. As of 2010 just over half (56%) of housing in the Bay Area is single-family detached homes. Looking ahead, ABAG's economists expect that the demand for single family homes is expected to decline. See Appendix D of ABAG's Jobs-Housing Connection Strategy, May 2012, for an explanation of factors expected to reduce single-family home demand in the Bay Area, including lingering effects of the housing bubble, tightening credit standards, lower median household incomes, energy costs, changing rates of marriage, and changes in household size and composition. These factors apply to this region alone and are not a statement on the popularity of single-family homes in the remainder of the country.
- C153-3: See Draft EIR Chapter 3 for a detailed comparison of the Alternatives. MTC and ABAG will consider the benefits and feasibility of the alternatives before reaching a decision. The decision to approve a project will be supported by findings regarding the various alternatives.
- C153-4: This comment questions the assumptions about transit ridership. See Master Response D.2 on the connection between high-density housing near transit and reduced GHG emissions.
- C153-5: See Master Response F regarding displacement and Master Response D.2 regarding SB 375's GHG emissions reductions requirements.
- C153-6: This comment does not raise an environmental issue to which a response is required.
- C153-7: The vetting process for the alternatives is explained in Chapter 3.1; it was wholly consistent with CEQA. These alternatives were selected among a broader range considered as those

that would feasibly attain most of the basic objectives of the proposed Plan and, in some instances, potentially avoid or substantially lessen the environmental consequences attributed to the proposed Plan. Cost-effectiveness, tradeoffs and preferences are all factors that decision-makers will consider after EIR certification when they determine what actions to take on the proposed Project. Your comments on the proposed Plan, the alternatives and the planning process are acknowledged and will be considered as part of the decision-making process.

C153-8: Your comments on the proposed Plan and potential socio-economic effects are acknowledged. They do not relate to the EIR, which provides environmental review of the Plan.

C153-9: This comment argues that per-capita transit ridership has declined even as the region has invested into transit expansion projects – therefore asserting that the forecasted per-capita transit ridership growth is unrealistic. While regional transit ridership has grown over time as shown in Table 2.1-6 of the Draft EIR, the share of Bay Area residents commuting by transit has remained steady over the past two decades despite significant transit investments such as BART extensions to Millbrae, Pittsburg, and Dublin/Pleasanton. This is primarily due to land use factors rather than inherent personal preferences for automobile travel.

Two land use trends have made it difficult to expand the transit mode share (or grow per-capita transit ridership) – residential sprawl and job sprawl. First, much of the region’s residential development since the mid-20th century has been occurring in edge suburbs and exurbs due to higher development costs in the existing urban core. These low-density areas are generally dependent on the automobile and difficult to serve with public transit. Second, regional employment has become increasingly dispersed with employers moving from city centers to suburban office parks. These dispersed locations are equally difficult to serve by public transit as they lack the concentration of jobs found in dense transit-oriented city centers such as San Francisco’s Financial District.

The proposed Plan leads to growth in per-capita transit ridership not only by investing in public transit but also by emphasizing a highly focused land use pattern for both residential and employment growth. By channeling growth into Priority Development Areas with high-frequency transit services, the proposed Plan aims to reverse historical auto-oriented land use development patterns in lieu of focused development more efficiently served by public transit. See Master Response D.2.

C153-10: The No Project alternative does assume an expansion of the “urban footprint” based on historical trends. An expansion of the roadway network is not a feasible alternative because funding for substantial improvements to the highway system, such as added lanes and new freeways and arterials, is simply not available from the federal or State governments. Historically, federal funding assumed up to 90 percent of the costs of highway improvements, but this level of funding for new highway projects is simply not available. Currently, only about 12 percent of the funding for State Highways in California comes from the federal government. MTC and ABAG do not expect to see a substantial increase in this amount anytime soon. About double that amount comes from State funding. The rest comes from local sources. In the Bay Area, the primary source of transportation funding comes from sales tax measures and bridge tolls. Overall, transportation needs for the future are under-funded at well below 50 percent. As a consequence, MTC has been developing and implementing a “fix it first” policy to address deteriorating infrastructure. Where local sales

tax measures have been used to support highway projects, that funding has been largely expended, and there are no unallocated revenues. Finally, on the question about expanded bus service, MTC and ABAG note that Alternative 3, Transit Priority Focus, includes increased AC Transit service, not just BART, and Alternative 5 included a significant increase in bus service, both local and TransBay.

- C153-11: This EIR does include an extensive and complete analysis of each of the proposed Plan's components (its policies) on GHG emissions; see Chapter 2.5. Costs and housing affordability, however, are not environmental effects and so are not subject to review under CEQA.
- C153-12: As explained in response C153-10, the alternatives were derived from a rigorous vetting processing (see "Alternatives Screening" on pg. 3.1-2). This was not done by compiling policies in a random fashion, but instead reflected a systematic assessment with an open public review and comment process. Stakeholders contributed to the formulation of alternatives, as explained in the Draft EIR.
- C153-13: Your comments about the alternatives presented in the three bullets are correct. Your comments about the perceived bias towards density concerns the substance of the proposed Plan and raises no environmental issue to which a response is required under CEQA
- C153-14: This comment is not correct, as previously explained in Response C153-1. This EIR does not state that there will be any demolition of single-family homes; it simply reports the results of a supply and demand analysis conducted for ABAG as part of the background research underpinning the proposed Plan.
- C153-15: MTC and ABAG acknowledge these comments regarding the proportion of multi-family and single family housing units in the Draft Plan, as well as future affordability and the merits of specific research noted in the Draft Plan. MTC and ABAG took multiple sources of research into account in developing the housing distribution in the proposed Plan. See Master Response F.
- C153-16: See response C153-15.
- C153-17: See responses C26-43 and C26-45.
- C153-18: MTC and ABAG have reviewed and understand the literature, but have come to different conclusions. Under CEQA and California case law, it is recognized that experts may disagree, and such disagreement does not render an EIR invalid. For information on the literature MTC and ABAG have reviewed, see Master Response D.2, Connection between High Density Housing near Transit and GHG emissions.
- C153-19: The first part of this comment deals primarily with the funding allocations of the proposed Plan itself, rather than the EIR analysis. In order to maximize mode shift to transit, a greater proportion of funding in the proposed Plan is allocated to expanding, operating, and maintaining the region's transit system. As shown in Table 2.1-13, this is forecasted to lead to significant growth in transit ridership over the lifespan of the Plan. In contrast to the commenter's assertion that mode shift to transit will not lead to forecasted reductions in greenhouse gas emissions, Master Response D.2 provides significant evidence that supports

the benefits of transit mode shifts for GHG reduction. Refer to response C153-9 on the issue of forecasted per-capita transit ridership growth.

- C153-20: The comment cites statistics showing that the energy consumption of an average automobile is similar to the energy consumption of average public transportation service when measured per passenger mile. However, the comment fails to acknowledge the differential impact of adding travelers to automobiles versus adding passengers to public transportation service. As more and more travelers use the Bay Area's transportation system, adding travelers to existing public transportation is less energy intensive than adding travelers to private automobiles because the existing transit system has far greater publically available capacity than existing private automobiles. Implicitly, the comment suggests that MTC and ABAG should strive to capitalize on the region's sunk investment in public transportation infrastructure by designing policies to increase ridership on existing service, thus reducing public transportation's energy consumption on a per passenger mile basis. MTC and ABAG agree and the proposed Plan attempts to do just this via focused land use planning. Master Response D.2 provides additional information about the relative GHG intensity of automobile modes in comparison to public transit – which contradict this comment's assertion that automobiles and public transit have equivalent levels of Carbon intensity.
- C153-21: Please see response C153-20. This comment also seems to ignore the fact that the Bay Area's primary rail system, BART, runs on electricity.
- C153-22: See Master Responses D.1 and D.2.
- C153-23: The comment raises no environmental issue to which a response is required under CEQA.
- C153-24: The source or methods used to compute the numbers in Table One are not identified. The results, therefore, are speculative. MTC and ABAG remind the author of the comment that reducing GHG emissions is only one of many objectives of Plan Bay Area, and that the goal of addressing greenhouse gas emissions through land use and transportation planning is MTC and ABAG's directive under SB 375. See Master Response D.2.
- C153-25: Refer to comment responses C153-9 and C153-19 on the issue of per-capita transit ridership forecasts.
- C153-26: MTC and ABAG expect that concentrating growth will increase localized traffic congestion, as stated in the comment, but on net reduce emissions as automobile trip lengths can be reduced (by bringing activities closer together) and alternative transportation modes, including walking, are more likely. SB 375 directs MTC and ABAG to reduce emissions from automobiles and light-duty trucks. Please refer to the Chapter 3.1 of the Draft EIR, Table 3.1-11: Per-Capita Daily Vehicle Miles of Travel by Level of Service (2010-2040), which shows lower levels of congestion across all V/C ratio ranges and time periods for the proposed Plan compared to the No Project alternative.
- C153-27: This comment is not correct; Table 3.1-28 properly excludes Pavley reductions from the per capita analysis for Criterion 1 under the Thresholds of Significance for Climate Change and GHG impacts presented in Chapter 2.5 because that exclusion is required by SB 375. See Master Response D.1.
- C153-28: See Master Response F regarding displacement.

- C153-29: See response C153-28.
- C153-30: Under SB 375 the proposed Plan must demonstrate the capacity to construct enough housing units to accommodate the project population; this is a statutory requirement. The comments on open space refer to the objectives of the Plan, not the adequacy of the EIR. Also see Master Response F regarding displacement.
- C153-31: These comments regard localized and specific impacts of land development design on crime prevention. This is a project-level issue and should be evaluated in project-level environmental review and/or local discretionary review; see Master Response A.3 regarding analysis required in a program EIR. All development under the proposed Plan is subject to local permitting, design guidelines, impact fees for public safety, and other land use controls; see Master Response A.1 regarding local land use control
- C153-32: The comment raises no environmental issue to which a response is required under CEQA.
- C153-33: The observation about the GHG analysis is not correct; this EIR does not ignore State law that mandated improvements in fuel efficiency. This mandate is fully analyzed in Chapter 2.5, Climate Change and Greenhouse Gas Emissions. In fact, tables showing projected emissions distinguish GHG reductions related to the proposed Plan from reductions attributable to Pavley regulations and the Low Carbon Fuel Standard.
- C153-34: The comment raises no environmental issue to which a response is required under CEQA.

Letter C154 Linda Pfeifer (5/15/2013)

- C154-1: See response C149-3.
- C154-2: See responses C149-5 and C149-6.
- C154-3: See responses C149-7 and C149-8.
- C154-4: See response C149-9.
- C154-5: See Master Response D.2 on the connection between high-density housing near transit and reduced GHG emissions.
- C154-6: Your support for the No Project alternative is acknowledged.

Letter C155 Ann Fromer Spake (5/15/2013)

- C155-1: MTC and ABAG believe that this EIR, as a programmatic assessment of environmental consequences and summary of mitigation measures that can reduce or eliminate adverse impacts, does in fact conform to CEQA requirements and provides a valid, legal basis for decision-making by both agencies and, after certification, by responsible agencies and local agencies undertaking projects supported and/or funded by the proposed Plan. Impacts are assessed at a level appropriate to this regional-scale, programmatic Plan and EIR. Mitigation measures are included for all significant impacts, though MTC and ABAG cannot compel local jurisdictions to adopt them. See Master Response A.2 for additional information on

CEQA streamlining options. Also see Master Response A.3 on the requirements for a program EIR.

- C155-2: Highways are shown in their correct geographic location and alignment, and the information presented in tables and text is valid and correlated with the geographic information. With this in mind, this Draft EIR does, in fact, adequately disclose, analyze and mitigate potentially significant health effects. Peer review by responsible agencies confirms this. The U.S. Environmental Protection Agency, in their letter (see Letter A21 for details) commends MTC and ABAG for the Local Pollutant Impact Analysis and supports inclusion of the mitigation measures for localized impacts. See also response to comment B25-8.
- C155-3: MTC and ABAG may find that the proposed Plan would create significant environmental impacts, but that these impacts would be outweighed by other benefits, including having fewer impacts than under a No Project scenario. In addition many of the significant and unavoidable impacts occur because MTC and ABAG cannot require local implementing agencies to adopt the mitigation measures, and it is ultimately the responsibility of a lead agency to determine and adopt mitigation. Please see Master Response A.1 on local control over land use for additional information. This issue will be also addressed in the Statement of Overriding Considerations that accompanies the Final EIR when submitted to the MTC and ABAG Board for certification.
- C155-4: The Draft EIR does include substantial evidence in each chapter, supporting the impact analysis, and fully describes the mitigation measures so they can be evaluated as to their merit. On the question of sea level rise, MTC and ABAG are currently working with federal, State and regional agencies on project-level vulnerability and risk assessment. This is an ongoing process, supported and continuing under the proposed Plan. This clearly is evidence of taking responsibility for implementation, not deferring action. This is not *post hoc* rationalization. Enforcement responsibility that would rest with local governments and the land use authority they retain under the proposed Plan would not change, so responsibility for enforcing risk mitigation measures would devolve to these jurisdictions under the mitigation measures proposed for the criterion used for the sea level rise analysis; see Master Response A.1 regarding local land use control.
- State agencies responsibilities for sea level rise planning and adaptation was set in place in Executive Order S-13-08, and the proposed Plan would not change that obligation. The proposed Plan will ask implementing agencies to require project sponsors to incorporate appropriate adaptation strategies into local transportation and land use projects. MTC and ABAG also will be formulating regional guidance to facilitate implementation of a regional sea level rise adaptation strategy. However, because MTC and ABAG cannot compel local agencies to adopt the mitigation measures listed in all cases, this impact remains significant, and this conclusion is highlighted for decision-makers in the Executive Summary. The analysis and disclosure is not deferred, and known mitigation measures are fully described. Moreover, the EIR includes specific information as to which transportation projects are potentially affected by sea level rise, so local planners do have a factual basis for determining the scope of any subsequent project-level environmental review. See Master Response E for additional information on sea level rise.
- C155-5: The interrelationships between the proposed Plan and its environmental setting is included in each of the chapters so there is, in fact, a context created for the impact analysis. The effects of sea level rise on a transportation project and land development are described,

quantified and summarized, not ignored, as the responder suggests. Similarly, exposure to seismic risk is described, quantified and summarized, including the people who would be affected. These pre-existing hazards are part of the baseline conditions, and this information is presented in the Draft EIR, Chapter 2.7.

- C155-6: The comment mischaracterizes the CEQA streamlining rules and procedures created by SB 375. For additional information see Master Response A.2.
- C155-7: PDAs are nominated by local jurisdictions. In the case of the Highway 101 urban corridor, the PDA was nominated by the Marin Board of Supervisors, who adopted a resolution authorizing submission of an application on August 7, 2007. It was adopted by the ABAG Executive Board and is therefore included in the Draft Plan. Any change to the PDA would need to come at the request of the Marin County Board of Supervisors. See Master Response I regarding the PDA process.
- C155-8: As a programmatic assessment, this EIR examines effects on the mainline highway system and major transportation corridors. The concern expressed about localized transportation impacts is legitimate and certainly warrants further analysis and consideration as part of project-specific implementation of Plan Bay Area as well as local General Plans and Housing Elements. No further analysis is required in this Programmatic EIR. See Master Response A.3 regarding the level of specificity in the EIR as well as response to comment C155-12. See Master Response I regarding the PDA process.
- C155-9: The comment raises no environmental issues to which a response is required under CEQA.
- C155-10: The comment raises no environmental issues to which a response is required under CEQA.
- C155-11: The comment raises no environmental issues to which a response is required under CEQA.
- C155-12: As Plan Bay Area does not evaluate project-specific operational traffic impacts (instead focusing on regional impacts).. Any local traffic operational issues as identified in this comment should be considered at the local level. Further information on the programmatic nature of this environmental document can be found on page 1.1-4; additional information regarding the Draft EIR's emphasis on regional impacts can be found on page 2.0-1. Also see Master Response A.3 on the specificity of a Program EIR.
- C155-13: The analysis in the Draft EIR was that the project is consistent with the Air District's 2010 Clean Air Plan (CAP). The CAP does not state that sensitive receptors should not be located within 500 feet of a stationary or mobile source of emissions. The Air District recommends that best practices be applied to any new sensitive receptor land uses within this distance and if concentrations of toxic air contaminants and particulate matter are above certain levels the lead agency conduct a more detailed air quality assessment to determine potential health impacts and adequacy of mitigation measures.
- C155-14: The commenter does not identify what makes the "current risk assessment inadequate" to ensure that future residents exposed to harmful levels of TACs. When and if housing is proposed in this area a project-specific review will be conducted. See Master Response A.3 regarding the level of specificity in the EIR.

- C155-15: Overall all criteria pollutants will be decreasing over the life of the proposed Plan, except particulate matter (PM₁₀). This increase in PM₁₀ is primarily due to an increase in re-entrained road dust along heavily traveled highways and roadways due to increases in vehicle miles of travel expected to occur. The Draft EIR identified this impact as significant and unavoidable.
- C155-16: Individual development projects will undergo further environmental review at the project level. County level information has been provided in the EIR when feasible, but does not represent an obligation to evaluate all impacts at that level, nor at a site-specific level. See Master Response A.3 regarding level of specificity in the EIR.
- We acknowledge that Highway 1 was mislabeled as Highway 101 in the Draft EIR Local Pollutant Analysis map for Southern Marin County. This has no effect on the adequacy of the air quality analysis in the Draft EIR. .
- C155-17: The Draft EIR identifies when increased health risk should be more closely evaluated and disclosed by the local lead agency when considering a project application. See the analysis and mitigation measures in Chapter 2.2.
- C155-18: While PM₁₀ emissions are expected to increase with the project, PM_{2.5}, or the finest of particulate matter and most harmful to public health is expected to decrease overall by approximately 5 percent. New State and federal emission standards for vehicles and trucks are anticipated to further reduce these emissions during the life of this project.
- C155-19: The comment raises no environmental issues to which a response is required under CEQA.
- C155-20: Based on the significance thresholds for the local pollutant analysis, the Draft EIR does characterize the severity of the impacts by identifying all areas above this health-based standard. The methodology for the analysis assumes an absolute worst-case exposure for individuals, such as being outdoors 24 hours per day, seven days per week and 365 days per year for a seventy year lifetime. In these areas above the threshold, lead agencies should conduct a more detailed analysis to determine the actual health impacts and identify project alternatives or mitigation measures to lessen any identified impacts.
- C155-21: The Pacific Institute Study (Study) identified areas of high volumes of truck traffic and distribution centers and how they relate to the location of CARE communities. The Study did not include any air pollutant modeling or exposure assessment. The Draft EIR local pollutant analysis identified areas of most concern (above thresholds) and should be further studied prior to locating any sensitive receptors in these areas.
- C155-22: The Draft EIR does not evaluate the potential impacts from an individual land use project that might occur within a jurisdiction. That level of project specific information is not available and it would be purely speculative to do the analysis. The Draft EIR does evaluate the potential air quality impacts based on build out of the anticipated transportation investments by estimating their effect on vehicle miles of travel and congestion. These emission estimates are used to determine what the local and regional air quality impacts will be on existing and future sensitive receptors.
- C155-23: See responses C155-16 and C155-17.

- C155-24: The Bay Area is a non-attainment area for ozone and particulate matter because of emissions from the existing population and not because of future or proposed new development. All the health risk assessment methodology used in the Draft EIR assumes outdoor exposure and not that people are staying indoors, which results in a conservative analysis of a worst-case scenario. See Chapter 2.2 of the Draft EIR.
- C155-25: Whether there are overriding considerations for significant unavoidable adverse environmental impacts is a decision that MTC and ABAG make at the conclusion of the public review process when the Final EIR is being considered for certification. Action on projects to be included in the proposed Plan would take place after EIR certification and be informed by the analysis in this EIR. It should also be noted, however, that the No Project alternative results in more significant impacts than the proposed Plan.
- C155-26: The comment raises no environmental issues to which a response is required under CEQA.
- C155-27: The proposed Plan is designed to focus all future growth within current urban footprint and urban boundary lines. Open space and agricultural preservation is a goal of the Plan.
- C155-28: See Master Response B.1 for information on population projections.
- C155-29: See Master Response B.1 for information on population and projections and their interrelationships.
- C155-30: Economic issues are beyond the range of CEQA review. The comment raises no environmental issue to which a response is required under CEQA. See Master Response F on displacement.
- C155-31: It would be speculative for the EIR to opine about what jurisdictions may do or not do to secure funding and how that would relate to local land use authority, which the proposed Plan respects. See Master Response A.1 for additional information on local control over land use.
- C155-32: MTC and ABAG agree that preservation of open space is important. The proposed Plan performs significantly better than the No Project alternative with regards to impact on farmland, open space, and Williamson Act lands. Impacts on special status species and habitats are fully addressed, and the mitigation measures do take into account the relocation issues by emphasizing the importance of avoiding impacts to protected resources and preserve the function of habitat. Relocation would be a last resort. Avoidance and minimization measures are preferred, which is consistent with a principle of fostering sustainability.
- C155-33: The Draft EIR, Chapter 2.4, evaluates Energy impacts. See Master Response A.3 regarding the level of specificity of the EIR.
- C155-34: See Response C155-12. On a regional scale, Draft Plan Bay Area does include funding to improve safety and enhance communities to make them more attractive to pedestrians, bicyclists, and transit riders – even as regional traffic volumes grow over the life of the Draft Plan. Many of the counties in the region included explicit funding in the Draft Plan for bicycle and pedestrian programs, road safety enhancements, and streetscape improvements. Additionally, the OneBayArea Grant Program provides funding for enhancement projects,

many of which are designed to make streets more accommodating for alternative transportation modes.

C155-35: Comment is acknowledged.

C155-36: The comment raises no environmental issues to which a response is required under CEQA.

C155-37: As this is a programmatic-level assessment, noise from the local heliport cited was not separately quantified and analyzed. Specialized noise assessment, as noted by the responder, would certainly be appropriate if an increase in the licensed activity at this heliport (arrivals and departures) were requested. See Master Response A.3 regarding the level of specificity of the EIR.

C155-38: As this is a programmatic-level assessment, traffic noise and construction noise were evaluated at a regional scale, and site-specific effects related to bay mud were not considered. See Master Response A.3 regarding the level of specificity of the EIR.

C155-39: The comment suggests that the proposed Plan would increase exposure of people and structures to the risk of property loss, injury, or death involving strong seismic ground shaking, effects of liquefaction, building on fill and bay mud, and projected inundation and sea level rise. As discussed in the Draft EIR on page 2.7-25, improvements associated with the proposed Plan would be required to adhere to stringent building codes that include seismic design requirements to minimize potential damage and injury from maximum credible earthquakes in the region as well as secondary effects of liquefaction (see also responses C33-11 and C180-7). Building code requirements also include geotechnical evaluation of the subsurface materials such as the density and susceptibility to settlement under static and dynamic (earthquake) conditions. Site preparation requirements including foundation design and replacement of undocumented fill with engineered fill are standard treatment measures to overcome the potential hazards associated with the presence of fill and bay mud deposits.

As discussed in the Draft EIR on page 2.5-61, there are areas within the planning area that are projected to be susceptible to inundation by estimated sea level rise levels in the future. However, in the absence of definitive timing and extent of sea level rise, Mitigation Measure 2.5(a) through (d) provides the means to implement adaptive management strategies to respond to sea level rise.

C155-40: The comment states that there is a 63 percent chance that a magnitude 6.7 or greater earthquake is likely to occur over the next 30 years and that the San Andreas and Hayward faults are considered to have the highest probability of being the causative faults. The comment also states that the Tamalpais PDA is located within 10-11 miles of both of these faults. The comment is in agreement with the analysis that is already found in the Draft EIR.

C155-41: The comment states that the liquefaction hazard map shown in the Draft EIR fails to correctly show the high liquefaction hazard that is present in Tamalpais Valley. The map presented in the Draft EIR (Figure 2.7-2) is not intended to be used for site specific analysis and as required by the California Building Code, the potential for liquefaction would be determined by a site specific geotechnical investigation. The potential for liquefaction would be determined using laboratory analysis of subsurface soil samples in accordance with industry standard methods and building code requirements on a project-by-project basis.

However, it is noted that Figure 2.7-2 does show, within the constraints of an area-wide figure, Tamalpais Valley to be a zone of high to very high liquefaction hazard.

- C155-42: The comment states that “to choose to intensify development in high seismic risk areas without EIR analysis of the significant effects of the environment shows no regard for the impacts of the environment on people and structures and illustrates illusions about our technological ability to manage and ignore the power of natural forces”. The Draft EIR acknowledges the seismic hazards present in the planning area and provides mitigation to reduce the potential for significant effects to less than significant levels. Seismic design requirements are developed through incorporation of scientific study of past events and continue to be updated.
- C155-43: The comment states that the proposed Plan would have a significant impact related to geology, soils and seismicity in the Tamalpais Valley PDA related to Criterion 2, 3, and 6 of Chapter 2.7 of the Draft EIR. The comment also states that there are high liquefaction hazards and fill and bay mud deposits in this area. As discussed in Chapter 2.7, there is a range of geotechnical hazards present across the planning area including the Tamalpais Valley PDA. The implementation of the mitigation measures presented in Chapter 2.7 would require that each individual project receive a geotechnical investigation that would evaluate the presence or absence of these hazards and provide recommendations for site preparation and/or foundation design to minimize these. As noted in response C155-41, the Draft EIR expressly recognizes high liquefaction potential in Tamalpais Valley.
- C155-44: The comment states that the proposed Plan could increase development within the floodplain and that the mitigation measures do not include avoidance or limitations on development in floodplains that could also result in loss of wetlands. The comment also states that FEMA National Flood Insurance Program requires communities to limit development in floodplains. As stated in the Draft EIR on page 2.8-34, “any developments proposed within the 100-year flood zone would be required to meet local, State and federal flood control design requirements. In general, local jurisdictions have flood control policies that require new construction in flood-prone areas to be built to flood-safe standards, such as ensuring that ground levels of living spaces are elevated above anticipated flood elevations”. Therefore, if proposed development can meet these requirements then the potential impact related to flooding would be less than significant. See response C155-48 for discussion on the potential loss of wetlands.
- C155-45: The comment concerns two Executive Orders including 11990–Protection of Wetlands and 11988–Floodplain Management which are consistent with the Marin Countywide Plan that established the Highway 101 Corridor as an area for preservation. See response C155-48 for discussion of the protection of wetlands. Otherwise the comment is noted and does not address the adequacy of the Draft EIR. However, as stated in response C155-44 above, proposed development located in the 100-year flood zone would be required to adhere to local, State and federal flood control design requirements.
- C155-46: The comment raises no environmental issues to which a response is required under CEQA.
- C155-47: Please refer to Master Response E for more information on the analysis of sea level rise.
- C155-48: The comment states that the proposed Plan will potentially have an adverse effect on sensitive or endangered species, and speculates that it would inhibit restoration of historic

wetlands, and preclude ability to allow for migration inland as sea level rises. The Draft EIR acknowledges that development under the proposed Plan may have adverse effects on sensitive or endangered species and proposes mitigation measures to avoid and minimize such impacts to less than significant (see impact discussion 2.9-1 and Mitigation Measures 2.9(a) through 2.9 (c)). It is acknowledged that there are possible impacts that could result from Plan implementation should a project directly affect wetlands or adjacent upland habitat, specifically the potential to inhibit the restoration of historic wetlands or preclude the ability for tidal marsh wetlands to migrate inland in response to sea level rise. However, project-level review requires a site-specific biological assessment, which would document the presence of wetlands and transitional habitat in the project vicinity, at which time these issues would be considered on a project-specific basis. The text on p. 2.9-67 of the Draft EIR lists potential general impacts on wetlands, including permanent loss of habitat, loss or degradation of function, and fragmentation, and the specific impacts called out by the commenter would be included under the more general categories listed. Please also refer to responses B17-23 and B17-28 regarding wetland avoidance and no net loss and compensatory mitigation requirements should wetland impacts be unavoidable.

The comment further states that some of the proposed development also falls within wetland (WCA) or stream (SCA) conservation areas. Although it is not clearly stated in the comment, it is assumed the comment is referring to Marin County wetland and stream conservation areas, designated by Marin County ordinances. The Draft EIR acknowledges that impacts to wetlands and streams will occur throughout the planning area and provides mitigation measures to avoid and minimize such impacts. While reference is not specifically made to Marin County ordinances it is stated repeatedly throughout the impacts discussions that projects under the proposed Plan would be consistent with local policies and ordinances wherever they occur throughout the Bay Area. For example, specific to wetlands, Mitigation Measure 2.9(d) on pp. 2.9-71 and 2.9-72 states, “Where avoidance of jurisdictional waters is not feasible, project sponsors shall minimize fill and the use of in-water construction methods, and only place fill with express permit approval from the appropriate resources agencies ... and in accordance with applicable existing regulations, such as the Clean Water Act or local stream protection ordinances” and “Compliance with existing local regulations and policies, including applicable HCP/NCCPs, that exceed or reasonably replace any of the above measures protective of jurisdictional wetlands or special-status natural communities”. In addition, the text under Impact 2.9-4 further discusses potential conflicts with local ordinances and proposes measures to mitigate such impacts to less than significance; specifically, Mitigation Measure 2.9(f), which states that “Mitigation shall be consistent with the requirements of CEQA and/or follow applicable ordinances or plans developed to protect trees or other locally significant biological resources”, and, “As part of project-level environmental review, implementing agencies shall ensure that projects comply with the most recent general plans, policies, and ordinances, and conservation plans.” Please also refer to response B17-31, regarding consistency with local ordinances.

The comment also includes several quotations referring to the importance of tidal marsh ecosystems and the transitional ecozone between the intertidal zone and upland habitat, the importance of conserving these areas, the predicted impacts of sea level rise on such habitat, agency definitions of wetlands, the importance of eelgrass beds, and potential impacts of upland development on such resources. Although these passages provide additional detail, these impacts are all addressed at a general level in the Draft EIR, as is appropriate for a program EIR; also refer to Master Response A.3 regarding the level of analysis required in a program EIR.

- C155-49: The comment states that the PDA and adjacent area in Tamalpais Valley include areas occupied by specific special-status species and that development in or adjacent to this habitat would have significant and unavoidable impacts and lists numerous species and several resources that could be impacted. The Draft EIR recognizes that development in or adjacent to sensitive habitat, including habitat supporting special-status wildlife, could have potentially significant effects (see the impact discussions 2.9-1 and 2.9-2) and proposes mitigation measures to reduce such impacts to less than significant levels on a project-specific basis. The Draft EIR also determined that, on a regional basis, all impacts on biological resources would be significant and unavoidable. Furthermore, as noted in Master Responses A.2 and A.3, site- and project-specific impacts not analyzed in this program EIR would be subject to further, more detailed review at the time a specific project is proposed. Whether the impacts of development are within a specific PDA or not, if the impacts of a particular project rise to significant and unavoidable levels would be determined in the subsequent project-specific analysis to be conducted once the location and details of that project are known. The question raised about whether the proposed Plan should be chosen will be considered by MTC and ABAG after EIR certification.
- C155-50: This comment is the first of several (see also comments C155-51 and C155-52) where the commenter provides a quotation from the Draft EIR special-status species impact discussion and then provides lists of species to be added to the impact discussion. Some of the species included are not considered special-status under CEQA and are thus not required to be considered in the Draft EIR. Also refer to Master Response A.3 regarding the level of analysis required in a program EIR.
- C155-51: See response C155-50.
- C155-52: See response C155-50.
- C155-53: This observation is consistent with the visual impact analysis presented in Chapter 2.10.
- C155-54: This comment addresses the boundaries of a Priority Conservation Area (PCA) and adjacent Priority Development Area (PDA). ABAG and MTC acknowledge the commenter's concern regarding the geographic extent of the PDA relative to the extent of the PCA. PDA boundaries were designated by local jurisdictions. Modifying these boundaries is the responsibility of jurisdictions. ABAG and MTC cannot take action in response to this comment as part of the EIR. See Master Response I regarding the PDA process.
- C155-55: Please refer to Master Response G for more information on water supply analysis.
- C155-56: The decision to use desalination as a water source would be solely the decision of MMWD and is not advocated for or required by the proposed Plan. The current MMWD Urban Water Management Plan indicates adequate water supplies through the year 2035 without a need to resort to desalination. The proposed Plan would result in essentially the same year 2040 population as under the No Project alternative - a three percent increase, with the proposed Plan resulting in 500 more households in Marin County than under the No Project scenario. Given the water supplies indicated by MMWD, it is unlikely that additional water supplies will need to be acquired due to growth under the proposed Plan. The current MMWD Urban Water Management Plan indicates adequate water supplies through the year 2035 without a need to resort to desalination. In addition, in August of 2010, the District adopted Ordinance 420, which states that the District shall not approve construction, or

financing for construction, of a desalination facility unless such construction is approved by a majority of District voters, voting in an election held within the District's service area for that purpose. Therefore, this EIR does not assume any desalinated water will be used for Marin County water supplies.

- C155-57: Economic issues are beyond the range of CEQA review. The comment raises no environmental issue to which a response is required under CEQA.
- C155-58: The comment raises no environmental issues to which a response is required under CEQA.
- C155-59: MTC and ABAG agree with the responder's comments.
- C155-60: The comment states that areas within the Tamalpais/Almonte community have been affected by hazardous materials in the past. The comment is concerned with specific potential development sites identified in the Marin County General Plan 2012 Housing Element and the presence, or former presence, of hazardous materials in soil and groundwater at those sites. It is beyond the scope of this programmatic EIR to analyze site-specific conditions. As stated in the Draft EIR Executive Summary (pp. ES-3 and ES-4 of the Draft EIR), this document "is a program EIR, as defined by Section 15168 of the CEQA Guidelines." As such, it presents a general assessment of the environmental impacts of implementing the proposed Plan on a region-wide scale. Individual projects are not addressed in detail, although mention of some possible, or funded projects, are discussed as appropriate. As noted throughout the Draft EIR, all impacts to individual project would be evaluated in the future, by the appropriate implementing agency as required under CEQA and/or NEPA prior to each project being approved. As a program-level EIR, this document, includes mitigation measures to offset potentially significant impacts and sets the basis for subsequent tiering for project-specific or site-specific environmental review. Specific analysis of localized impacts in the vicinity of individual projects is not included in this program level EIR. See Master Response A.2 regarding CEQA streamlining and further environmental review.

It is noted that, as required by Mitigation Measures 2.13(d) in this EIR, proposed improvements would be required to evaluate sites for the potential presence of legacy contamination. See also response C75-16. For information, it is also noted that responses to the comments on the Tamalpais Valley sites mentioned by the commenter were provided in the responses document for the Marin County Housing Element Supplemental EIR.⁶

- C155-61: The comment raises no environmental issues to which a response is required under CEQA.
- C155-62: The comment expresses concerns regarding the potential health risks to construction workers and future residents from vapor intrusion, dermal contact and inhalation. The comment claims that the 2012 Marin County Housing Element EIR did not adequately disclose or analyze this specific hazard and the potential impacts "are not being considered in the analysis of the continued expectations of our PDA in the Bay Plan." The Hazards analysis in the Draft EIR acknowledges the presence of legacy contaminants throughout the planning area, and as such requires implementation of Mitigation Measure 2.13(d) which

⁶ County of Marin, Community Development Agency, *Marin County Housing Element: Supplement to the 2007 Countywide Plan EIR, Final Supplemental Environmental Impact Report/Response to the Draft Supplemental Environmental Impact Report*. May 2013. http://www.co.marin.ca.us/depts/CD/main/pdf/eir/Marin_County_Housing_Element_Final_SEIR_May_2013.pdf

would provide the necessary measures to identify any potential hazardous materials or wastes that could adversely affect construction workers or future residents including the effects of vapor intrusion, dermal contact and inhalation.

- C155-63: With implementation of Mitigation Measure 2.13(d), the potential impacts related to health risks to construction workers and future residents would be less than significant. Please also see Master Response A.3 regarding the scope of this program EIR.
- C155-64: The comment states, “the EIR fails to adequately disclose, analyze and mitigate potentially significant health impacts from soil and groundwater contamination”. See responses C155-62 and -63.
- C155-65: The comment states “The hazard impacts related to land use changes from the implementation of the proposed Plan at the regional and local level are considered potentially significant (PS) Impact 2.13-4”. MTC and ABAG agree with the responder’s comment and note that with implementation of Mitigation Measure 2.13(d) the potential impact would be reduced to a less than significant level.
- C155-66: The comment raises no environmental issues to which a response is required under CEQA.
- C155-67: See response C155-63.
- C155-68: See Master Response A.1 regarding local land use control.
- C155-69: As this is a programmatic-level assessment, safety issues related the local heliport cited were not separately quantified and analyzed. See Master Response A.3.
- C155-70: See response C155-69. It is reasonable for this EIR to assume that jurisdictions, agencies, and people will comply with existing laws and regulations.
- C155-71: Emergency response capability is analyzed under Criterion 7 at a programmatic level in Chapter 2.13, Hazards. In the concluding discussion of “combined effects” under Impact 2.13-7, the Draft EIR notes the substantial body of federal and state law that addresses emergency planning, disaster mitigation and federal and state response capabilities. With all of these programs and regulations in place, the proposed Plan is not likely to interfere with local and subregional emergency response capabilities so this impact is judged less than significant (see. Pg. 2.13-41). It may well be true that emergency response capabilities is one of the factors that Supervisor Sears expects to be addressed by County staff in response to her request for a reconsideration of the PDA designation in the Almona/Tamalpais Valley; see Response C155-8.
- C155-72: See response C155-71.
- C155-73: See response C155-71.
- C155-74: See Master Response B.1, Population Projections, which also addresses job growth.
- C155-75: See Master Response B.1 on population projections. The Draft EIR found in Chapter 2.5 that the proposed Plan attained the GHG emissions reduction targets even with the

transportation impacts identified in Chapter 2.1. MTC and ABAG have adopted goals and objectives for Plan Bay Area that also influence the development strategy; see Chapter 1.2.

- C155-76: See Master Response B.1 on population projections. Alternatives 4 and 5 were named by the advocacy groups who designed them; economic growth is one of the objectives of Plan Bay Area regardless of which alternative is selected, as shown in Chapter 1.2 of the Draft EIR.
- C155-77: The comment does not raise environmental issues not already addressed in this EIR.
- C155-78: The comment raises no environmental issue to which a response is required under CEQA. MTC and ABAG agree with the comments 1, 2 and 5. See Chapter 3.2 of the Draft EIR regarding growth-inducing impacts.
- C155-79: Comment 1 raises no environmental issues to which a response is required. Comment 2 raises the issue of the sufficiency of the sea level rise analysis, which is addressed in Master Response E. Regarding Comment 3 the entirety of the Draft EIR explores environmental impacts of the proposed Plan.
- C155-80: Whether there are overriding considerations for significant unavoidable adverse environmental impacts is a decision that MTC and ABAG make at the conclusion of the public review process when the Final EIR is being considered for certification. Action on the proposed Plan would take place after EIR certification and be informed by the analysis in this EIR. MTC and ABAG believe that this EIR is sufficient for decision-making; your request that the Plan not be approved is acknowledged.

Letter C156 Robert Silvestri (5/10/2013)

- C156-1: ABAG and MTC acknowledge the importance of increasing housing production and preservation in meeting the region's long term demand. Pursuant to SB 375, the SCS identifies "areas within the region sufficient to house all the population of the region, including all economic segments of the population" (Gov. Code § 65080(b)(2)(B)(ii).) The SCS does so by producing a land use pattern sufficient to accommodate RHNA and through ABAG's and MTC's efforts to support additional affordable housing production. This includes Chapter 6 of the Plan, which identifies strategies for facilitating greater affordable housing preservation and production in the region. Many of these efforts require policy changes at the state or federal level that are beyond the control of the regional agencies, who will act as advocates for these changes. The regional agencies are providing more direct support for affordable housing through the Transit Oriented Affordable Housing (TOAH) fund, which supports affordable projects in Priority Development Areas and the identification of Affordable Housing as an allowable use for future Cap and Trade funds. Through these and other mechanisms, MTC and ABAG determined that of the 660,000 new housing units contemplated by the proposed Plan, 26 percent will be affordable to very low income households, 17 percent to low income households, 17 percent to moderate income households, and 39 percent to above moderate income households. (See Draft EIR, p. 1.2-53.) See also Master Response F, which addresses the issue of displacement in greater detail and identifies actions included in the Draft Plan to help address this challenge.

The commenter lists a number of housing types and claims they are not supported or promoted by the Plan. MTC and ABAG disagree. It is true that the proposed Plan is

designed to discourage sprawl-style development and envisions a densification of the regions existing urban areas. While this land use vision will reduce the number of single family homes developed within the region as compared to the No Project alternative, the land use pattern included in the proposed Plan brings jobs, services and housing closer together which serves to support the housing types identified by the commenter including elderly and assisted living facilities, homeless shelters and safe houses, live/work spaces, cooperative housing, and co-housing. Similarly, by focusing future development within the region's existing urbanized areas, the proposed Plan serves to promote the integration of low income housing into existing communities contrary to the commenter's conclusion otherwise.

C156-1.3: See response C156-1. Local jurisdictions retain their land use authority and implementation of the proposed Plan's land development pattern is voluntary; see Master Response A.1 for more information on local land use control.

C156-1.5: MTC and ABAG followed CEQA requirements for public noticing of the EIR. See Chapter 1.2 of the Draft EIR for a description of the public participation process for development of the proposed Plan. For additional information of the public participation process for development of the proposed Plan see http://apps.mtc.ca.gov/meeting_packet_documents/agenda_2070/Item_3a_Summary_of_Public_Input.pdf

Regarding public engagement for the EIR, please see Chapter 1.1 of the Draft EIR for a description of the Notice of Preparation and public scoping process and Section 1 of this Final EIR for a description of the public review process for the Draft EIR. As a result of the outreach process two plan alternatives advocated for and designed by stakeholder groups (the business community for Alternative 4 and environmental and social equity advocates for Alternative 5) were included in the Draft EIR. Also see response C156-1 regarding housing affordability and Plan Bay Area.

C156-1.7: See response C156-1.

C156-1.9: The citations in the comment pertain to housing elements. The proposed Plan is a Regional Transportation Plan and Sustainable Communities Strategy, which is a separate program. A housing element is an adopted component of a city or county's general plan. This EIR only evaluates the environmental impacts of the proposed Plan.

C156-2: Plan Bay Area's regional growth forecast starts with projected regional job growth which is the main determinant of ABAG's regional population growth projections. The distribution of growth to individual jurisdictions in Plan Bay Area is a blueprint for growth to achieve the goals and objectives of the Sustainable Communities Strategy (SCS). Plan Bay Area does not anticipate high density development for Marin County: the amount distributed to Marin County is about 8,800 households over 30 years, or less than 300 new households annually for the entire County. The proposed Plan seeks to address the needs and aspirations of each Bay Area jurisdiction, as identified in locally adopted general plans and zoning ordinances, while meeting the requirements of SB 375 and Plan Bay Area performance targets adopted by MTC and ABAG to guide and gauge the region's future growth.

The framework for developing these scenarios consisted of the pre-existing Priority Development Areas (PDAs) and Priority Conservation Areas (PCAs) nominated by local governments. ABAG and MTC incorporated local feedback from individual jurisdictions

relying on their best assessment of feasible growth over the plan period and then applied a series of additional factors to achieve the goals of the Sustainable Communities Strategy (SCS). Since PDAs were nominated by local jurisdictions, it is not anticipated that the proposed Plan will conflict substantially with local land use plans. If there are conflicts, they would be resolved at the local level through area plans and/or general plan or zoning amendments. However, local jurisdictions have local land use authority, meaning that in the case that the proposed Plan does conflict with local zoning or specific plans, the local jurisdiction would have ultimate land use authority. The proposed Plan will only be implemented insofar as local jurisdictions adopt its policies and recommendations. Potential conflicts with local land use plans are evaluated on page 2.3-42 and 2.3-43 of the Draft EIR. See also Master Response A.1 regarding local land use control.

- C156-3: To the extent areas of controversy relate to environmental impacts, they are analyzed at the regional level in the Draft EIR. Potential impacts to visual resources, including various aspects of the appearance of existing communities, are evaluated on pages 2.10-14 through 2.10-34 of the Draft EIR. As noted in the response above, potential conflicts with local land use plans are evaluated on pages 2.3-42 and 2.3-43 of the Draft EIR. See also Master Response A.3 regarding the programmatic nature of this EIR.
- C156-4: The EIR evaluates whether Plan Bay Area would result in the need for new or expanded public service facilities, the construction of which could cause significant environmental impacts. To the extent fiscal implications of population growth on individual jurisdictions has the potential to lead to indirect localized environmental impacts, those impacts are beyond the scope of this programmatic EIR. Implementing agencies considering future second tier plans and projects must comply with CEQA and must consider such indirect localized environmental impacts where necessary.
- C156-5: See responses C156-1 through 4.

Letter C157 Athena McEwan (5/11/2013)

- C157-1: See responses to Letter C156. Pursuant to SB 375, an SCS must identify “areas within the region sufficient to house all the population of the region, including all economic segments of the population...” (Gov. Code § 65080(b)(2)(B)(ii).) The proposed Plan does so by producing a land use pattern that will accommodate HCD’s Regional Housing Needs Determination (RHND) and through ABAG’s and MTC’s efforts to support additional affordable housing production. This includes Chapter 6 of the Plan, which identifies strategies for facilitating greater affordable housing preservation and production in the region. Many of these efforts require policy changes at the state or federal level that are beyond the control of the regional agencies, who will act as advocates for these changes. The regional agencies are providing more direct support for affordable housing through the Transit Oriented Affordable Housing (TOAH) fund, which supports affordable projects in Priority Development Areas and the identification of Affordable Housing as an allowable use for future Cap and Trade funds. Through these and other mechanisms, MTC and ABAG determined that of the 660,000 new housing units contemplated by the proposed Plan, 26 percent will be affordable to very low income households, 17 percent to low income households, 17 percent to moderate income households, and 39 percent to above moderate income households. (See Draft EIR, p. 1.2-53.) Local allocation of housing by income level within the region is an issue handled by the Regional Housing Needs Allocation (RHNA).

See also Master Response F regarding displacement.

Letter C158 Barbara Brookins (5/16/2013)

C158-1: Please refer to Master Response B.1 on population projections as well as Master Response D.2 on the connection between high-density housing near transit and the reduction in greenhouse gas emissions. Please refer to response C157-1 regarding the proposed Plan's effect on increased cost for housing. See also Master Response F provides more detail on issues of displacement. For a detailed description of the water supply analysis as presented in the Draft EIR, please refer to Master Response G. In addition, please refer to Master Response E on sea level rise.

Letter C159 James Campbell (5/17/2013)

C159-1: Please refer to the response C158-1.

Letter C160 Kathi Ellick (5/17/2013)

C160-1: Please refer to Master Response C on requests for extensions of the public comment period.

C160-2: Please refer to Master Response B.1 on population projections.

C160-3: See Chapter 2.5 of the Draft EIR, Impacts 2.5-1 and 2.5-2. See also Master Responses D.1 and D.2 regarding GHG emissions.

C160-4: See response C157-1 and Master Response F regarding displacement.

C160-5: See Chapter 2.12 of the Draft EIR, Impact 2.12-1, as well as Master Response G regarding water supply.

Letter C161 Ronette King (5/16/2013)

C161-1: Please refer to Master Response C on requests for extension of the public comment period.

C161-1.5: This PDA was nominated by the Marin Board of Supervisors, who adopted a resolution authorizing submission of an application on August 7, 2007. It was adopted by the ABAG Executive Board and is therefore included in the Draft Plan. Any change to the PDA would need to come at the request of the Marin County Board of Supervisors. See also Master Response I regarding the PDA process.

The proposed Plan does not specify the density or size of any individual projects; such developments may occur with or without the proposed Plan. See Master Response A.1 regarding local land use control. However, it should be noted that the proposed Plan does not anticipate high density development for Marin County.

C161-2: Please refer to Master Response B.1 on population projections. In addition, please refer to Master Response D.2 on the connection between high density housing near transit and a reduction in greenhouse gas emissions.

C161-3: See response C157-1 and Master Response F regarding displacement. See also Chapter 2.12 of the Draft EIR, Impact 2.12-1, as well as Master Response G regarding water supply.

C161-4: MTC and ABAG may find that the proposed Plan would create significant environmental impacts, but that these impacts would be outweighed by other benefits. In addition many of the significant and unavoidable impacts occur because MTC and ABAG cannot require local implementing agencies to adopt the mitigation measures, and it is ultimately the responsibility of a lead agency to determine and adopt mitigation. Please see Master Response A.1 on local control over land use for additional information.

Letter C162 Libby Lucas (5/21/2013)

C162-1: The commenter estimates that the acreage of affected streams, Waters of the US, and wetlands is double that given in the Draft EIR and states that it would not be possible to find enough compensatory mitigation to compensate for the loss. The Draft EIR represents the project team's best estimates based on available data. Actual impacts will be determined on a project-by-project basis. Please also refer to Master Response A.3 regarding the specificity of a program EIR and response B17-23 regarding the requirement for no net loss of wetlands under the Plan and the strategy of requiring replacement habitat only when wetland impacts are unavoidable. Adherence to this strategy would reduce the amount of compensatory mitigation required of individual projects.

C162-2: The comment concerns the reliability of water supply for the proposed growth considering the location of reservoirs and underground aquifers along fault lines on the Santa Cruz Mountain Range. As stated in the Draft EIR on page 2.8-36, the California Division of Safety of Dams (DSOD) is responsible for routine inspection and oversight of all qualifying dams, which would include lower and upper Crystal Springs and San Andreas Reservoirs as well as two smaller reservoirs, Pilarcitos and Stone Dam located along the Santa Cruz Mountain Range. These inspections include scientific evaluation of seismic stability under maximum earthquake scenarios and can require improvements if the dams are deemed inadequate to avoid catastrophic failure. For example, the lower Crystal Springs dam was relatively recently given a seismic upgrade and raised 3 feet in order to increase seismic stability and storage capacity. One of the main purposes of this reservoir is to provide emergency backup for the Hetch Hetchy pipeline system, which crosses several active faults. In general, subsurface aquifers are not adversely affected by earthquakes and as such providers such as the Santa Clara Valley Water District would be able to continue to access underlying aquifers for water supply. Therefore, while some damage from a substantial earthquake may be unavoidable, adherence to regulatory requirements and ongoing seismic upgrades are anticipated to reduce such impacts to a less than significant level.

C162-3: See Master Response B.1 for additional information on population projections. These projections represent an objective estimate of population growth that will occur regardless of the proposed Plan.

C162-4: This EIR does include a robust analysis of the effects of sea level rise on transportation projects, including a list of specific projects potentially affected (see Table 2.5-11). Chapter 2.5, Climate Change, also includes a quantification of the number of people potentially affected by sea level rise (Tables 2.5-15 through 2.5-21) and discusses adaptation strategies. The most up-to-date regional-scale geographic information on flood hazards available from FEMA is shown in Figure 2.8-3. There may be drafts of updated FEMA maps being circulated at the local level. For this EIR, the mapping used was the most accurate, currently available from the Cal-Atlas Geospatial Clearinghouse in 2012, when data collection originated for this EIR. The decision on whether to upgrade Highways 237 and 37 as

causeways is a project-level decision. See Master Response A.3 regarding the programmatic nature of this EIR.

- C162-5: See Chapter 2.8 of the Draft EIR regarding flooding and Master Response A.3 regarding the specificity of a program EIR. This EIR does not evaluate the impacts of individual projects, rather the regional-scale impacts of the entire proposed Plan. Implementing agencies must comply with CEQA in considering approval of future second tier projects.
- C162-6: See Master Response A.3 regarding the specificity of a program EIR. This EIR does not evaluate the impacts of individual projects, rather it analyzes the regional-scale impacts of the entire proposed Plan. Implementing agencies must comply with CEQA in considering approval of future second tier projects.
- C162-7: MTC and ABAG adopted a range of project objectives covering issues ranging from traffic congestion to cost of living to public health. See the Draft Plan and Chapter 1.2 of the Draft EIR for these objectives.

Letter C163 Ada Marquez (5/16/2013)

- C163-1: A description of SB 25 has been added to Chapter 2.2 of the Draft EIR. See Section 2 of this Final EIR for details.
- C163-2: MTC and ABAG do not know the status of the City of San Jose's CRRP. The significance of criteria only applies if a jurisdiction has adopted a CRRP; there is no adverse impact without one.
- C163-3: Such an analysis is beyond the scope of this regional-scale, program EIR. See Master Response A.3 for more information on specificity of program EIRs. Further information on the programmatic nature of this environmental document can be found on page 1.1-4; additional information regarding the Draft EIR's emphasis on regional impacts can be found on page 2.0-1.
- C163-4: The Draft EIR adequately analyzes impacts related to the criteria of significance on air quality. See chapter 2.2 (Air Quality) for further discussion.
- C163-5: The public had an opportunity to submit comments during the CEQA scoping process and the public review of this EIR; for future second tier projects, the public should submit comments to the implementing agency during the administrative process to consider such future projects. BAAQMD is the regional, government agency that regulates sources of air pollution within the nine San Francisco Bay Area Counties and is a valuable resource for the public and implementing agencies alike.
- C163-6: The maps are intended as a visual resource and aid to the reader; the analysis is not dependent upon these figures and providing such a description would not change the conclusions of the EIR. See footnote 20 on page 2.2-41 of the Draft EIR, which says, "Lead agencies for proposed projects should contact BAAQMD if they are unsure whether their project site falls in an impacted area or not."
- C163-7: The comment requests additional information regarding BAAQMD's GIS cumulative analysis conducted in Chapter 2.2. Additional information can be found on pages 2.2-22 and

23 and 2.2-38 through 2.2-41 of the Draft EIR. Page E-10 of Appendix E of the Draft EIR also describes the TAC and PM2.5 data sources.

C163-8: A Health Impact Assessment would be difficult to undertake at a regional scale. See Master Response A.3 for more information on specificity of program EIRs. Further information on the programmatic nature of this environmental document can be found on page 1.1-4; additional information regarding the Draft EIR's emphasis on regional impacts can be found on page 2.0-1. While Health Impact Assessments are not mandated by CEQA, implementing agencies have the discretion to require Health Impact Assessment's in evaluating the impacts of individual second tier projects and such assessments may assist those agencies in complying with CEQA.

C163-9: Environmental justice is not considered a physical environmental impact under CEQA and is instead socio-economic issue. However, MTC and ABAG considered environmental justice concerns in developing the proposed Plan (see the *Equity Analysis Report*) and evaluated potential indirect physical environmental impacts resulting from environmental justice concerns such as disproportionate impacts on communities of concern regarding air quality improvements; see Impact 2.2-6 in Chapter 2.2 of the Draft EIR. See also Master Response F regarding displacement and response C156-1 regarding housing all economic segments of the population within the San Francisco Bay Area.

Additionally, MTC and ABAG receive funding from federal agencies such as the Federal Highway Administration and Federal Transit Administration for some of their programs and activities. MTC and ABAG conduct their federally-funded programs and activities in accordance with guidance issued by the federal agencies pursuant to applicable laws, Executive Orders, regulations and Circulars, some of which are discussed below. MTC and ABAG must also comply with state policies discussed further below.

Federal Regulations

Executive Order 12898

Executive Order (EO) 12898 (59 FR 7629), entitled, "Federal Actions to Address Environmental Justice in Minority Populations and Low-Income Populations," was signed by President Clinton in 1994. The executive order requires that Federal agencies identify and address, when appropriate, "...disproportionately high and adverse health or environmental effects of its projects, policies, and activities on minority populations and low-income populations..." Two specific provisions of EO 12898 provide further guidance to federal agencies. Section 1-103 requires that each Federal agency develop an agency-specific environmental justice strategy defining how the agency will identify disproportionate adverse effects on minority and low-income populations and attempt to avoid those effects. Section 2-2 requires that federal agencies perform their actions and programs in a manner that neither excludes minority and low-income populations from relevant participation in the action or program nor denies those groups the benefits of the action.

Title VI of the Civil Rights Act of 1964

Title VI of the Civil Rights Act of 1964 states that, "No person ... shall, on the grounds of race, color, or national origin, be excluded from participation in, be denied benefits of, or be subjected to discrimination under any program or activity receiving Federal financial

assistance.” Additionally, Title VI prohibits any recipients of federal funding from intentionally discriminating against groups of people based on race, ethnicity, or national origin or from instituting projects or programs that exhibit, “adverse disparate impact discrimination.” Amended by the Civil Rights Restoration Act of 1987, the prohibition against discrimination was made to include the entire program or activity receiving federal funding.

Federal-Aid Highway Act of 1970

The Federal-Aid Highway Act of 1970 states that agencies must assure that the economic, social, and environmental effects of a federally-supported highway project should be fully considered during the development process and that decisions should be made with regard to the best overall public interest, balancing the need for a fast, safe, and efficient transportation network and the costs of eliminating adverse impacts.

Federal Highways Administration (FHWA) Order on Environmental Justice

In 1998, the FHWA issued an environmental justice order that outlined the information that should be obtained in order to conduct an environmental justice analysis, as well as a series of steps that should be taken by the administration to prevent disproportionately high and adverse impacts to minority and low- income persons. The information required includes:

- The race or national origin and income level of the population served and/or affected;
- The proposed steps to guard against disproportionately high and adverse effects on persons on the basis of race and national origin;
- The present and proposed membership by race or national origin in any planning or advisory body that is part of the program.

The steps included to prevent disproportionately high and adverse impacts include:

- Identifying and evaluating environmental, public health and interrelated social and economic effects of FHWA programs, policies and activities;
- Proposing measures to avoid, minimize and/or mitigate disproportionately high and adverse environmental and public health effects and interrelated social and economic effects, and providing offsetting benefits and opportunities to enhance communities, neighborhoods and individuals affected by FHWA programs, policies and activities, where permitted by law and consistent with EO 12898;
- Considering alternatives to proposed programs, policies and activities, where such alternatives would result in avoiding and/or minimizing disproportionately high and adverse impacts, consistent with EO 12898;
- Providing public involvement opportunities and considering the results thereof, including providing meaningful access to public information and soliciting input from affected minority and low-income populations in considering alternatives during the planning and development of alternatives and decisions.

American with Disabilities Act of 1990

The American with Disabilities Act of 1990 extends the Civil Rights Act of 1964 to people with disabilities and requires transportation planners to involve the disabled communities in the design and development of projects and programs.

Executive Order 13166

Executive Order 13166, entitled “Improving Access to Services for Persons with Limited English Proficiency” requires federal agencies to develop processes that incorporate members of the community with limited English proficiency in a manner, “without unduly burdening ... the fundamental mission of the agency.”

DOT Order 5610.2

Department of Transportation Order 5610.2 outlines the importance of the interests and wellbeing of minority and low-income populations during transportation decision-making tasks. While the order does not institute any additional requirements, it does reinforce existing environmental justice laws. Ultimately, it states that that the DOT should not carry out any programs or policies that would disproportionately accrue to minority or low-income populations unless, “further mitigation measures or alternatives that would avoid or reduce the disproportionately high and adverse effect are not profitable.” The order also states that benefits of a program or policy should be addressed when determining impacts to environmental justice populations to determine if these benefits would offset adverse impacts.

Federal Transit Administration (FTA) Circular 4702.1A

The subject of FTA Circular 4702.1A is “Title VI and Title VI-Dependent Guidelines for Federal Transit Administration Recipients.” It is intended to provide guidance and instructions necessary to carry out DOT Title VI regulations (49 CFR Part 21) and to integrate DOT Order 5610.2 and policy guidance Concerning Recipients’ Responsibilities to Limited English Proficient Persons to agencies receiving funding from the Federal Transit Administration. In its role as a metropolitan planning organization and agency which passes FTA funding through to other entities, MTC is expected to:

- Ensure that the level and quality of transportation service is provided without regard to race, color, or national origin;
- Identify and address, as appropriate, disproportionately high and adverse human health and environmental effects, including social and economic effects of programs and activities on minority populations and low-income populations;
- Promote the full and fair participation of all affected populations in transportation decision making;
- Prevent the denial, reduction, or delay in benefits related to programs and activities that benefit minority populations or low-income populations; and

- Ensure meaningful access to programs and activities by persons with limited English proficiency.

State Regulations

California Government Code Section 65040.12

For the purposes of the Section 65040.12, environmental justice is defined as “the fair treatment of people of all races, cultures, and incomes with respect to the development, adoption, implementation, and enforcement of environmental laws, regulations, and policies.” Section 65040.12 requires the Office of Planning and Research to:

- (1) Consult with the Secretaries of the California Environmental Protection Agency, the Resources Agency, and the Business, Transportation and Housing Agency, the Working Group on Environmental Justice established pursuant to Section 72002 of the Public Resources Code, any other appropriate state agencies, and all other interested members of the public and private sectors in this state.
- (2) Coordinate the office's efforts and share information regarding environmental justice programs with the Council on Environmental Quality, the United States Environmental Protection Agency, the General Accounting Office, the Office of Management and Budget, and other federal agencies.
- (3) Review and evaluate any information from federal agencies that is obtained as a result of their respective regulatory activities under federal Executive Order 12898, and from the Working Group on Environmental Justice established pursuant to Section 72002 of the Public Resources Code.

California Government Code Section 11135

MTC and ABAG receive a portion of the funding used for its projects from the State of California. Pursuant to California Government Code section 11135, no person in the State of California shall, on the basis of race, national origin, ethnic group identification, religion, age, sex, sexual orientation, color, or disability, be unlawfully denied full and equal access to the benefits of, or be unlawfully subjected to discrimination under, any program or activity that is conducted, operated, or administered by the state or by any state agency, is funded directly by the state, or receives any financial assistance from the state.

Other Guidance

In addition to these California Government Code Sections, there are a two policies/directives associated with Environmental Justice and fair treatment that have been issued by Caltrans. These include California Department of Transportation Director Policy No. 21 and the California Department of Transportation Deputy Directive No. DD-63. While these documents do not apply directly to the proposed Plan, it is important to note that these documents are in place to guide Caltrans as they make improvements and changes to the existing transportation network in the San Francisco Bay Area.

Local Plans and Policies

A number of local planning documents, planning goals, and policies have been implemented by local agencies in the San Francisco Bay Area to ensure the fair treatment of community members. These local plans and policies are in place to reduce disproportionate impacts to environmental justice populations and other communities of concern. Local implementing agencies will consider such local plans and policies in exercising their discretion to approve or deny individual projects.

- C163-10: The proposed Plan is not the cause of climate change or the region's population growth, and would therefore not create any "unequal impacts" compared to existing conditions that would not occur otherwise under the No Project alternative. However, the EIR does examine disproportionate impacts on communities of concern regarding air quality improvements; see Impact 2.2-6 in Chapter 2.2 of the Draft EIR.

Letter C164 Merrilie Mitchell (5/16/2013)

- C164-1: Please see Master Response C regarding requests for extensions of the public comment period. MTC and ABAG followed CEQA requirements for public noticing of the EIR. See Chapter 1.2 of the Draft EIR for a description of the public participation process for development of the proposed Plan. Regarding public engagement for the EIR, please see Chapter 1.1 of the Draft EIR for a description of the Notice of Preparation and public scoping process and Section 1 of this Final EIR for a description of the public review process for the Draft EIR.
- C164-2: The VMT tax is only a consideration as a component of Alternative 5. It is not being considered as a part of the proposed Plan, but commenter's opposition to the VMT tax is acknowledged. If a VMT tax is pursued, many details of implementation and the possible effects would be evaluated further.
- C164-3: The proposed Plan does not call for the elimination of buses on smaller streets, nor the concentration of big buses on main corridors. Such details of transit operations are the responsibility of the region's transit operators and beyond the authority of MTC and ABAG.
- C164-4: These comments appear to internal issues within the City of Berkeley. Priority Conservation Areas (PCAs) were nominated by local governments. The proposed Plan does not regulate local land use and local jurisdictions, such as the City of Berkeley, retain the discretion to preserve any lands within its jurisdiction whether or not they are located within a PCA identified in the proposed Plan. See Master Response A.1 regarding local land use control.
- C164-5: Priority Development Areas (PDAs) and Priority Conservation Areas (PCAs) were nominated by local governments. In addition, local jurisdictions have local land use authority, and will be responsible for individual permitting decisions and the protection of historic resources and trees. The proposed Plan will only be implemented insofar as local jurisdictions adopt its policies and recommendations. Please refer to Master Response A.1 on local control over land use and Master Response I regarding the PDA process.

Letter C165 Robert Piper (5/16/2013)

- C165-1: Travel demand forecasts were developed by Travel Model One, including forecasts of bicycle trips in future years. Note that travel demand models are calibrated based on decades of historical travel data to avoid extrapolating short-term trends. MTC and ABAG believe

the forecasts are reasonable. However, MTC and ABAG acknowledge the forecasts are conservative. Use of conservative forecasts for bicycling ensured that GHG emissions reductions analysis was also conservative. Additional information about the forecasting methodology can be found in the *Draft Plan Bay Area Summary of Predicted Traveler Responses*.

C165-2: While bicycling has increased significantly within the City of San Francisco over the past decade, this growth has been less significant in suburban and rural areas of the region where longer travel distances and higher speed limits make bicycling less competitive with other modes. As noted in the response C165-1, it would be inappropriate to extrapolate short-term trends when calibrating long-range travel models. While focused growth in Priority Development Areas helps to grow the number of pedestrian and bicycle trips as part of the Draft Plan, many individuals residing and working in these areas will still choose to drive. The Draft Plan works to reduce greenhouse gases not only by shifting trips to non-automobile travel modes but also by reducing driving distances (as a result of bringing origins and destinations closer together).

C165-3: Refer to responses C165-1 and C165-2.

C165-4: As shown in Table 2.1-11 of the Draft EIR, revised in Section 2 of the Final EIR, Bay Area roadway lane-miles only increase by 4 percent as a result of the transportation investments in the proposed Plan. When compared to the regional population growth (30 percent over the life of the Plan, as shown in Table 2.1-10), it is clear that roadway capacity increases in the proposed Plan are relatively limited. The proposed Plan invests much more significantly in operating and maintaining the existing system, rather than constructing additional roadway capacity.

C165-5: Travel forecasts developed by Travel Model One properly incorporate the impacts of induced demand (i.e. additional trips generated as a result of capacity-increasing projects). Additional information about the forecasting methodology can be found in the *Draft Plan Bay Area Summary of Predicted Traveler Responses*.

C165-6: The individual impacts of all uncommitted projects (on metrics such as VMT and GHG) were analyzed as a part of the Project Performance Assessment. Additional information on this analysis can be found in the *Plan Bay Area Draft Performance Assessment Report*. As a program EIR, project-level impacts were not quantified individually in the Draft EIR as this analysis is focused on the cumulative impacts of all transportation projects and land use changes; see Master Response A.3 for more information on program EIRs. Further information on the programmatic nature of this environmental document can be found on page 1.1-4; additional information regarding the Draft EIR's emphasis on regional impacts can be found on page 2.0-1.

The proposed Plan is designed to accommodate the region's projected growth through 2040 while holding in-commuting at 2010 rates, which it does as discussed in Chapter 2.3 on land use impacts. Chapter 3.2 of the Draft EIR discusses growth-inducing impacts and on page 3.2-18 notes that, "While the proposed Plan would continue to import employed residents, this is consistent with historic trends, and does not represent inducement of growth outside the region beyond that which is reasonably expected." Furthermore the MTC Travel Model captures vehicle miles travelled within the nine-county region, and the GHG emissions from such trips. The proposed Plan is designed to provide adequate development capacity for the projected job growth within the region, and housing for the related households as well.

Ultimately if Bay Area residents commute to jobs outside the region, or more workers than anticipated commute into the Bay Area, that is beyond the control of MTC and ABAG; the proposed Plan represents the best attempt to ensure that conditions are set to avoid such situations.

Finally, future conditions under the proposed Plan do reflect a lower level of per-capita vehicle miles traveled (as shown in Table 2.1-17 of the Draft EIR). This is consistent with the recent trend of stagnating growth in driving; however, it should be noted that that near-term trend is partially due to the recent recession affecting employment levels and economic output (which in turn led to reduced travel demand). Forecasted increases in total VMT under year 2040 Plan conditions are primarily a result of increased levels of population and employment – metrics that reflect the forecasted robust economic growth over the coming decades.

Letter C166 Thomas Rubin (5/16/2013)

- C166-1: The fact that the commenter and the commenter's consultant disagree with MTC's and ABAG's conclusions does not undermine the validity of those conclusions. "Challenges to the scope of the analysis, the methodology for studying an impact, and the reliability or accuracy of the data present factual issues, so such challenges must be rejected if substantial evidence supports the agency's decision as to those matters and the EIR is not clearly inadequate or unsupported." (*Federation of Hillside & Canyon Assns. v. City of Los Angeles* (2000) 83 Cal.App.4th 1252, 1252 (*Federation*).)
- C166-2: MTC's and ABAG's conclusions, including the population projections, are well supported. See Master Response B.1 for a detailed discussion of population projections. In particular, see the June 11, 2013 memorandum from Stephen Levy at the Center for the Continuing Study of the California Economy, which provides detailed responses to the Beacon Report submitted by the commenter. The memorandum can be found at: <http://onebayarea.org/regional-initiatives/plan-bay-area/draft-plan-bay-area/supplementary-reports.html>
- C166-3: Please see response C166-2.
- C166-4: The assertions in the comment stem from the commenter's disagreement with the population projections. See response C166-2.
- C166-5: Please refer to response C166-2. MTC and ABAG based the Plan and the EIR on accurate population projections and therefore disagree with the commenter's assertions that the impacts in the EIR are over-stated.
- C166-6: See response C166-4. See also Master Response D.1 regarding SB 375's GHG reduction requirements. As discussed in Master Response B.1 in greater detail, the California Air Resources Board (CARB) and Department of Finance support the population projection methodology used for the proposed Plan. Master Response D.2 explains that CARB has also preliminarily approved MTC's and ABAG's GHG reduction methodology.
- C166-7: The assertions in the comment all stem from the commenter's disagreement with the population projections. See response 166-1 through 166-5. The commenter references the joint memorandum prepared by ABAG, the Department of Housing and Community

Development (HCD), and the Department of Finance (DOF), discussed in greater detail in Master Response B.1, in which the differences between the agencies' population projections are explained and ABAG's methodology is found to be reasonable. The commenter disagrees with the agencies' conclusions and opines that employment growth is over-stated. The commenter's opinion does not undermine the basis for the population projections. See response 166-1 through 166-5.

- C166-8: The commenter is incorrect to assert that the population projections are based solely on two years of employment trends. The excerpt the comment refers to simply points out that DOF did not take the latest employment trends into account. It does not mean ABAG's population projections are based solely on those two years. ABAG relied on various expert agencies and researchers in developing population projections for the Plan, as described in greater detail in Master Response B.1.
- C166-9: The commenter lists various unsupported opinions describing the Bay Area as an unfriendly business region. The commenter's opinion is at odds with the recent employment trends discussed in the June 13, 2013, Levy memorandum and in "Bay Area Job Growth to 2040" (see Master Response B.1). Again, the commenter's assertions stem from the fact that the commenter disagrees with ABAG's population projections. The commenter fails, however, to cite any specific evidence that could undermine ABAG's methodologies or projections.
- C166-10: The commenter incorrectly assumes that ABAG relied solely on job growth as the basis for its population projections. While job growth is the main determinant of population growth, ABAG also relied on DOF fertility and mortality assumptions, migration rates, and demographic projections.

Letter C167 Susan Samols (5/16/2013)

- C167-1: Please refer to Master Response B.1 on population projections. Also see Letter A16 from the City of Sausalito, which did not request any changes to the jobs and housing development proposal for the City.
- C167-2: While the streamlining benefits of the proposed Plan may serve to reduce time and costs associated with complying with CEQA, the ultimate land use authority provided to local agencies to approve, modify, or deny proposed projects within their jurisdiction is not diminished by the proposed Plan. Please refer to Master Response A.1 on local control over land use and Master Response A.2 on CEQA streamlining options.
- C167-3: The programs commenter mentions are components of the State's Scoping Plan to reduce GHG emissions and the Climate Program Initiatives of the proposed Plan. Please refer to Master Response D.1 regarding the SB 375 GHG analysis and Master Response D.2 on the connection between high-density housing near transit and the reduction in greenhouse gas emissions.
- C167-4: Please note that growth is expected to occur within the Bay Area region regardless of implementation of the proposed Plan. See Master Response B.1 regarding population projections.

C167-5: Commenter's support for the No Project alternative is acknowledged. The decision-makers will weigh the advantages and disadvantages of each alternative in determining which option to adopt.

Letter C168 Judy Schriebman (5/16/2013)

C168-1: Please see Master Response C regarding requests for extensions of the public comment period. MTC and ABAG followed CEQA requirements for public noticing of the EIR. See Chapter 1.2 of the Draft EIR for a description of the public participation process for development of the proposed Plan. Regarding public engagement for the EIR, please see Chapter 1.1 of the Draft EIR for a description of the Notice of Preparation and public scoping process and Section 1 of this Final EIR for a description of the public review process for the Draft EIR.

Note that the proposed Plan would result in only around 500 additional households in Marin County by 2040 compared to the growth expected under the No Project alternative; see Chapter 3.1 of the Draft EIR.

Letter C169 Jim Shroyer (5/15/2013)

C169-1: Commenter's support for the No Project alternative is acknowledged. The decision-makers will weigh the advantages and disadvantages of each alternative in determining which option to adopt.

C169-2: Please refer to Master Response B.1 on population projections as well as Master Response D.1 on the greenhouse gas emissions included in analysis for the SB 375 target. The proposed Plan must attain per capita GHG emissions reductions from a 2005 baseline, as required by SB 375 and explained in Chapter 2.5 of the Draft EIR.

Letter C170 Thomas Smith (5/12/2013)

C170-1: Local jurisdictions nominate PDAs and submit them to ABAG for inclusion in the PDA program. MTC and ABAG do not develop the PDA. The City of Orinda master plan referenced by the commenter has no direct relation to the proposed Plan. Under State law (CEQA) land use plans are projects that must comply with CEQA. See Master Response A.1 regarding local land use control and Master Response I regarding the PDA process.

C170-2: MTC and ABAG are relatively limited in the strategies permitted to attain the SB 375 GHG emissions reductions targets; see Master Response D.1 for details. MTC and ABAG believe that the transportation program and land development pattern proposed represent an effective and realistic strategy. SB 375 requires that an SCS, such as Plan Bay Area, include a land development pattern that is supported by transportation projects, yet also notes that the SCS does not override local land use authority; see Master Response A.1 on local land use control. The No Project alternative was developed in a manner that complies with CEQA; incorporating specific zoning changes that may occur in the future under the No Project alternative would be speculative. The No Project alternative did assume that urban boundary lines expand at historic rates of expansion. See page 3.1-5 for more information on the land use policies of the No Project alternative.

- C170-3: The RTP/SCS for the Bay Area must be updated every four years. The next update will evaluate the region's progress in attaining the GHG emissions reduction targets and may adjust transportation and land use strategies accordingly.
- C170-4: SB 375 requires the proposed Plan to include a land use plan that can house all economic segments of the population. See response C157-1 and Master Response F for more information.
- C170-5: Please see responses C170-1, 2, and 4. MTC and ABAG followed CEQA requirements for public noticing of the EIR. See Chapter 1.2 of the Draft EIR for a description of the public participation process for development of the proposed Plan. Regarding public engagement for the EIR, please see Chapter 1.1 of the Draft EIR for a description of the Notice of Preparation and public scoping process and Section 1 of this Final EIR for a description of the public review process for the Draft EIR.
- C170-6: MTC and ABAG believe that the EIR represents an accurate and objective analysis of environmental impacts, provides feasible and effective mitigation measures, and examines a reasonable range of alternatives to the proposed Plan. Please see Master Response C regarding requests for extensions of the public comment period; see also response C170-5.

Letter C171 Panos Prevedouros (5/7/2013)

- C171-1: MTC and ABAG believe the estimates are reliable for the task at hand: providing decision-makers information to guide long range planning decisions. The commenter is correct that the alternatives analyzed in the EIR cause similar environmental impacts and similar performance results. These similarities are largely a result of the influx of roughly 2.1 million new residents through 2040, its expansive reach (covering 9 counties and 101 cities), and due to the limitations on MTC and ABAG's ability to enforce mitigation measures identified in the program EIR. However, MTC and ABAG believe certain differences in the results, as well as differences in the policies incorporated in each alternative that lead to said results, are meaningful (the term "significant" is not defined in the letter) and useful for illustrating the likely impacts of policies on land use outcomes and traveler responses.
- C171-2: MTC and ABAG agree that UrbanSim, just as with any model, may be improved via uncertainty analysis. In no way is the mere existence of transportation infrastructure seen as a sufficient condition for generating economic growth in UrbanSim. The statistical tables underlying the demand sub-models show the range of factors that combine in creating growth. And in the results, some areas with great transportation options fail to generate even average levels of increase. Similarly, the statistical tables outline the many drivers of residential location choice. UrbanSim's discrete choice framework allows for the incorporation of a wide range of factors in influencing residential location choice as opposed to the historical accessibility-dominated models you describe.
- C171-3: UrbanSim is used here to distribute growth within the nine county Bay Area. As a simplification, it ignores the competition for land in neighboring counties, states, and countries. MTC and ABAG believe this simplification is reasonable for the purposes of (a) efficiently creating a reasonable range of Draft EIR alternatives and (b) filling in sub-travel-analysis-zone details. The criticism put forward here is theoretical and does not in any way suggest that UrbanSim fails to do either (a) or (b). Further, it fails to suggest a superior

approach to tasks (a) and (b). MTC and ABAG believe UrbanSim is the best available planning tool for this RTP/SCS cycle and EIR.

- C171-4: The UrbanSim model respects the inputs provided by model users, which allows for an assessment of how policy decisions impact policy outcomes. MTC and ABAG find this approach more valuable than a land use model that ignores policy inputs, such as zoning. More complex frameworks have tried to simulate changes in base zoning but the foundations for such a simulation are highly speculative. Since MTC and ABAG's goal was to create a No Project for a region with highly-involved residents, along with a range of alternatives defined by varying policies, we found a strong respect for existing policy to suit our goal.
- C171-5: The comment erroneously assumes that decisions made for Plan Bay Area will not be changed for the next 30 years. This is incorrect. The Regional Transportation Plan and Sustainable Communities Strategy will be updated in four years. MTC and ABAG agree that UrbanSim, just as with any model, can be improved via sensitivity testing. MTC and ABAG, nevertheless, believe UrbanSim is the best available planning tool for the current RTP/SCS cycle and this EIR.
- C171-6: The UrbanSim model was used to (a) efficiently create a reasonable range of Draft EIR alternatives and (b) fill in sub-travel-analysis-zone details. The criticism put forward here is theoretical and does not in any way suggest that UrbanSim fails to do either (a) or (b). Further, it fails to suggest a superior approach to tasks (a) and (b). MTC and ABAG believe UrbanSim was the best available planning tool for this RTP/SCS cycle and EIR. MTC and ABAG agree that UrbanSim, just as with any model, can be improved via quality assessments of input data.
- C171-7: The comment erroneously assumes that decisions made for Plan Bay Area will not be changed for the next 30 years. This is incorrect. The Regional Transportation Plan and Sustainable Communities Strategy will be updated in four years. If and when telecommuting and/or any other policies begin to gain traction, changes will be made accordingly. In addition, as the commenter notes, new HOT lane and cordon pricing projects are anticipated to be implemented over the life of the Plan. MTC and ABAG will continue to monitor new programs and research to update our analysis tools to the greatest extent possible. The author of the comment, notably, does not suggest any actual foreseeable future behavioral patterns that MTC and ABAG may have ignored in the Draft EIR.

C171- Comments included on pages 15 to 17: See response C171-3 regarding boundary effects. See response C171-4 regarding land use development constraints assumed. See responses C171-5, 5 and 7 regarding the appropriate use of the model and future changes to the analysis tools that can be made if and when various policies and programs demonstrably change behavior.

Letter C172 Panos Prevedouros (5/13/2013)

- C172-1: MTC and ABAG are mandated by federal and State law to create a regional transportation plan and land development pattern that, among other mandates, provides enough housing to accommodate projected regional growth and attains the per capita GHG emissions reduction targets for passenger vehicles and light trucks assigned by ARB. The most effective strategy to meet many of these requirements, as well as the project objectives adopted by MTC and ABAG, is to bring jobs and housing closer together, thus reducing trip

average length, and to promote transit-oriented development while emphasizing the operations and maintenance of existing roadways and transit systems.

Per CEQA, an EIR is unconcerned with cost effectiveness or speed, it is intended to publicly disclose and propose mitigations for potential environmental impacts and to evaluate a reasonable range of alternatives, for consideration by decision-makers prior to plan adoption. CEQA requires an EIR to identify the environmentally superior alternative, which may not be the No Project alternative. Based on the comparative impact analysis in Chapter 3.1 of the Draft EIR, this EIR appropriately identified Alternative 5 as the environmentally superior alternative. The project decision-makers, the MTC Commission and ABAG Board, are not bound to select the proposed Plan or the environmentally superior alternative.

The commenter correctly list several significant and unavoidable impacts under the proposed Plan. However, as shown in Chapter 3.1 of the Draft EIR, every alternative including the No Project alternative would experience the same significant and unavoidable impacts. This suggests that all of these impacts are the result of population growth and are effectively inevitable. Furthermore, the No Project alternative would create additional significant and unavoidable impacts beyond those under the proposed Plan, suggesting that the proposed Plan effectively mitigates environmental impacts that would occur otherwise and thus provides a beneficial effect.

C172-2: See Master Response B.1 on the population projections.

C172-3: This comment primarily addresses the funding levels in the Draft Plan, rather than the Draft EIR analysis. As identified on page 1.2-50 of the Draft EIR, Plan Bay Area will “fully fund timely transit vehicle replacement and 70 percent of the other high priority transit capital needs. Furthermore, [it] will fully fund operating needs for existing transit services”. This represents a significant regional commitment to fund transit operations and maintenance – beyond the commitment levels in *Transportation 2035*.

The Draft Plan’s funding levels for operations and maintenance (87 percent of total funding) reflect the Commission’s “Fix It First” policy. MTC acknowledges that a transit capital maintenance shortfall does remain, even with the funding levels proposed in the Draft Plan. Yet this issue is not unique to public transit. Funding shortfalls also remain for local streets and state highways in the Draft Plan, simply due to the relative age of the region’s infrastructure for both roads and transit.

C172-4: As noted on page 7 of the *Draft Forecast of Jobs, Population and Housing* supplementary report and page 18 of the *Draft Summary of Predicted Land Use Responses* supplementary report, the full 2010 Decennial Census is used to inform both the 2010 population estimates and the 2040 population projections – and, as follows, the 2010 and 2040 estimates of travel-related outcomes.

C172-5: This comment primarily addresses the funding priorities of the Draft Plan, rather than the Draft EIR analysis. It correctly points out that a greater proportion of funding per traveler is being directed towards public transit, although MTC does not agree with the calculation assumptions used by the commenter to derive the specific ratios. This funding allocation is consistent with the adopted targets of Plan Bay Area, which include increasing non-auto mode share and reducing per-capita greenhouse gas emissions. By shifting a measurable

share of peak period trips to public transit, automobile travel demand can be reduced (along with its associated emissions) and growth in regional traffic congestion can be slowed. Note that the travel demand model does incorporate freight flows and non-commute travel as part of regional travel forecasts for the Draft EIR. It does not specifically include emergency vehicle traffic, but these vehicles are a very small share of regional travel demand.

C172-6: The regional travel demand model (Travel Model One) does capture transit delays as a result of traffic congestion. For transit vehicles operating in mixed flow, the transit passengers' travel time reflects vehicle speeds on the roadway, combined with a land use factor that incorporates expected delay from bus stops (caused by passenger boardings and alightings). These transit delay impacts are incorporated into overall transit travel times, as shown in Draft EIR Tables 2.1-14 and 2.1-15; this is consistent with automobile travel times for those impact areas, which include associated automobile delay impacts.

C172-7: Refer to the response C153-9 regarding the forecasted growth in transit mode share in comparison to historical trends.

C172-8: See Master Response D.1 which describes what technologies are allowed to be included when calculating GHG emissions for SB 375 targets. MTC and ABAG are not permitted to take many technologies and fuel efficiency standards into account.

C172-9: Refer to the response C172-16 regarding the connection between investments in public transit and delay from traffic congestion.

C172-10: Regional travel models are not designed to conduct intersection-level operational analyses; however, intersection-level delays are approximated by adjusting effective lane capacities by place type. For example, the narrow urban streets of San Francisco (with short block lengths) have a lower effective lane capacity than the wider suburban streets (with longer block lengths) of southern Alameda County. The lower effective link capacity serves as a proxy for the delays caused by the greater number of congested intersections in urban locations. Additional information on the travel modeling process can be found in the Draft Summary of Predicted Traveler Responses.

As noted on Page 2.1-22 of the Draft EIR, this analysis focuses directly on regional impacts, rather than impacts to specific local intersections. Any local traffic operational issues, as identified in this comment, should instead be mitigated as part of local project analyses, rather than this program Draft EIR. See also Master Response A.3 regarding the programmatic nature of this EIR.

C172-11: The justification for the 80 percent transit capacity threshold can be found on page 2.1-36 of the Draft EIR. Given that most of the region's public transit services rely on buses (where standing is relatively onerous for passengers compared to heavy rail or metro rail), it would be inappropriate to use heavy rail crush loading levels for the regional transit significance threshold. It is important to note that, even with the 80 percent threshold, regional transit capacity would have no adverse impact on system performance, as shown in Table 2.1-37.

C172-12: Refer to the response C172-9 regarding the proposed Plan's allocation of funding between roads and public transit. MTC disagrees with this comment's conclusion that the proposed Plan's funding allocation leads to greater vehicle delay; instead, increases in vehicle hours of delay under year 2040 Draft Plan conditions are primarily a result of regional population and

employment growth. Furthermore, as shown in Table 3.1-8 of the Draft EIR, the proposed Plan results in lower levels of vehicle delay than the No Project alternative, in which only committed projects were allowed to proceed. Therefore, the proposed Plan's significant investments in public transit, combined with limited expansion of the roadway network, and more focused land use pattern, reduce total vehicle hours of delay compared to No Project conditions.

- C172-13: The Draft EIR specifically examined the traffic congestion impacts of the proposed Plan under Impact 2.1-3 and determined that significant, unavoidable impacts related to per-capita VMT under congested (LOS F) conditions would occur under year 2040 Plan conditions. Mitigation measures 2.1(a), (b), and (c) would help to address the traffic congestion impacts related to Plan implementation. Note that the proposed Plan's significant allocation of funding towards public transit helps to reduce traffic congestion on the region's roadway network and thus reduce impacts under Impact 2.1-3.
- C172-14: Travel demand forecasts were developed by Travel Model One, including forecasts of transit boardings in future years. Additional information about the forecasting methodology can be found in the *Draft Plan Bay Area Summary of Predicted Traveler Responses*. While Plan Bay Area forecasts significant growth in transit ridership and utilization, this is primarily a result of the Plan's highly focused land use pattern around the existing and planned regional transit system. By focusing growth in Priority Development Areas near frequent transit, this will provide a much greater number of potential riders in close proximity to transit stations and stops. Historically, major U.S. metropolitan areas have continued to grow outward, as opposed to focusing growth in the urban core; the envisioned shift in land use growth patterns is a primary driver of the differences between historic ridership growth trends in the Bay Area and the forecasted ridership growth in Plan Bay Area. For additional detail, refer to the response C153-9 regarding the forecasted growth in transit mode share in comparison to historical trends.
- C172-15: Travel times between modes in Tables 2.1-14 and 2.1-15 of the Draft EIR are not directly comparable, as travel distances and corridor congestion differ substantially between modes. For example, walking and bicycle trips tend to occur on short local trips, while some transit trips (e.g. express bus, commuter rail, heavy rail) must traverse long distances. In fact, suburban transit expansion projects included in the proposed Plan lead to a long-distance travel mode shift towards transit that cancels out reductions in average transit travel times elsewhere in the region. Similarly, automobile trips are often taken when a route is relatively congestion-free, while transit trips often occur along slow-moving congested corridors; this further skews the results towards shorter travel times for autos and longer travel times for transit. In conclusion, travel time comparisons would only be appropriate when comparing a specific set of origins and destinations across the various modes.
- C172-16: All of the alternatives, with the possible exception of the No Project alternative that only pursues committed transportation projects, address issues of mobility and traffic congestion. However, they generally emphasize land use strategies, road efficiency improvements, transit efficiency and expansion projects, and non-motorized facility expansion to improve regional mobility, rather than traditional highway expansion efforts. Pursuing a regional highway capacity-increasing approach would likely have additional environmental impacts and would not address the Plan's primary goal of reducing per-capita greenhouse gas emissions under Senate Bill 375. Furthermore, it would likely degrade performance for most of the Plan's adopted performance targets (shown on page 1.2-22 of the Draft EIR).

- C172-17: See Master Response A.3 regarding specificity of a program EIR. This EIR examines the regional and generalized local impacts of the proposed Plan as a single project and does not analyze impacts from individual projects. Significant noise from proposed transit systems, and noise affecting proposed land use projects, will be examined in the project-level environmental review for those projects where necessary. Note that the one instance of “electrified” in Chapter 2.6 of the Draft EIR refers specifically to trolley buses in San Francisco (p.2.6-9); the quote in the comment refers to BART in the TransBay tunnel.
- C172-18: The text and the figure match. The text refers to hourly average noise level (L_{eq}) and the day-night average level (L_{dn}), which are defined on p. 2.6-4. These are noise descriptors that explain how sound is measured, but the units are decibels for both.
- C172-19: The commenter states that a 10 ft. concrete noise barrier at an expressway cross-section reduces noise levels by about 11 dB(A) (from 77 dB(A) to 66 dB(A)). Commenter then states the EIR’s conclusion that existing noise barriers within the region result in approximately a 6 dB(A) noise reduction is inappropriate. Throughout the region, existing noise barriers have varying heights and have been constructed using numerous techniques and materials. The comment supports the fact that the EIR conservatively assumes that existing noise barriers on average result in a 6 dB(A) noise reduction. MTC and ABAG took a deliberately conservative approach to considering the effects of noise barriers in order to avoid understating potentially significant impacts; this conservative approach was taken throughout the EIR.
- C172-20: The commenter states that Alternative 4 is the superior alternative, in the commenter’s view. Alternative 4 performed worse than other alternatives in many impact categories, as summarized in the Draft EIR on pages 3.1-146 through 3.1-148. The comment notes that Alternatives 3, 4 and 5 were penalized by including an additional peak period Bay Bridge toll. However, Alternative 5, which included said toll, actually performs the best overall in the Draft EIR analysis. As the commenter points out, the differences between alternatives are extremely small, and the commenter is correct in noting that when doing 28-year planning and impact analysis, the differences between most alternatives in many cases is so small as to be within a likely margin of error of the tools used for the analysis.
- C172-21: The commenter is correct that Alternative 4 performs more poorly in impacts associated with transportation impacts, and performs relatively well compared to the other alternatives regarding land use impacts.
- C172-22: The commenter states that “Alt. 4 ... has interactions with the counties surrounding the 9-county [Bay Area]”. It is unclear as to what “interactions” the comment refers to or why these “interactions” would not occur in the other Alternatives. As a simplification, UrbanSim ignores neighboring counties, states, and countries when distributing growth within the Bay Area. This approach is taken for each of the five alternatives. MTC and ABAG do not think this assumption has any differential impact on Alternative 4.
- C172-23: As noted on page 2.2-18 of the Draft EIR, the MTC travel model provides estimates of vehicle miles traveled (VMT) by speed category to the California Air Resources Board’s emissions estimation software (EMFAC2011). The EMFAC2011 estimates reflect assumptions about changes in future fleet mix. As such, the Draft EIR analysis explicitly

considers changes in the fleet mix. The CARB website contains an interactive tool⁷ that provides information on the vehicle types included in EMFAC2011.

- C172-24: See Master Response D.1 regarding the emissions analysis.
- C172-25: Many of these underlying trends are highly variable. The proposed Plan incorporates some of these factors in its population projections (see Master Response B.1) but others such as tax rates and health care costs are uncertain and it would be speculative to plan around them.
- C172-26: Commenter's opposition to all of the alternatives is acknowledged. The decision-makers will consider this comment in considering the merits of the proposed Plan and alternatives evaluated in this EIR.

Letter C173 Karen Westmont (5/16/2013)

- C173-1: The comment states that by assuming the same share of people commute into the region in 2040 as in 2010, the proposed Plan results in more expensive housing, increased congestion and emissions, and that long-distance commuters will not be considered in the air quality analysis that is done at a regional or air basin level. The analysis in the Draft EIR for both transportation impacts and air quality includes the impact of people who commute in to the region.

The proposed Plan, as described in the Draft Plan, page 102 and 116, is anticipated to result in increased housing and transportation costs in the region compared to today's levels for all households. Alternative 4, which includes a higher number of new housing units, does, as the comment suggests, result in a very slightly lower share of income going to housing and transportation. It should be noted that the proposed Plan does not cap the level of development that is authorized in the San Francisco Bay Area. The proposed Plan does not limit the land use control of local jurisdictions and, therefore, jurisdictions could exercise their discretion to authorize housing development at a rate that exceeds the level forecasted in the proposed Plan. See Master Response A.1 regarding local land use control.

The comment goes on to state the California Housing and Community Development (HCD) Agency did not correctly calculate the housing need for the region because it is based on existing homes. This comment is not on the Draft EIR, nor is it one the proposed Plan. The housing allocation is the subject of a different process, the Regional Housing Needs Allocation. While the RHNA must, as per SB 375, be consistent with the SCS, the SCS is independent of RHNA.

Letter C174 Beverly Wood (5/16/2013)

- C174-1: Please see Master Response C regarding the request to extend the public comment period.

Letter C175 Carol Brandt (3/4/2013)

- C175-1: MTC and ABAG followed CEQA requirements for public noticing of the EIR. See Chapter 1.2 of the Draft EIR for a description of the public participation process for development of the proposed Plan. Regarding public engagement for the EIR, please see Chapter 1.1 of the

⁷ <http://www.arb.ca.gov/emfac/>

Draft EIR for a description of the Notice of Preparation and public scoping process and Section 1 of this Final EIR for a description of the public review process for the Draft EIR.

Letter C176 Margery Entwisle (5/13/2013)

- C176-1: Please see Master Response D.2 on the connection between high-density housing near transit and reduced greenhouse gas emissions.
- C176-2: Please see Chapter 2.12 of the Draft EIR and Master Response G regarding water supply. In addition, it is important to recognize that the Plan will not, in itself, create population growth, but is rather a regional strategy to accommodate the region's projected population and job growth in an equitable and efficient manner in partnership with local governments.

Letter C177 Devilla Ervin (5/16/2013)

- C177-1: See Master Response F on issues of displacement.
- C177-2: Commenter's support for Alternative 5 is acknowledged. The decision-makers will weigh the advantages and disadvantages of each alternative in determining which option to adopt.
- C177-3: Commenter is correct that the Draft EIR concluded that Alternative 5 is the environmentally superior alternative. Commenter's support for Alternative 5 is acknowledged. The decision-makers will weigh the advantages and disadvantages of each alternative in determining which option to adopt.

Letter C178 Sue Hestor (4/28/2013)

- C178-1: MTC and ABAG followed CEQA requirements for public noticing of the EIR. See Chapter 1.2 of the Draft EIR for a description of the public participation process for development of the proposed Plan. Regarding public engagement for the EIR, please see Chapter 1.1 of the Draft EIR for a description of the Notice of Preparation and public scoping process and Section 1 of this Final EIR for a description of the public review process for the Draft EIR, including the outreach efforts to inform the public of the availability of the Draft EIR and the libraries to which the document was sent.
- C178-2: Please see Master Response E and chapter 2.5 (Climate Change and Greenhouse Gases) of the EIR regarding sea level rise.

Letter C179 Bill Long (5/14/2013)

- C179-1: Under SB 375 and the Scoping Plan, MTC and ABAG must reduce GHG emissions through integrated land use and transportation planning. Thus MTC and ABAG followed CARB direction to exclude other policy initiatives, such as increases in fuel efficiency and low Carbon fuels, in its modeling for Criterion 2.5-1 which is the SB 375 GHG emissions reduction target. Please see Master Response D.1 regarding the greenhouse gas emissions included in analysis for the SB 375 target.
- C179-2: Please refer to the response C179-1.

Letter C180 Libby Lucas (5/14/2013)

- C180-1: Commenter's support for Alternative 4 is acknowledged. The decision-makers will weigh the advantages and disadvantages of each alternative in determining which option to adopt.
- C180-2: Potential impacts of the proposed Plan on the transportation system are evaluated in Chapter 2.1 of the Draft EIR, potential impacts related to public services are covered in Chapter 2.14, and impacts related to utilities are covered in Chapter 2.12.
- C180-3: The commenter suggests that the tsunami analysis for the proposed Plan should include findings from a 1984 United States Army Corps of Engineers tidal study and combine it with anticipated higher sea levels associated with global warming to analyze potential tsunami hazards. The referenced 1984 tidal study examined tidal records from 1855 to 1983 to identify increases of annual maximum tides over time and the relatively infrequent tide events (e.g. 100-year tidal events). The study does not evaluate tsunami hazards. As stated in the Draft EIR beginning on page 2.5-61, there are numerous transportation projects proposed under the plan that would be located in areas that could become inundated by sea level rise (see also Table 2.5-11 on page 2.5-62 for a list of specific projects that could become inundated by mid-century). There has been substantially more research on sea level rise and potential hazards within the Bay Area since the 1984 Army Corps study, and yet there is still much debate regarding the amount of sea level rise that can be anticipated in the future. However, Mitigation Measures 2.5(a) through (d) would require that planning for proposed improvements considers sea level rise and that adaptive management strategies be enacted to address the potential effects of a rising sea level including associated effects such as changes to flooding patterns and tsunami inundation areas.
- C180-4: The commenter asks why the proposed Plan does not include investments in padding along the highway in a number of locations, including Highway 101, I-80 in Berkeley and in Marin. No project sponsors submitted projects including installing padding as part of the call for projects. However, one of the initiatives identified in the proposed Plan as a key MTC and ABAG priority work item is to evaluate adaptation strategies for the region to address the impacts of sea level rise. Such analysis will include identifying potential strategies, including infrastructure investments.
- C180-5: The commenter states that the proposed Plan includes many projects that are growth inducing and that the proposed Plan does not do enough to address greenhouse gas emissions. It is important to recognize that the Plan will not, in itself, create population growth, but is rather a regional strategy to accommodate the region's projected population and job growth in an equitable and efficient manner in partnership with local governments. Additionally, the proposed Plan included a robust project performance assessment, which included as assessment of emissions and potential growth-inducing aspects of new capital projects. See the Supplemental *Project Performance Report* for more information. See also Master Response D.2 regarding the connection between high-density housing near transit and reduced GHG emissions. See also chapter 2.9 (Biological Resources) of the EIR of potential impacts to marshes and other habitats and the mitigation measures proposed to address those impacts. See also Master Response A.3 regarding the programmatic nature of this EIR.
- C180-6: Implementing agencies for future second-tier projects must address site-specific liquefaction issues. Also note that Mitigation Measure 2.7(b) which addresses this issue is tied to existing

regulations, namely the California Building Code, that are law and binding on responsible agencies and project sponsors. See Master Response A.3 regarding the level of specificity in this program EIR.

- C180-7: The commenter claims that “earthquake faults seem not sufficiently addressed with conservative design criteria.” As stated in the Draft EIR on page 2.7-18, “the 2010 CBC is based on the 2009 International Building Code (IBC) published by the International Code Conference. In addition, the CBC contains necessary California amendments, which are based on reference standards obtained from various technical committees and organizations such as the American Society of Civil Engineers (ASCE), the American Institute of Steel Construction (AISC), and the American Concrete Institute (ACI). ASCE Minimum Design Standards 7-05 provides requirements for general structural design and includes means for determining earthquake loads as well as other loads (flood, snow, wind, etc.) for inclusion into building codes.” Mitigation Measure 2.7(b) requires that all proposed improvements are designed and constructed in accordance with the “most recent version of the California Building Code (CBC)” and “shall comply with Chapter 16, Section 1613 of the CBC which provides earthquake loading specifications for every structure and associated attachments that must also meet the seismic criteria of Associated Society of Civil Engineers (ASCE) Standard 07-05.” The CBC is routinely updated and revised to reflect the latest seismic design research incorporating performance from earthquake events that occur from around the world. The CBC represents the most stringent seismic building code requirements in the United States.
- C180-8: The commenter is concerned with older floodplain maps that have not been updated by FEMA and that this allegedly represents a deficiency to the analysis. The analysis for this Draft EIR can only rely on approved FEMA floodplain maps; otherwise the analysis would be speculative. Future projects under the proposed Plan would nonetheless still be required to adhere to the local floodplain development requirements that are in effect at that time. Additionally, any final approved FEMA maps would be incorporated into local ordinances and planning elements as they are released. As stated in the Draft EIR on page 2.8-13, “construction standards are established within local ordinances and planning elements to reduce flood impedance, safety risks, and property damage.” In addition, “local flood control agencies and the U.S. Army Corps of Engineers have established extensive flood control projects, including dams and improved channels many of which continue to be repaired, constructed, and completed.” These flood control improvements occur throughout the planning area and would also include Santa Clara County and the tributaries mentioned in the comment where it is deemed necessary and effective. As such, with adherence to local, state and federal floodplain standards as required by Mitigation Measure 2.8(b), the proposed improvements would have a less than significant impact related to floodplain development.
- C180-9: The commenter notes that the Santa Clara County HCP did not include fisheries or Peninsula habitat conservation so the species lists are not as inclusive as they should be. The commenter further states that climate change may affect species and habitat distribution as well as species survival over the next 40 years. The Draft EIR is programmatic in nature and necessarily takes a broad approach to describing the environmental setting and identifying general types of impacts, without breaking down those broad types into the myriad potential project-specific impacts that might fall under a particular heading. The full list of special-status species potentially affected by proposed projects under the Plan can be found in Table H-1 in Appendix H of the Draft EIR. Furthermore, implementing agencies must comply

with CEQA prior to approving future second-tier projects. Also see Master Response A.3 regarding the level of specificity in this program EIR.

- C180-10: The commenter states that wildlife corridors should be accommodated by highways and that several Santa Clara County highway improvement projects should include underpasses or elevated crossings for wildlife. As noted in response B2-3, Mitigation Measure 2.9(e) requires site-specific analysis of regional, as well as local migratory corridors, and several other measures, including *construction of wildlife friendly overpasses and culverts, use of wildlife friendly fencing, and fencing of major transportation corridors in the vicinity of identified wildlife corridors* (emphasis added).
- C180-11: The commenter is concerned with highway upgrade impacts, specifically potential increases in non-native vegetation on serpentine grasslands and resultant increases in fire hazards. According to research conducted by the California Native Plant Society, “comparatively little is known about most invasive plants in California and their relationship to wildfire” (Lambert, et al., 2010). Regardless, proposed improvements would be required to implement Mitigation Measure 2.13(g), which require adherence to California Fire Code as well as compliance with Title 14 of the California Code of Regulations, Division 1.5.
- C180-12: The commenter states that chemical alteration in plants and creation of invasive hybrids “is [ex]acerbated by road expansion in and adjacent to wetlands” and that this impact should be assessed in the Draft EIR. The Draft EIR authors are unaware of any studies reporting that automobile pollutants directly cause chemical alterations in plants or contribute to the creation of hybrid plant species. Excess nitrogen deposition can, however, result in changes in species dominance, particularly in communities where nitrogen is naturally a limiting factor, such as serpentine soil communities or wetlands, due to resultant chemical alterations in soil properties that make specialized substrates more prone to invasions by non-native species that otherwise have a hard time competing on such soils. Excess nitrogen deposition can also result in changes in water chemistry that could have deleterious effects on aquatic life. In wetland systems, additional nitrogen can stimulate growth of invasive species such as cordgrass, which can hybridize with native species. However, in many cases the bulk of nitrogen loading in aquatic systems does not come from atmospheric deposition but is related to the hydrology of a system and sources include runoff from land, ground water, marine water, and wastewater effluent. The Bay Area Upland Habitat Goals Report⁸ included a relatively coarse-scale analysis of atmospheric nitrogen deposition throughout the Bay Area, which shows that, in general, tidal marshes around the San Francisco Estuary are subject to the lowest dry atmospheric nitrogen deposition rates. The report also finds that tidal marshes are only moderately sensitive to nitrogen deposition. At this point, however, there is little research available on the effects of atmospheric nitrogen deposition on specific species, and site-specific nitrogen budgets are for the most part unknown. Therefore, it would be speculative to assert that atmospheric nitrogen deposition in the Bay Area is a primary driver for invasion of local marshes by non-native cordgrass or giant reed. In addition, Plan Bay Area is intended to reduce greenhouse gasses per SB 375 and, as noted in Chapter 2.5, Climate Change, of the Draft EIR, implementation of the proposed Plan is expected to result in overall land use and transportation-related decreases in greenhouse gas emissions from existing conditions. Therefore, the project would not contribute considerably to any such impact, were it to occur.

⁸ Available online: <http://www.bayarealands.org/reports/>

The commenter further states that highway earthmoving equipment can contribute to the spread of invasive species to stream systems. The Draft EIR recognizes the potential for construction to spread invasive plant species in riparian and other sensitive communities on pp. 2.9-54 and 2.9-56. The mitigation measures proposed for impacts on riparian communities would include consideration of invasive species control as a necessary component of avoiding and minimizing impacts. In addition, where wetland and stream permitting is involved, such permits typically contain terms and conditions relating to controlling invasive species, as do compensatory mitigation plans. Please also note that implementing agencies must comply with CEQA prior to approving future second-tier projects.

- C180-13: The commenter asserts that the Draft EIR does not include linear impacts on riparian corridors. The results of the GIS-based analysis for PDA impacts on other waters (including streams and their associated riparian corridors) are expressed in linear feet and presented in Table H-5A of Appendix H of the Draft EIR. The results for transportation project impacts are expressed in the number of linear projects intersecting mapped streams since the actual footprint of the projects relative to the riparian corridors are unknown at this time (see Table H-5B of Appendix H of the Draft EIR). Please also note that implementing agencies must comply with CEQA prior to approving future second-tier projects.

Letter C181 Libby Lucas (5/21/2013)

- C181-1: The commenter notes that the libraries near the commenter were unable to locate the Draft EIR. Please see Section 1 of this Final EIR for a description of the outreach efforts to inform the public of the availability of the Draft EIR and the libraries to which the document is sent. The Draft EIR was sent to the libraries referenced by the commenter; their inability to locate the document was noted and MTC sent the commenter a paper copy of the Draft EIR. Please also see Master Response C regarding the request to extend the public comment period.
- C181-2: The commenter states that the Draft EIR is deficient because it does not address biological resources issues in Santa Clara County in sufficient detail. Please see Master Response A.3 regarding the level of specificity in this program EIR. See also response C180-9 regarding Santa Clara County biological resources.
- C181-3: The commenter states that the summation of wetland impacts in acreage and miles seems underestimated and not sufficiently site-specific. Please refer to response B17-6 regarding underestimation of wetland impacts and see Master Response A.3 regarding the level of specificity in this program EIR.
- C181-4: The commenter states that the Draft EIR is deficient in not discussing “no net loss policies” for wetlands. Please refer to response B17-23 for a discussion of this matter.

Letter C182 Deirdre O’Brien (5/15/2013)

This letter forwards Letter C98 from Lisa Culbertson. See responses to C98.

Letter C183 Greg Schmid (5/9/2013)

- C183-1: Please see Master Response B.1 regarding population projections.

Letter C184 Pamela Tapia (5/16/2013)

C184-1: Commenter's support for Alternative 5 is acknowledged. The decision-makers will weigh the advantages and disadvantages of each alternative in determining which option to adopt.

C184-2: Please see Master Response F regarding displacement.

Letter C185 Athena McEwan (5/8/2013)

This letter does not contain a direct comment on the EIR, but rather forwards a newspaper article and attached comments on the article. The article and the comments are each addressed as a single comment.

C185-1: Please see Master Responses D.2 on the connection between high-density housing near transit and reduced GHG emissions, D.1 on GHG emissions included in analysis for the SB 375 target, Draft EIR Chapter 2.2 on air quality impacts and mitigations, Chapter 2.10 on visual resources, and Chapter 2.14 on public services. The financial costs of the proposed Plan are beyond the scope of an EIR.

C185-2: Many of these comments are not on the EIR, although those in support of the No Project alternative are noted. The decision-makers will weigh the advantages and disadvantages of each alternative in determining which option to adopt. Bob Silvestri's comments are addressed in the responses to his letters, numbered C26 and C156.

Letter C186 Chester Martine (5/16/2013)

C186-1: In response to Query 1-1, as explained on page 1.1-9 of the Draft EIR, "For analytic purposes in this EIR, 2010 is the base year (existing conditions), except for greenhouse gas emissions where 2005 is the base year for one criterion to demonstrate compliance with SB 375." See Master Response D.1. In some cases, the latest mapped data and related facility or public service information were used, usually from 2012 (for example, air quality, air basin boundaries, PDA boundaries, major road facilities, transit lines and areas served by transit, bicycle facilities, urbanized land and open space, regional parks and open space, levees and non-engineered berms, documented sensitive biological resources, critical habitat, scenic resources, water supplies, landfill capacities, and wastewater treatment capacity). Baseline environmental data for geology, seismicity, soils and farmland capabilities, flooding and wildland fire hazards were the most current available from responsible agencies and State databanks.

C186-2: In response to Query 1-2, the term "implement" means the requirements of federal and state law and implementing regulations that have been enacted, adopted and chaptered as law and existing local land use policies apply to the No Project. The EIR assumes such existing laws and policies will be implemented and are, therefore, made part of the No Project analysis and modeling performed for the No Project alternative.

In response to Query 1-3, the regulatory context includes existing regulations currently in force, which is fully consistent with CEQA and State CEQA Guidelines.

C186-3: In response to Query 1-4, the EIR describes existing regulations and what it means to implement them in the regulatory setting sections in each chapter; this same regulatory information is applicable to the alternatives. In response to Query 1-5, this EIR does state

that in the No Project alternative urban boundary lines would expand at historic rates. This EIR relies on information compiled by MTC and ABAG on historical changes in urban boundary lines, as defined in Section 2 of the Final EIR, and records on average annual annexation of land to cities for urban development. The urban boundary lines are assumed to expand at an historic rate under the No Project alternative because the alternative is designed to reflect a business-as-usual vision for the future.

- C186-4: See responses to Letter B6 regarding urban growth boundary definitions. In response to Queries 1-6 and 1-7, the EIR does include information on what it means to implement existing regulations in the regulatory setting sections for each chapter. Similarly, the EIR describes the existing environmental setting for each resource area evaluated in the EIR. The existing environmental setting as discussed throughout the EIR constitutes the existing environmental setting for the purposes of the alternatives analysis.
- C186-5: The NOP describes the proposed Plan and MTC and ABAG's intention of preparing an EIR; it does not provide detail on existing land use policies. The EIR provides those details; see responses C186-1 through C186-4.
- C186-6: The NOP does not describe existing land uses or existing land use policies; rather, it expresses the intent of MTC and ABAG to prepare an EIR and elicits comments that would help them define the scope of the EIR. See also response C186-3.
- C186-7: In response to Query 1-10, the EIR includes a discussion of existing land use policy in the regulatory setting section of Chapter 2.3. See Master Response A.1 for additional information on local control over land use.
- C186-8: In response to Query 1-11, the EIR does refer to regulations that affect local land use policy in the regulatory setting section of Chapter 2.3. This discussion would apply to the context for the No Project alternatives analysis. Page 1.1-9 of the Draft EIR explains that, "The No Project alternative consists of...the existing 2010 land uses plus continuation of existing land use policy as defined in adopted general plans, zoning ordinances, etc. from all jurisdictions in the region..." In response to Query 1-12, this EIR did not extensively analyze whether existing land use policies and land use regulations at the local level conform to the 2010 Clean Air Plan; the focus of this EIR is on whether, in this instance, the proposed Plan would conform to the Clean Air Plan, and this subject is evaluated under Impact 2.2-1(b). However, in Chapter 3.1, p. 3.1-34, the Draft EIR notes that, "As [the No Project] alternative assumes continuation of currently-adopted general plans through 2040, there is a potential for this alternative to be inconsistent with goals and objectives of the CAP. For example, the more dispersed pattern of growth does not promote communities where people can walk, bike, or conveniently use transit, which is a key objective of the CAP..."
- C186-9: In response to Query 1-13, the EIR describes existing land use regulations and existing land use policies that have an effect on land use in the regulatory setting section of Chapter 2.3. In response to Query 1-14, the housing element is part of the General Plan, and General Plans are included in the discussion of local control mechanisms in the regulatory settings section of Chapter 2.3. In response to Query 1-15, the reference to Government Code Section 65300 et. seq. does include State Housing Law and requirements for housing elements. To expand on this section in the interest of clarity and complete disclosure, the following sentence is added to the last paragraph on page 2.3-27; see Section 2 of this Final EIR as well:

... Additional information about General Plan housing elements and update cycles is available on the California Department of Housing and Community Development website's housing element page:

<http://www.hcd.ca.gov/hpd/hrc/plan/he/>.

- C186-10: MTC and ABAG believe that the regulatory setting sections for each of the chapters in Part II of the EIR contain all of the relevant information needed for this programmatic assessment under CEQA. The discussion of the regulatory setting sections for each of the chapters in Part II of the EIR applies to all alternatives analyzed in the EIR, including the No Project alternative.
- C186-11: See response C186-8.
- C186-12: MTC and ABAG acknowledge and agree generally with this historical information presented in Facts 1-30 through 1-36.
- C186-13: In response to Query 1-17, this EIR establishes a regulatory setting based on federal, State and local regulations in place at the time preparation of this EIR was initiated. MTC and ABAG agree with the statement in Fact 1-40 that local governments have done much to spur affordable housing development. Existing local policies to spur development of affordable housing are part of the existing regulatory setting.
- C186-14: See Master Response B.2: Feasibility of the proposed Plan's Priority Development Areas.
- C186-15: MTC and ABAG believe that this EIR correctly defines the No Project alternative. The EIR assumes that existing regulations will be implemented, but also assumed that certain changes are also foreseeable under the No Project alternative such as a continued expansion of urban boundary lines based on historic rates. This assumption is not inconsistent with the idea that local General Plans and land use regulations would continue to be implemented. The idea is that the No Project alternative represents a continuation of historical trends, changes in "urban footprints" based on records of average annual annexation of land to cities for urban development.
- C186-16: See response C186-15, above. Many jurisdictions in the Bay Area have enacted policies and regulations to promote infill development while, at the same time, planning for appropriate expansion on to development land adjacent to the city limits. Concord is one clear example of this: the city has a robust infill incentive program; it also has been planning for the redevelopment of the Concord Naval Weapons Station. Both types of development would occur under the No Project alternative. As a programmatic assessment for the nine-county region, this EIR relies on "business as usual" analysis and projections prepared by ABAG. MTC and ABAG believe the information compiled and analyzed in this EIR for the No Project alternative is consistent with the parameters for the No Project analysis established in CEQA and State CEQA Guidelines.
- C186-17: The requested modification of the No Project alternative makes a policy assumption that MTC and ABAG does not believe is appropriate: to wit, that local governments would plan for growth in PDAs once zoning by such governments permits such PDAs. Under the No Project alternative, it would be speculative to presume what specific changes in local General Plans would be made. MTC and ABAG respectfully prefer the definition of the No Project

alternative presented in this EIR as appropriate for this programmatic assessment of the proposed Plan.

- C186-18: These tables accurately summarize the differences between the alternatives that were analyzed in detail, and the characteristics of the alternatives that emerged from the screening process described on pg. 3.1-2. These tables are meant as a summarizing visual aid for the reader and do not replace the definitions of the alternatives on pages 3.1-5 through 3.1-8.
- C186-19: See response C186-10. Per CEQA Guidelines and as explained on p.1.1-9 of the Draft EIR, “As with the evaluation of the proposed Plan, this EIR evaluates impacts of the No Project alternative and the other alternatives in 2040, the horizon year for the proposed Plan.”
- C186-20: This is explained on p.3.1-5 in the definition of the No Project alternative: “Express Lane projects in MTC’s regional network are listed as committed but technically are uncommitted; all of the MTC Network Express Lane projects are therefore excluded from the No Project alternative (VTA’s Express Lane Network is a fully committed project and included in every alternative).” This statement includes a footnote that further explains: “The region’s two Express Lane networks—MTC’s regional network and VTA’s network—are each viewed as a project made up of individual project segments. Unless the entire network is fully funded and committed, the entire network, or ‘project’, is uncommitted. As a result, MTC’s Express Lane Network is an uncommitted project; VTA’s Express Lane Network is a fully committed project.”
- C186-21: MTC and ABAG acknowledge the comment about the exemplary control measures in the Clean Air Plan.
- C186-22: As noted in prior comments, neither MTC nor ABAG, nor the BAAQMD, have authority to control local land use. While the control measure cited does call for promoting land use patterns that support mixed use, transit-oriented development, local jurisdictions would retain local land use authority. Therefore, the control measure does not compel local jurisdictions to take any specific actions; MTC and ABAG believe it was proper to include continued expansion of urban boundary lines based on historic rates within the No Project alternative. See Master Response A.1 for additional information on local control over land use.
- C186-23: MTC and ABAG respectfully disagree with the need for a new model run for the No Project alternative for the reasons presented in Response C186-22. MTC and ABAG believe it is reasonable and foreseeable to conclude local jurisdictions will continue to expand urban boundary lines based on historic rates under the No Project alternative.
- C186-24: MTC and ABAG believe that the tables in Chapter 3.1 accurately reflect the alternatives analysis undertaken and inform decision-makers of the environmental consequences of the alternatives. These alternatives do reflect long term trends and provide comparisons for the 2040 horizon year. RHNA programs are for a shorter time frame, and it would be speculative to assess in any detail what the details effects of five additional cycles of housing element updates might be. Instead, the alternatives analysis focuses on longer term trends as they would be affected by the policy interventions described for each alternative.
- C186-25: Correction noted and made in Section 2 of this Final EIR.

Letter C187 Peter Singleton (5/16/2013)

C187-1: See Master Response C regarding the request to extend the public comment period. In addition, the commenter claims that the Plan Bay Area is based on models, assumptions, forecasts and omissions that are “deficient and dishonest.” Those accusations are detailed in later comments by the commenter and responded to in detail below.

C187-2: The commenter claims that the public participation process associated with developing Plan Bay Area was inadequate. A portion of the information Mr. Singleton/Judicial Watch requested of MTC was publicly available prior to the Judicial Watch public records request dated March 13, 2013 (“Judicial Watch PRA request”). See response 187-5. In addition, a majority of the information requested on March 13, 2013 was provided prior to April 19, 2013, in accordance with the California Public Records Act (“CPRA”). The CPRA requires an agency to determine whether to comply with the request within 10 days of receiving the request. (Gov't Code § 6253(c).) As shown in the attachments to Mr. Singleton's May 16, 2013 comment letter (“Singleton May 16 letter”), MTC responded on March 25, 2013. The tenth day was March 23, a Saturday; MTC responded on the first succeeding business day. The CPRA allows a responding agency to extend the deadline for an additional 14 days for various reasons. As shown in the attachments to Singleton's May 16 letter, in its March 25, 2013 letter, MTC extended the deadline for the 14 days for the articulated reasons as are permitted by Government Code § 6253(c). The CPRA also instructs the responding agency to state the date and time when records will be made available. (*Id.*) On April 8, 2013, fourteen days after its March 25 letter, MTC responded in a twelve page letter with answers and links to material for the majority of the items requested in the Judicial Watch PRA request. MTC also stated that the remaining material, constituting approximately 1250 pages would be available two weeks hence. See attachment to Singleton May 16 letter.

The attachments to the Singleton May 16 letter clearly show that MTC complied with the CPRA in responding to the Judicial Watch PRA request. The request was several pages long and included dozens of categories and subcategories, including many questions that required a narrative response. MTC received the request on March 13, 2013, and notified Mr. Singleton that it would require an additional 14 days to respond, as permitted by the CPRA. At the end of the 14-day period, MTC responded with a lengthy and substantive letter, specifically addressing each of Judicial Watch's numerous questions and requests. This letter also provided a substantial amount of responsive documentation in the form of web links, which contained much of the requested information. Thus, Mr. Singleton in fact had the majority of the responsive information to a voluminous request within 24 days, a statutorily permitted timeframe. Furthermore, as noted above, the MTC April 8 letter estimated that there were approximately 1250 pages of additional responsive documents which would take approximately two weeks to gather, and provided Judicial Watch with the option of either paying for copies of the documents or sending representatives to MTC's offices to review the documents. As the Singleton May 16 letter discusses, MTC and Judicial Watch disagreed about the copying charge for these additional documents; however MTC did in fact, on the same day Judicial Watch came to MTC to review the documents, provide the documents to Judicial Watch in the form it desired for a nominal amount. The CPRA permits agencies to provide documents past the 24 day “deadline” and MTC did so with all deliberate diligence, using limited available personnel resources.

See Master Response C for additional information regarding the comment period schedule.

C187-3: See response C187-2.

- C187-4: The 45-day public comment period provided on the Draft EIR complies with CEQA. (Pub. Resources Code § 21091.) The fact that commenter filed a PRA request does not render the public comment period legally inadequate. See also Master Response C regarding requests for extension of the public comment period.
- C187-5: MTC has made modeling data and results available throughout the Plan Bay Area process. MTC has made information on model assumptions, methods, and results available to the public in a clear and transparent manner through posting on its website⁹, presentations in public meetings, and presentations at open public forums hosted by SPUR (a nonprofit organization focused on regional planning issues). To further communicate the model structure, parameters, and sensitivities, MTC has provided highly technical information¹⁰, as well as presented model overviews to non-technical audiences¹¹. Nearly all these materials were posted to the website or presented in public meetings well before the Judicial Watch PRA request, or in the cases of footnote 1(c) and 2(f), within the 24 day period following March 13, 2013.
- C187-6: Consistent with SB 375, the GHG emissions target CARB assigned MTC and ABAG requires reductions, when measured on a per capita basis relative to 2005, beyond those achieved by “new vehicle technology and by the increased use of low carbon fuel” (SB 375, Section 1(c)). See also Master Response D.1 regarding GHG emissions for SB 375. As such, for the purposes of SB 375, MTC and ABAG must estimate carbon dioxide emissions assuming a hypothetical future in which new vehicle technologies and the increased use of low carbon fuel are not present. This calculation is performed using CARB’s EMFAC2011

⁹ See the following:

- (a) Technical Summary of Predicted Traveler Responses to First Round Scenarios:
http://analytics.mtc.ca.gov/foswiki/pub/Main/Documents/2011_03_22_Release_First_Round_Travel_Model_Technical_Summary.pdf;
- (b) Technical Summary of Predicted Traveler Responses to Second Round Scenarios:
http://analytics.mtc.ca.gov/foswiki/pub/Main/Documents/2012_01_05_RELEASE_Second_Round_Travel_Model_Technical_Summary.pdf;
- (c) Draft EIR Draft Summary of Predicted Traveler Responses:
http://onebayarea.org/pdf/Draft_Plan_Bay_Area/Draft_PBA_Summary_of_Predicted_Traveler_Responses.pdf.
 (posted April 3, 2013)

² See the following:

- (d) Travel Model Development: Calibration and Validation Technical Report:
http://mtcgis.mtc.ca.gov/foswiki/pub/Main/Documents/2012_05_18_RELEASE_DRAFT_Calibration_and_Validation.pdf;
- (e) Travel Model One: Version 0.3 Calibration and Validation Presentation:
<http://analytics.mtc.ca.gov/foswiki/Main/CalibrationAndValidationPresentationVersion03> (posted May 18, 2012);
- (f) Travel Model Development: Sensitivity Testing Draft Technical Report:
http://analytics.mtc.ca.gov/foswiki/pub/Main/Documents/2013_03_18_DRAFT_Sensitivity_Testing.pdf;
- (g) Initial examination of volume delay functions using PeMS data Technical Memorandum:
http://mtcgis.mtc.ca.gov/foswiki/pub/Main/Documents/2012_03_06_RELEASE_Volume_delay_functions.pdf

³See, for example, the following:

- (h) Joint MTC Planning/ABAG Administrative Committees Presentation (September 2012):
http://apps.mtc.ca.gov/meeting_packet_documents/agenda_1927/4_Proedures_on_Modeling_Technologies.pdf;
- (i) SPUR Lunchtime forum (October 2011): <http://www.spur.org/events/calendar/modeling-regions-future>;
- (j) SPUR Lunchtime forum (May 2013): <http://www.spur.org/events/calendar/modeling-bay-area>.

software and includes an estimate of effective miles per gallon (this quantity is referred to as “SB 375 MPG” henceforth).

When assessing the environmental impact of the proposed action, MTC and ABAG assume a policy future in which new vehicle technology and the increased use of low carbon fuel do exist. The emissions are also estimated using CARB’s EMFAC2011 software and include a separate estimate of effective miles per gallon (“expected MPG” henceforth).

For each scenario, therefore, MTC and ABAG have two estimates of effective miles per gallon. One is the expected future year value, expected MPG, and is used as part of the emission estimation process that is the basis for assessing the environmental impact of the proposed action. The second is the hypothetical value, SB 375, which is used as part of the carbon dioxide estimation process that is the basis for MTC and ABAG’s SB 375 GHG target. The only purpose of this hypothetical, second value is for computing MTC and ABAG’s SB 375 GHG target.

The table presented on page 14 of the comment letter is, as noted in footnote 16 on page 15 of the comment letter, derived from an internal MTC email documenting the results of a travel model simulation. The internal MTC email included both the expected MPG and the SB 375 MPG; the comment includes only the SB 375 MPG, which is misleading.

MTC and ABAG’s use of these two separate MPG estimates for two separate purposes is not a secret. EMFAC2011 outputs both of these numbers for this very reason.

MTC and ABAG cannot rely on state-mandated changes in vehicle technology and increased use of low carbon fuel to meet the region’s SB 375 target. SB 375 makes this clear in the text quoted above.

The commenter states that the model runs include the undisclosed results from running a post-processor that evaluated the impact of Pavely I and the Low Carbon Fuel Standard. That is not the case. EMFAC2007 and 2009 both used a post-processor to evaluate the impacts of Pavely I. EMFAC2011 does not use a post-processor. The post-processor was for older versions of the EMFAC model. For additional information on EMFAC2011, see <http://www.arb.ca.gov/msei/modeling.htm>.

C187-7: In May of 2011, MTC staff presented Plan Bay Area financial assumptions, including assumptions for the gas tax, to the Partnership Technical Advisory Committee (PTAC), the Regional Advisory Working Group (RAWG), and the Policy Advisory Council for review and input. As noted during the May presentations, the projections for fuel price and consumption were derived from a model based on a standardized set of assumptions during the 28-year period.

The commenter contends that gasoline usage by passenger vehicles will decline by 37 percent per VMT (32 percent overall), and as a result total gas tax revenues will be 32 percent less in real terms in 2035 than in 2010. In order to obtain a 37 percent decrease in gasoline usage by passenger vehicles from 2010 to 2035, one would need to assume that annual VMT will not change from 2010 to 2035. In addition, the commenter questions

whether fuel prices will keep pace with PBA's standard 2.2 percent rate of inflation. Table 1 examines the real growth in retail gasoline prices, after adjusted for inflation.

TABLE 1: REAL GROWTH IN FUEL PRICE

<i>Year</i>	<i>Actual Price Per Gallon, nominal</i>	<i>Actual Price Per Gallon, 2001 \$</i>	<i>Real Growth</i>
2001	\$1.68	\$1.68	
2002	\$1.56	\$1.52	-9%
2003	\$1.88	\$1.79	17%
2004	\$2.17	\$2.00	12%
2005	\$2.52	\$2.24	12%
2006	\$2.86	\$2.45	9%
2007	\$3.12	\$2.60	6%
2008	\$3.56	\$2.86	10%
2009	\$2.73	\$2.20	-23%
2010	\$3.14	\$2.50	13%
2011	\$3.86	\$2.98	19%
2012	\$4.08	\$3.08	3%

Sources:

Fuel Prices -- U.S. Energy Information Administration, California All Grades All Formulations Retail Gasoline Prices (Dollars per Gallon)

CPI -- California Department of Finance, California-All Urban Consumers, formulated from U.S. Bureau of Labor Statistics (BLS)

The commenter contends that financial models only account for Pavley Phase I through 2020, and ignore the continuing impact of Pavley Phase I on decreases in fuel consumption. The PBA fuel consumption forecast was derived using both MTC's travel demand model and the EMFAC 2007 forecasting software. (EMFAC2011 was not yet adopted when the revenue assumptions were developed.) EMFAC 2007 is an emission inventory model that calculates emission inventories for motor vehicles operating in California. MTC derived its consumption forecast by making assumptions regarding increases in the fuel efficiency of the vehicle fleet. The Plan Bay Area fuel consumption forecast assumes full implementation of Pavley Phase I and adherence to the Low Carbon Fuel Standard. The result of the inclusion of Pavley Phase I and the Low Carbon Fuel Standard is an expectation that statewide gasoline consumption will steadily decline until 2020 while the vehicle fleet becomes more fuel efficient, and that gasoline consumption will slowly grow at a constant long-term rate as VMT continues to rise in response to growth in population and employment.

The commenter contends that the proposed Plan mitigates impacts of declining fuel consumption by overstating the growth in retail gas prices. In response to SB 375, the Regional Targets Advisory Committee recommended MPOs use consistent assumptions for fuel price in their modeling and planning initiatives. The specific fuel price assumptions were derived based on the $\frac{3}{4}$ -point between the U.S. Department of Energy's low- and high-end forecasts, plus a 25-cent surcharge to account for fuel generally being more expensive in

California. See *Technical Supplementary Report: Predicted Traveler Responses*, Page 37 for additional information

The commenter questions PBA fuel price forecasts by comparing the forecasts to a publication from the California Energy Commission. As previously noted, fuel prices were standardized and reflective of price forecasts from the U.S. Department of Energy. In addition, the CEC's fuel price forecast uses 2011 as a base year, whereas PBA uses 2009. According to the U.S. Energy Information Administration, the average annual retail price per gallon of gasoline in California in 2009 was \$2.725, and \$3.863 in 2011 (42% higher than 2009). The CEC uses 2011 as a base for their analysis and forecasts the real growth of gasoline price as a percentage of the 2011 price per gallon.

Table 2 identifies the 2011 price per gallon, as reported by the U.S. Energy Information Administration, and compares the CEC's high and low gasoline price forecast to PBA's gasoline price forecast.

TABLE 2: GASOLINE PRICE FORECASTS, REAL TERMS (2011 \$), PERCENT OF 2011 RETAIL PRICES

<i>Year</i>	<i>CEC "Low" Forecast % of Actual 2011 Price</i>	<i>CEC "Low" Forecasted Price Per Gallon, 2011 \$</i>	<i>CEC "High" Forecast % of Actual 2011 Price</i>	<i>CEC "High" Forecasted Price Per Gallon, 2011 \$</i>	<i>PBA Forecast % of Actual 2011 Price</i>	<i>PBA Forecasted Price Per Gallon, 2011 \$</i>
2011	100.0%	\$3.863	100.0%	\$3.863	100.0%	\$3.863
2013	102.5%	\$3.958	110.1%	\$4.252	87.4%	\$3.376
2014	103.4%	\$3.994	113.9%	\$4.400	92.3%	\$3.565
2015	104.6%	\$4.042	116.6%	\$4.505	97.4%	\$3.763
2016	104.3%	\$4.030	117.4%	\$4.537	103.0%	\$3.978
2017	103.7%	\$4.006	118.0%	\$4.558	108.7%	\$4.199
2018	103.4%	\$3.994	118.8%	\$4.589	114.8%	\$4.434
2019	102.8%	\$3.970	118.8%	\$4.589	121.2%	\$4.683
2020	102.2%	\$3.946	119.1%	\$4.600	128.0%	\$4.944
2021	101.2%	\$3.911	119.4%	\$4.610	128.8%	\$4.974
2022	100.0%	\$3.863	119.4%	\$4.610	129.6%	\$5.008
2023	99.1%	\$3.827	119.6%	\$4.621	130.6%	\$5.047
2024	97.8%	\$3.780	120.4%	\$4.653	131.5%	\$5.081
2025	96.9%	\$3.744	121.5%	\$4.695	132.3%	\$5.111
2026	97.2%	\$3.756	122.3%	\$4.726	133.2%	\$5.146
2027	97.5%	\$3.768	123.7%	\$4.779	134.2%	\$5.183
2028	97.8%	\$3.780	125.3%	\$4.842	135.0%	\$5.216
2029	98.5%	\$3.804	126.2%	\$4.874	136.0%	\$5.252
2030	98.8%	\$3.815	128.1%	\$4.947	136.8%	\$5.285

The commenter questions the impacts Pavley Phase II will have on the fuel forecasts, and questions the omission of Pavley Phase II in PBA. Pavley Phase II was not included in MTC's fuel price and fuel consumption forecast for PBA due to its introduction in 2012.

- C187-8: The commenter claims that the Draft EIR is deficient for not including Pavley II (also referred to as the CARB Advanced Clean Car Standards) in its analysis. Although Pavley II received final approval in December 2012, it was not adopted in time to be integrated into the modeling tools used for the analysis. CARB has yet to integrate Pavley II into EMFAC, and EMFAC is the emissions model all MPOs in the state are required to use to estimate emissions. The Draft EIR clearly states that the Advanced Clean Car Standards are not included in EMFAC2011, and if they had been included emissions would be lower than those shown using EMFAC2011. The Draft EIR is therefore conservative in its analysis of the environmental impact. However, it is important to note that for Criterion 2.5-1, the SB 375 GHG emissions reduction target, the benefits of Pavley I, Pavley II (Advanced Clean Car Standards) and the Low Carbon Fuel Standard cannot be included as part of the emissions reductions calculation. See Master Response D.1 regarding GHG emissions for SB 375.
- C187-9: See Master Response D.1 regarding GHG emissions for SB 375. The commenter also claims that MTC and ABAG will state that the analysis reasonably relied on EMFAC2011 for the emissions analysis. That is correct. MTC, and all other MPOs in California, are required to use EMFAC for emissions analysis. EMFAC2011 was developed by CARB and approved by US EPA. It is MTC's opinion that EMFAC2011 is the best and most appropriate tool available to estimate emissions.
- C187-10: See Master Response D.1 regarding GHG emissions for SB 375. SB 375 provides:
- Greenhouse gas emissions from automobiles and light trucks can be substantially reduced by new vehicle technology and by the increased use of low carbon fuel. However, even taking these measures into account, it will be necessary to achieve significant additional greenhouse gas reductions from changed land use patterns and improved transportation. Without improved land use and transportation policy, California will not be able to achieve the goals of AB 32.
- (SB 375, Stats. 2008, ch. 728, § 1(c) [uncodified legislative findings].)
- C187-11: Based on the above and related statutory directives included in SB 375, CARB prepared regional targets for reductions in GHG emissions from the automobile and light truck sector for 2020 and 2035, respectively. The CARB targets for the San Francisco Bay area are 7% and 15% respectively. In developing these targets, CARB expressly stated that the "CO₂ emissions... do not include reductions from Pavley and LCFS regulations." (See CARB's Proposed SB 375 Greenhouse Gas Targets, <http://arb.ca.gov/cc/sb375/mpo.co2.reduction.calc.pdf>.) Therefore, consistent with SB 375 and the SB 375 targets established by CARB, state MPG regulations were not included in MTC and ABAG's GHG modeling to evaluate the proposed Plan's consistency with the CARB's SB 375 GHG reduction targets for the San Francisco Bay Area. The commenter asks how SB 375 permits MTC and ABAG to (1) use models that fabricate data and produce results that are false; (2) use models that have multiple values for a single variable that must be consistent in its use throughout the model for the model to produce valid results, and (3) fail to disclose the full results of the modeling to the public. These statements are all false.

MTC and ABAG use the best modeling tools available. The commenter specifically asks about the miles per gallon values, which come directly from EMFAC2011, the CARB-developed and federally approved emissions model for California. See response C187-6. MTC and ABAG did disclose the emissions modeling results used for the Draft EIR analysis for Chapters 2.2 (Air Quality) and 2.5 (Climate Change). In Chapter 2.5, the Draft EIR specifically identifies the impact Pavley has on GHG emissions, as Criterion 2.5-1 does not take Pavley-related emissions reductions into account while Criterion 2.5-2 does. The EMFAC2011 outputs for other criterion pollutants and particulate matter do not differentiate with or without Pavley.

- C187-12: The commenter questions MTC and ABAG’s review and disclosure process. MTC and ABAG conducted thorough and thoughtful analysis and disclosed all data used in the analysis. In addition, MTC made significant amounts of additional data available through Supplemental Reports, technical reports and background material, and in response to requests and questions throughout the process. The RTAC guidelines are nonbinding. MTC and ABAG will consider RTAC guidelines related to disclosure of model deficiencies in the future; however, MTC and ABAG feel the level of disclosure for Plan Bay Area is more than sufficient. MTC released a significant amount of data and analysis regarding the travel model, which is the model tool RTAC’s guidelines focused on, including detailed model sensitivity analysis and calibration analysis. In addition, in the EMFAC2011 documentation, CARB identifies areas of improvement for future EMFAC models. See *EMFAC2011 Technical Documentation, Updated January 2013*, page 16.¹²
- C187-13: The commenter states that it is unquestionable and indisputable that MTC used the CARB-supplied postprocessor. That is not true. MTC did not use the postprocessor, as the postprocessor is for the 2007 and 2009 versions of EMFAC. EMFAC2011 does not have a postprocessor.
- C187-14: The commenter questions MTC and ABAG’s use of modeling software that commenter asserts is deficient. MTC and ABAG believe that EMFAC2011 is the best available emissions modeling tool. It is the tool required for use in evaluating the Plan by the federal government and state of California. MTC and ABAG know of no other tool that would be better or more appropriate for the analysis.
- C187-15: The commenter states that MTC and ABAG are fully aware of the deficiencies in the modeling software. See responses C187-14 and C187-12.
- C187-16: The commenter questions if MTC and ABAG are required to use EMFAC2011 for emissions analysis. MTC is required to use EMFAC2011 for emissions analysis. EMFAC2011 is the tool approved for use to support the Air Resources Board’s (CARB) regulatory and air quality planning efforts and to meet the Federal Highway Administration’s transportation planning requirements.

MTC and ABAG are aware that EMFAC2011 does not include the impact of CARB’s Advanced Clean Car Standards. That is clearly documented in the Draft EIR (pages 2.2-18 and 2.2-19). Page 2.2-19 of the Draft EIR notes that “it is anticipated that emissions in the future will be lower than those calculated by this current version of the EMFAC model (EMFAC2011)”.

¹² <http://www.arb.ca.gov/msei/emfac2011-technical-documentation-final-updated-0712-v03.pdf>

The RTAC guidelines quoted in the comment related to travel demand models on other modeling tools. The “other modeling tools” referenced are those used to adjust outputs of the travel models, not emissions models.

C187-17: This commenter summarizes a letter written by Thomas Rubin, which was directed towards the Plan Bay Area Air Quality Conformity Analysis. Responses have been provided below for the four main bullet points included in the commenter’s summary:

- The Draft Plan does include a significant emphasis on improving service quality for existing bus routes. In addition to upgrading local bus routes to bus rapid transit, implementing BART Metro to reduce heavy rail travel times, and converting Caltrain to a higher-speed electrified service, the Draft Plan directs \$500 million to the Transit Performance Initiative (TPI). This program achieves performance improvements in major transit corridors where current and future land use supports high quality transit; additionally, it can be used to fund transit fare reductions, should a local agency decide to allocate TPI funding for that purpose.
- With regards to transit ridership forecasts, refer to response C153-9.
- With regards to historical transit expansion project cost overruns, MTC acknowledges the comment. MTC’s cost projections are based on the best information available. The commenter fails to note that, like many transit expansion projects, highway expansion projects have also experienced cost overrun issues.
- With regards to gas tax revenue projections, refer to response C187-7.

MTC’s funding allocations for rail and buses has been unanimously upheld by the Ninth Circuit Court of Appeals in *Sylvia Darensburg v. Metropolitan Transportation Commission*, 636 F.3d 511 (9th Cir. 2011) (Noonan, J., concurring)

C187-18: See Master Response D.2 and the responses to Letter C26 from Bob Silvestri.

C187-19: The commenter claims that the analysis ignores the impact of the CARB Advanced Clean Car Standards. That is true. The Advanced Clean Car Standards were finally approved in December 2012, which was too late in the Plan Bay Area process to be integrated into the emissions or revenue analysis. Either way, the benefits of the Advanced Clean Car Standards in terms of CO₂ emissions reductions are not allowed to be counted towards the SB 375 required GHG emissions reduction targets. See Master Response D1.

Pavley 1 regulations were included in the analysis and reported to the public in both the Draft EIR *Chapter 2.2 Air Quality* analysis and the *Chapter 2.5 Climate Change* analysis. See responses C187-8 and C187-16.

EMFAC2011 includes analysis of CO₂ emissions both with and without Pavley and LCFS. The emissions analysis for criteria pollutants is reported with Pavley and LCFS as part of the baseline; there is no distinct “with and without” criteria emissions analysis.

See response C187-7 regarding the gas tax assumptions.

C187-20: Commenter’s support for the No Project alternative is acknowledged. The decision-makers will consider this comment in evaluating the advantages and disadvantages of the proposed

Plan and each of the alternatives analyzed in this EIR. Also see Master Response H regarding UrbanSim and subsidies.

- C187-21: This commenter states that Plan Bay Area requires regional redevelopment agencies because its high density housing mandates require large projects in suburban downtowns and that Plan Bay Area insists that it needs eminent domain powers to force landowners to sell. As specified in SB 375, local jurisdictions retain land use authority; see Master Response A.1 on local land use control.

The proposed Plan Bay Area neither requires nor advocates for a regional redevelopment agency, and does not call for eminent domain powers. The proposed Plan does support a new local revenue source that would be created through a newly authorized tax-increment financing authority to support locally controlled funding tools for affordable housing projects, critical infrastructure improvements, and economic development projects in locally designated areas. The housing distribution pattern encompassed in the proposed Plan is informed by local policies and thus is not a one size fits all approach. Instead, it recognizes the wide range of diverse communities and Priority Development Areas in the Bay Area from modest scale rural town centers to the regional centers encompassed within the downtowns of the region's three largest cities. Densities and related zoning for all local jurisdictions is determined at the local level including zoning for Priority Development Areas. Correspondingly, all Priority Development Areas are locally nominated.

- C187-22: This commenter describes analysis done by Economic & Planning Systems (EPS) for MTC and suggests that Plan Bay Area would require regional development agencies that would forcibly acquire land from unwilling sellers. See response C187-21. Also, the example from the EPS report, a document that is informational and was not created by MTC or ABAG, and will not be adopted by MTC and ABAG, describes some of the local impacts of eliminating redevelopment agencies and the potential benefits of replacing redevelopment funding once utilized for the redevelopment of existing urban areas. It provides a general illustrative example of how redevelopment financing works. It also describes a number of potential local, not regional actions that may be taken such as incentives and bonuses even if tax increment financing authorities are not reinstated in the region's communities as a replacement for local redevelopment authorities. See Master Response B.2 regarding the feasibility of the proposed Plan's Priority Development Areas.

- C187-23: The commenter requests consideration of a new alternative, the "Bay Area Citizens Transportation and Housing Alternative". Plan Bay Area included a robust process of developing alternatives over many rounds of visioning and alternatives analysis. See Chapters 1.2 and 3.1 of the Draft EIR regarding the alternatives screening and development process, which resulted in the creation of two alternatives designed by advocacy groups: Alternative 4 by home builders and land developers, and Alternative 5 by social equity and transit supporters. The commenter had the same opportunities as other individuals and organizations to propose this alternative during this process. Furthermore, an EIR need only include a reasonable range of alternatives that would avoid or substantially less any of the significant effects of the project; every conceivable alternative to a project need not be considered per CEQA Guidelines. That said, many elements of the proposed scenario are included in the range of alternatives assessed by this EIR. The decision-makers will consider the reasonable range of alternatives analyzed in the EIR as well as additional alternatives suggested by commenters in considering whether to adopt the proposed Plan or an alternative thereto.

- C187-24: The commenter claims that the No Project alternative was not fairly developed because it does not allow zoning changes from today's zoning. The No Project alternative by definition assumes that there are no changes in existing zoning. The No Project alternative is meant to represent today's general land use pattern; it is therefore appropriate to not include any changes in local zoning.
- C187-25: The commenter claims that the proposed Plan includes unlimited zoning increases. This is not true. The proposed Plan included specific increases in zoning in Priority Development Areas consistent with the place-types selected by the jurisdictions. The various alternatives evaluated in the Draft EIR include multiple land use policy and transportation policy and investment differences, all of which contribute to the differences in the environmental analysis between alternatives. See Chapter 3.1, pages 3.1-4 through 3.1-10 of the Draft EIR for a description of the various alternatives.
- C187-26: The comment claims that MTC and ABAG geared the outcome by the definition of the modeling alternatives. The alternatives are defined by a set of policies approved by the MTC Commission and the ABAG Executive Board as the proposed Plan and EIR alternatives. The zoning assumptions were not driven by the modeling; the modeling is simply a tool used to evaluate said policies. The quote included from the Regional Modeling Working Group simply states that a question was asked about the assumptions for zoning. The statement does not support the claims stated by the commenter.
- C187-27: The commenter claims that MTC and ABAG's conclusion that locating housing next to commercial space, and both next to transit, will lead to residents taking jobs and transit is wrong. See Master Response D.2 regarding TOD and GHG reductions.
- C187-28: See Master Response B.2 regarding the feasibility of the proposed Plan's Priority Development Areas.
- C187-29: The commenter states that "The Plan's supporting documents themselves admit that even now 80% or more of all people who are surveyed for their preference for housing express a preference for single family housing, and one of the Plan's own consultants on market demand, Karen Chapple admits that the Plan's assumptions for market demand are unrealistic and impractical."

No citation is provided to support the first part of the statement: "the Plan's supporting documents themselves admit that even now 80% or more of all people who are surveyed for their preference for housing express a preference for single family housing." The source of this statement is unclear. See the Forecast of Jobs, Population, and Housing on the One Bay Area website for additional information in support of the Plan's housing distribution.

The commenter also cites a quote from Karen Chapple, who assisted in developing the regional housing projection included in the Draft Plan, from an article in the San Francisco Public Press, to support the second part of the statement: "one of the Plan's own consultants on market demand, Karen Chapple, admits that the Plan's assumptions for market demand are unrealistic and impractical."

Only a portion of the quote cited in the footnote to the above statement is provided: "This is really a great idea, but it's just basically impossible to implement." The entire quote is as follows: "Without major change at the state and federal level," [Chapple] said, [Plan Bay

Area] “is really a great idea, but it’s just basically impossible to implement.” The article from which the quote was taken can be found here:

<http://sfpublicpress.org/news/2012-06/with-redevelopments-end-bay-area-cities-scramble-to-keep-grand-plans-alive>

In the complete quote shown above, Chapple notes that the Plan’s implementation is contingent upon state and federal changes. The Draft Plan indicates that changes to state and federal funding levels, and the replacement of redevelopment funding, are important to regional development. See Master Response H. Chapple’s quote does not indicate that market demand is insufficient to support the growth anticipated in the plan, but that current policies mechanisms may not provide adequate support to realize this growth.

It is also worth noting that the Draft Plan addresses a nearly 30 year time frame and as such takes into account trends in demand, as well as potential policy changes that will advance the region toward and transportation and land use pattern that meets the region’s greenhouse gas emissions reduction target.

See Master Response B.2 regarding PDA Feasibility.

- C187-30: This commenter asserts that Plan Bay Area states a need for government subsidies and eminent domain powers encompassed in proposed new regional development agencies. Plan Bay Area neither requires nor advocates for a regional redevelopment agency. Plan Bay Area does not call for eminent domain powers. Plan Bay Area does support a new local revenue source that would be created through a newly authorized tax-increment financing authority to support locally controlled funding tools for affordable housing projects, critical infrastructure improvements, and economic development projects in locally designated areas. Until 2012, Bay Area jurisdictions could count on over \$1billion per year in local tax increment financing to support affordable housing projects, critical infrastructure improvements and economic development projects in locally designated redevelopment areas. See Master Response A.1 for more information on local land use control and Master Response H for more information regarding subsidy analysis.
- C187-31: The areas of concern articulated in the comment—the Plan’s definition of “Communities of Concern”, its characterization of housing preferences, and its principles—are not relevant to the two laws cited by the commenter, California Proposition 209 and the 14th Amendment of the United States Constitution.
- The language in the Draft Plan that caused offense to the commenter— references to the housing preferences of Latinos and Asians generally and the greater likelihood of residing in multigenerational housing among these groups specifically—will be modified in the revised Plan to focus on the underlying issues related to these trends, such as household formation patterns and immigration.
- C187-32: See response C187-17.
- C187-33: See Master Response D.2 regarding TOD and GHG reductions.
- C187-34: The commenter claims that the differences in GHG emissions reductions between the proposed Plan and the No Project alternative are negligible and do not justify

implementation of the Plan. The No Project alternative does not meet the SB 375 GHG emissions reduction targets. Regardless of the amount of difference in reductions between the proposed Plan and the No Project alternative, the latter does not meet the basic objectives of the Plan or comply with SB 375. The commenter also continues to claim that the analysis did not correctly account for Pavley. See responses C187-8, -9, -10, -11 and -16.

C187-35: See responses C187-24 and -25.

C187-36: See responses C187- through -11, -16 and -19. In addition, see Master Response D.1 on regional greenhouse gas emissions reductions permitted under SB 375.

C187-37: The commenter claims the proposed Plan vastly underfunds maintenance of local streets and roads. The proposed Plan invests \$94 billion, or 33 percent, of the Plan’s revenues into the operations and maintenance of roads and bridges. While the local streets and roads needs still exceed funding allotted under the proposed Plan, MTC and ABAG believe this is a significant and reasonable investment in maintenance of local street and roads.

C187-38: This commenter summarizes many of the comments stated in more detail earlier in the letter. See responses C187-6 through 20, 23 through 29, and 32 through 37 above.

C187-39: Commenters states the comment letter and its attachments include “unassailable analysis.” MTC and ABAG have considered the comment letter and its attachments. As discussed further in responses C187-1 through C187-39, MTC and ABAG do not agree with many of the conclusions reached in the comment letter and its attachments. Such disagreement does not render the EIR inadequate. “The fact that different inferences or conclusions could be drawn, or that different methods of gathering and compiling statistics could have been employed, is not determinative... [Citation] The issue is not whether other methods might have been used, but whether the agency relied on evidence that a ‘reasonable mind might accept as sufficient to support the conclusion reached’ in the EIR.” [Citation]” (*North Coast Rivers Alliance v. Marin Municipal Water District Board of Directors* (2013) 216 Cal.App.4th 614, 642.) MTC and ABAG have complied with their obligations pursuant to CEQA.

C187-40: Pursuant to SB 375, the proposed Plan consists of both the regional transportation plan (RTP) and sustainable communities strategy (SCS) for the San Francisco Bay Area. Commenter’s opposition to the proposed Plan and opinion that the proposed Plan is not sustainable are noted. The decision-makers will determine whether the proposed Plan complies with SB 375 and related legal mandates in deciding whether to adopt the proposed Plan or one of the alternatives analyzed in the EIR. See also response C187-39.

Letter C188 Rebecca Lapedus (5/15/2013)

C188-1: The commenter challenges the statement that global climate change is an immediate threat. The climate change discussion and analysis included in the EIR was prepared by MTC and ABAG’s staff and consultants using scientifically-vetted and generally-accepted modeling techniques. Regardless of any differences of opinion on the causes and existence of climate change, Plan Bay Area is required to adhere to the GHG emissions reductions targets established by SB 375.

C188-2: The commenter criticizes the reliance of the Draft EIR analysis on the United Nations Intergovernmental Panel on Climate Change (IPCC). The IPCC is a well-respected

international body dedicated to climate change research. The IPCC is a legitimate source of climate change information. Regardless of any differences of opinion on the causes and existence of climate change, Plan Bay Area is required to adhere to the GHG emissions reductions targets established by SB 375.

The commenter also includes criticism of the Draft EIR for not including a cost/benefit analysis related to climate change. A cost/benefit analysis is not required by CEQA. However, in preparing the proposed Plan, individual transportation projects submitted for inclusion in the proposed Plan were evaluated using a benefit cost analysis¹³.

- C188-3: The commenter questions the Draft EIR's focus on CO₂. A primary objective of Plan Bay Area is to comply with SB 375, which mandates that MPOs develop Sustainable Communities Strategies that demonstrate attainment with GHG emissions reductions, as assigned to each region by CARB. As the comment itself notes, CO₂ is the greenhouse gas that the CARB targets are based upon per AB 32.
- C188-4: See responses C188-1 and C188-2. This comment, like the others, is questioning the science of climate change. The purpose to this EIR is to disclose potential environmental impacts of the proposed Plan in accordance with CEQA. The analysis is supported by both expert opinions supported by data and reasonable assumptions predicated on facts.
- C188-5: MTC and ABAG agree with the commenter that CO₂ is only one of many GHGs. For the purposes of the proposed Plan, however, one of the basic project objectives was to comply with SB 375 by achieving the per capita CO₂ emissions reduction targets for the San Francisco Bay Area. See responses C188-2 and C188-4.
- C188-6: The commenter questions the impact the SB 375 CO₂ emission reductions will have and how the proposed Plan can be justified by such an insignificant reduction. SB 375 is a state law, and CARB established the targets following a robust public process and evaluation of the targets. While the GHG reductions may constitute a small part of the overall CO₂ in the atmosphere, it is the amount that MTC and ABAG are required to attain per SB 375.
- C188-7: See responses C188-3, 4, and 6.
- C188-8: The public comment period adheres to CEQA requirements. Plan Bay Area is meant to satisfy the requirements of SB 375, which sets CO₂ emissions reduction targets for each region. The proposed Plan seeks to do so while balancing a large spectrum of considerations.
- C188-9: MTC and ABAG followed CEQA requirements for public noticing of the EIR. See Chapter 1.2 of the Draft EIR for a description of the public participation process for development of the proposed Plan. Regarding public engagement for the EIR, please see Chapter 1.1 of the Draft EIR for a description of the Notice of Preparation and public scoping process and Section 1 of this Final EIR for a description of the public review process for the Draft EIR.
- C188-10: Neither of the factors presented contradict the Plan Bay Area economic assumptions. In fact, both corroborate the data used to develop the economic forecast. The Bay Area's share of the national jobs in 1990 was 2.64 percent and fell to 2.50 percent by 1995, primarily due to cutbacks in military expenditures which were a significant part of the Bay Area economy.

¹³ http://onebayarea.org/pdf/Draft_Plan_Bay_Area/Performance_Report.pdf

The dot com boom pushed the Bay Area share to 2.67 percent in 2000, and the subsequent recession brought the share to 2.46 percent by 2004. The more recent recession has seen the Bay Area share fall to 2.37 percent in 2010. Since the late 1990s, changes in the Bay Area share of national jobs, both increases and decreases, were driven in large part by the high-tech industry sectors. It is expected that as the national economy recovers, the Bay Area share of the national jobs will increase at a more gradual rate up to about 2.5 percent.

C188-11: The number of employed residents is not a determinant of the number of households needed to house the Bay Area's population. Rather, the estimate of households is a factor of births, deaths, new families and individuals moving into the region, and historical rates of housing production. Several factors determine the changes in the employed residents per household, including changes in labor force participation rates and unemployment rates. The employed residents per household in 2010 in the Bay Area was 1.25, with an unemployment rate of 10.6 percent for the region. The forecast assumes that unemployment rates will decline to 5.1 percent by 2020. This reduction in the unemployment rate assumes that roughly 200,000 workers who were unemployed in 2010 will become re-employed by 2020, bringing the employed residents per household to 1.36. As the Bay Area population ages, labor force participation rate (the proportion of working residents) will decline and the employed residents per household is expected to decrease to 1.31. For more information on the forecast see:
http://onebayarea.org/pdf/Draft_Plan_Bay_Area/Draft_PBA_Forecast_of_Jobs_Population_and_Housing.pdf.

C188-12: Plan Bay Area constitutes the region's first Regional Transportation Plan (RTP) that includes a Sustainable Communities Strategy (SCS) as required by SB 375. An SCS is required of every regional transportation plan in California. The proposed Plan does not regulate land use; local jurisdictions retain all existing land use authority. See Master Response A.1 regarding local land use control.

Letter C189 John Charles (5/15/2013)

C189-1: The outcomes of light rail TOD planning in Portland, Oregon do not necessarily translate to the results in the Bay Area, a larger metropolitan area with a wide variety of transit operators and mode types, different demographics and commute patterns, and different state legislation. Background research conducted for Plan Bay Area and this EIR supports the conclusion that transit ridership can benefit from closer integration of land use and transportation planning. See Master Response D.2 for additional information on the connection between high density housing near transit and reduced greenhouse gas emissions, which helped inform the analysis of the environmental consequences of the proposed Plan. Furthermore, there are other motivations beyond travel mode split for MTC and ABAG to promote infill development and redevelopment, including better use of existing transportation infrastructure, enhancing walkability, and helping preserve open space and agricultural lands.

C189-2: PDAs are by definition already served by frequent transit service and very few PDA/TOD locations targeted by the proposed land use pattern are in greenfields. One of the main strategies of the proposed Plan is to limit greenfield development by emphasizing infill development based off of the region's existing transit network. In addition, major transit expansions such as new BART stations are accompanied with requirements for localities to adopt a specific land use plan that provides for a minimum amount of residential units and

office space within a walkable distance from the station, in order to ensure that new development around the station is at transit-oriented densities and design.

C189-3: Chapter 2.3, Land Use and Physical Development, includes an assessment of displacement and alterations to existing neighborhoods as well as the consistency of the planning concepts in the proposed Plan with local General Plans and other applicable land use plans. In Chapter 2.2, Air Quality, livability impacts related to local pollutants are examined, and in Chapter 2.10, Visual Resources, the aesthetic dimensions of livability are examined. Furthermore, the proposed Plan contains no details or requirements on citywide design and development guidelines; these are at the discretion of individual localities which are best positioned to determine local quality of life. MTC and ABAG have no local land use authority and any changes to zoning and/or design guidelines would be undertaken voluntarily by local jurisdictions; see Master Response A.1 on local control over land use for more details.

C189-4: The feasibility (or “financial sustainability”) of higher-density (or “Transit-Oriented”) development varies through the Bay Area and the analysis takes that into account. Commenter details the higher costs of building taller, higher-density structures in Portland. UrbanSim, the economic model used to analyze future land use patterns for the EIR, incorporates similar data on the higher costs of building taller in the Bay Area. However, the model also incorporates the other half of the real estate market: the demand for both residential and commercial space that exists in many of the locations recommended for additional density in the proposed Plan. The market is currently generating tall, profitable buildings in many of the locations the proposed Plan calls for intensification.

Commenter also correctly points out that regulation often drives the costs of density higher in central locations. Chapter 1.1 of the Draft EIR discusses the CEQA streamlining tools available in California that will be used to level the playing field and decrease the very real costs of regulation in high-density central locations. See Master Response A.2 regarding CEQA streamlining. The analysis assumes this will be modestly successful and this will render additional projects in the core profitable. Finally, the Proposed Plan is ambitious and it does call for increased density in some locations that do not currently have a strong enough real estate market to produce taller structures. For these locations, additional policies, perhaps including subsidies, will likely be necessary to prompt this growth. A program similar in scale to California’s previous redevelopment program would be sufficient to close the profitability gap in these locations. Overall, higher-density, transit supportive growth is already occurring in the Bay Area and the proposed Plan’s vision for continued higher-density urban development is financially sustainable. See Mater Response B.2 regarding the feasibility of the proposed Plan’s PDAs and Master Response H regarding UrbanSim’s analysis of subsidies.

Commenter goes on to discuss financial difficulties in providing transit service. Sound transit finances must be dealt with from both directions. While health care and other labor costs continue to put pressure on transit agency budgets, intensive land use concentrations (both housing and employment) near transit drives ridership and this in turn drives up the percentage of the agency budget that is recovered from riders.

C189-5: See Master Response D.2 for additional information on the connection between high density housing near transit and reduced greenhouse gas emissions, which helped inform the analysis of the environmental consequences of the proposed Plan. As demonstrated in Table 3.1-12

of the Draft EIR, the proposed Plan is projected to decrease VMT compared both to 2010 and 2040 No Project conditions.

C189-6: Telecommuting was included in the transportation modeling for the proposed Plan and each alternative. See response C151-20 for additional information on telecommuting.

Letter C190 Peter Gordon (5/16/2013)

C190-1: This comment, relates to whether there is a connection between “policy regimes” and actual settlement patterns, as documented by Brookings Institution studies. This EIR recognizes that zoning and other land use controls play a dominant role in land use patterns and housing affordability; see discussion of the regulatory setting in Chapter 2.2, Land Use and Physical Development. See also Master Response D.2 for additional information on the connection between high density housing near transit and reduced greenhouse gas emissions, which helped inform the analysis of the environmental consequences of the proposed Plan. See also Master Response F regarding displacement and the *Jobs Housing Connection Strategy*.

Letter C191 Herbert Brown (5/13/2013)

C191-1: Commenter’s opposition to the use of local funding sources to support projects and programs included in the proposed Plan is noted. Please see Master Response A.1 regarding local land use control.

C191-2: See responses C187-6 and C187-7.

Letter C192 Debbie Coffey (5/14/2013)

C192-1: Commenter’s support for the No Project alternative is acknowledged. The decision-makers will weigh the advantages and disadvantages of each alternative in determining which option to adopt.

C192-2: MTC and ABAG respectfully disagree with commenter’s statement regarding the data used for the Draft EIR. Data was collected from a variety of sources, including, but not limited to, data derived from ABAG. The comment lacks specific details about which data the commenter believes are problematic, so a further response is not possible.

C192-3: The commenter is correct that the proposed Plan does provide benefits for implementing agencies and project sponsors. Also see Master Response H regarding UrbanSim and subsidies.

C192-4: “Project sponsor” is a term used in CEQA for an agency or organization that is proposing a project undergoing environmental review, and so largely refers to any land development that follows the proposed Plan—whether a public entity or private party—as well as the entity in charge of transportation projects (such as a city, county, or transportation authority).

C192-5: Geologic and seismic impacts of the proposed Plan and accompanying adequate mitigation measures are provided in Chapter 2.17, Geology, of the Draft EIR.

C192-6: This EIR is a public disclosure document on the potential environmental impacts of the proposed Plan; it contains no land use regulations. The mitigation measures specified in the

Draft EIR are at the discretion of individual implementing agencies to adopt. Please see Master Response A.1 regarding local control over land use.

- C192-7: This EIR analyzes the potential significant impacts of the adoption and implementation of the proposed Plan Bay Area (proposed Plan), which is the update to the 2009 Regional Transportation Plan (RTP) and the new Sustainable Communities Strategy (SCS) for the San Francisco Bay Area. As required by State legislation (Government Code Section 65080 et seq.) and by federal regulation (Title 23 USC Section 134), MTC is responsible for preparing the RTP for the San Francisco Bay Area Region. MTC and ABAG are required to prepare an RTP including an SCS pursuant to SB 375.
- C192-8: The MTC and ABAG Board consist of elected representatives from many counties and cities of the region and their decisions reflect the decisions of these voter-selected officials. PDAs have been adopted voluntarily by local jurisdictions by city councils or boards of supervisors. As the ultimate decision-makers in their communities regarding land use, they determine what is appropriate. Any public notification process, or a public ballot, regarding the definition and adoption of a PDA is up to each individual jurisdiction. Just as local jurisdictions nominated PDAs within their jurisdiction, the local implementing agencies have discretion over implementing the PDAs. See Master Response A.1 regarding local land use control and Master Response I regarding the PDA process.
- C192-9: See response C192-8.
- C192-10: The proposed Plan is a regional plan. The proposed Plan does not alter the local land use control of local jurisdictions and local jurisdictions have the discretion to implement the proposed Plan in consideration of local issues. See Master Response A.1 regarding local land use control.
- C192-11: As specified in the Draft EIR, Integrated Pest Management Techniques involve “methods that minimize the use of potentially hazardous chemicals for landscape pest control and vineyard operations” (ES-40).¹⁴ In addition, according to the U.S. Environmental Protection Agency, these techniques are designed to “manage pest damage by the most economical means, and with the least possible hazard to people, property, and the environment.”¹⁵
- C192-12: The proposed Plan is required under federal and State regulations to plan for and accommodate future conditions through 2040. Forecasts included in the proposed Plan and EIR are based on the expert opinions and analysis of MTC and ABAG staff and consultants, and utilize sophisticated modeling techniques were available and appropriate. Forecasts by their very nature rely on assumptions about the future. These assumptions have been vetted by MTC and ABAG’s expert staff and consultants. All forecasts are based on factual data and MTC and ABAG believe all forecasts included in the EIR are reasonable.
- C192-13: The proposed Plan is designed to limit future development to existing urban boundary lines in order to preserve farmland. As shown in the Draft EIR, Chapter 1.2, Table 1.2-2, MTC and ABAG adopted a project objective to direct all non-agricultural development within the

¹⁴ Draft EIR, ES-40.

¹⁵ U.S. Environmental Protection Agency, “Integrated Pest Management Principles.” U.S. EPA website, last updated May 9 2012, accessed June 10, 2013, <http://www.epa.gov/pesticides/factsheets/ipm.htm>.

Year 2010 urban footprint (existing urban development and urban boundary lines). Chapter 2.3 also analyzes the proposed Plan's impacts on agricultural land conversion.

- C192-14: Commenter's support for the No Project alternative is acknowledged. The decision-makers will weigh the advantages and disadvantages of each alternative in determining which option to adopt.

Letter C193 Bruce London (5/16/2013)

- C193-1: Commenter is correct that the Draft EIR includes the quoted statement..
- C193-2: Commenter is correct that the Draft EIR includes the quoted statement.
- C193-3: Commenter is correct that the Draft EIR includes the quoted statement.
- C193-4: Commenter is correct that the Draft EIR includes the quoted statement.
- C193-5: Commenter is correct that the Draft EIR includes the quoted statement.
- C193-6: As the proposed Plan is a regional level plan, it is outside the scope of the Draft EIR to evaluate impacts for each individual jurisdiction within the Bay Area region. See Master Response A.3 on specificity of a program EIR. For a detailed regional-scale analysis of the potential visual impacts of the proposed Plan as well as associated mitigation measures, please refer to the Draft EIR Chapter 2.10, Visual Resources.
- C193-7: . MTC and ABAG followed CEQA requirements for public noticing of the EIR. See Chapter 1.2 of the Draft EIR for a description of the public participation process for development of the proposed Plan. Regarding public engagement for the EIR, please see Chapter 1.1 of the Draft EIR for a description of the Notice of Preparation and public scoping process and Section 1 of this Final EIR for a description of the public review process for the Draft EIR.
- C193-8: See response C193-7.
- C193-9: The MTC and ABAG Board consist of elected representatives from many counties and cities of the region and their decisions reflect the decisions of these voter-selected officials.
- C193-10: Commenter is correct that the Draft EIR includes the quoted statement.
- C193-11: This EIR is on Plan Bay Area, not the RHNA, which is a separate program. The RHNA must be consistent with Plan Bay Area but covers a shorter period of time (8 years instead of 28) and addresses other goals beyond those of Plan Bay Area.
- C193-12: Typically public services are the responsibility of local jurisdictions and are funded through sales and property tax revenues and impact fees. Development under the proposed Plan will be subject to all local regulations and fees. Implementing agencies will consider issues such as those identified by the commenter in exercising their discretionary authority to approve or deny future second-tier projects contemplated by the proposed Plan. See Master Response A.1 regarding local land use control.
- C193-13: See response C193-12.

C193-14: See response C193-12.

C193-15: See response C193-12.

C193-16: This EIR evaluates Plan Bay Area as a single, regional project and assesses its impacts at a regional level across all nine counties, which is consistent with CEQA provisions regarding program EIRs. See Master Response A.3 regarding the level of specificity of the EIR. In considering approval of the individual projects that may result from the Plan - transportation improvements and land use development - the implementing agencies must comply with CEQA. A county-level evaluation of the proposed Plan and its impacts would be at a greater level of detail than required. Impacts have been assessed at a regional level and a conceptual localized level. County level information has been provided in the EIR when feasible. The Draft EIR Chapter 2.14, Public Services, evaluates the proposed Plan's potential impact on fire services and presented adequate mitigation measures to combat these impacts.

C193-17: See response C193-16.

C193-18: See response C193-9.

Letter C194 Piers Whitehead (5/14/2013)

C194-1: Please see Master Response C regarding requests for extensions of the public comment period.

Letter C195 Allen Appell (5/12/2013)

Commenter's opposition to the proposed Plan is noted. The decision-makers will weigh the advantages and disadvantages of each alternative in determining which option to adopt. .

Letter C196 Louisa Arndt (5/16/2013)

Commenter's opposition to the proposed Plan is noted. The decision-makers will weigh the advantages and disadvantages of each alternative in determining which option to adopt.

Letter C197 Brenda Barron (5/16/2013)

As shown in Table 1.2-10 of the Draft EIR (see updated version in Section 2 of this Final EIR), the proposed Plan would increase funding for transit operations and maintenance by 43 percent (\$48 billion) compared to the current RTP, and increase the proportion of funding going to transit operations and maintenance from 51 to 55 percent of available funds. AS explained on p. 1.2-50, the proposed Plan will allocate \$15 billion of its discretionary funds in particular to maintain and sustain the existing transit system. These strategies should help the region's transit agencies provide more frequent bus service. Chapter 2.3 analyzed transit crowding and found a less than significant impact due to implementation of the proposed Plan.

Letter C198 Bert Bartsch (5/16/2013)

See the responses to Letter C205.

Letter C199 James Bitter (5/16/2013)

The proposed Plan will only be implemented insofar as local jurisdictions adopt its policies and recommendations. Please refer to Master Response A.1 on local control over land use.

Letter C200 Linda Christopoulos (4/26/2013)

Commenter's opposition to development in southern Marin is noted. Priority Development Areas (PDAs) were nominated by local governments. In addition, local jurisdictions have local land use authority, and will be responsible for individual permitting decisions within their jurisdiction. The proposed Plan does not compel any local jurisdiction to revise their existing zoning code. The proposed Plan will only be implemented insofar as local jurisdictions adopt its policies and recommendations. Please refer to Master Response A.1 on local control over land use.

Letter C201 Steve Raney (5/13/2013)

No comments in this letter raise environmental issues under CEQA. Your suggestions will be taken into account by MTC and ABAG as they implement Plan Bay Area.

Letter C202 Daniel DeBusschere (5/16/2013)

The proposed Plan does not address bike lockers at BART stations. These are issues to be determined by individual transit operators, such as BART. MTC and ABAG agree with the commenter's statement that parking and biking are important to reducing VMT. The proposed Plan supports alternative transportation, and included a performance target for active transportation as well as VMT. See the Supplemental Report *Performance Assessment Report* for more details regarding those performance targets.

Letter C203 Adam Garcia (5/16/2013)

Your requests for the Plan to include strategies to assist jurisdictions in bicycle lane development, a regional bike master plan, maps of primary regional bicycle routes in the proposed Plan, a Casual Carpool program that links to HOT lanes, and a Highway BRT study all regard the proposed Plan and do not raise environmental issues under CEQA. As noted in Response B30-1.5, this EIR includes a reasonable range of alternatives that would lessen environmental effects, as required by CEQA. The EIR does not need to address every conceivable alternative. MTC and ABAG appreciate receiving the selected recommendations. The requested additional programs are not being included in the Draft Plan at this time, but may be considered for future updates of the RTP/SCS or may become part of implementation of Plan Bay Area.

Letter C204 Doreen Gleason (5/15/2013)

C204-1: Please see Master Response A.1 for more information regarding local control over land use.

Letter C205 Valeri Hood (5/16/2013)

C205-1: The proposed Plan does not mandate growth but instead accommodates growth forecasted in the San Francisco Bay Area. See chapters 2.1 (Transportation), 2.12 (Public Utilities and

Facilities), and 2.14 (Public Services and Recreation) for further discussion of road, sewer, school, and water supply impacts. Please see Master Response A.1 for more information regarding local control over land use.

- C205-1.5: As explained in Chapter 2.13 of the Draft EIR, these are sites that could contain toxic materials, which frequently occur in urban infill sites. This is a conservative analysis and the actual number of development sites with toxic hazards would likely be much lower. As Chapter 2.13 notes, there many existing federal, State, and local laws and regulations that will mitigate impacts from such issues to a less than significant level. The proposed Plan does not allocate any housing income levels and so the commenter's claim that toxic sites would be populated by marginalized communities is spurious.
- C205-2: The decision to use desalination as a water source to serve its customers would be solely the decision of MMWD and is not advocated for or required by the proposed Plan. The current MMWD Urban Water Management Plan indicates adequate water supplies through the year 2035 without a need to resort to desalination. The proposed Plan would result in essentially the same year 2040 population as under the No Project alternative - a three percent increase, with the proposed Plan resulting in 500 more households in Marin County than under the No Project scenario. Given the water supplies indicated by MMWD, it is extremely unlikely that additional water supplies will need to be acquired due to growth under the proposed Plan. Moreover, in August of 2010, the District adopted Ordinance 420, which states that the District shall not approve construction, or financing for construction, of a desalination facility unless such construction is approved by a majority of District voters, voting in an election held within the District's service area for that purpose.
- C205-3: MTC and ABAG followed CEQA requirements for public noticing of the EIR. See Chapter 1.2 of the Draft EIR for a description of the public participation process for development of the proposed Plan. Regarding public engagement for the EIR, please see Chapter 1.1 of the Draft EIR for a description of the Notice of Preparation and public scoping process and Section 1 of this Final EIR for a description of the public review process for the Draft EIR.
- C205-4: The MTC and ABAG Board consist of elected representatives from many counties and cities of the region and their decisions reflect the decisions of these voter-selected officials.

Letter C206 Jane Hook (5/11/2013)

The Marinwood Area is within a Priority Development Area—the Urbanized 101 Corridor. This PDA was nominated by the Marin Board of Supervisors, who adopted a resolution authorizing submission of an application on August 7, 2007. It was adopted by the ABAG Executive Board and is therefore included in the proposed Plan. Any change to the PDA would need to come at the request of the Marin County Board of Supervisors. See Master Response I regarding the PDA process. See also Master Response A.1 regarding local land use control.

Letter C207 Judy Karau (5/12/2013)

Commenter's opposition to the proposed Plan as it relates to Tam Valley is noted. The proposed Plan serves as the region's first integrated long-range land use and transportation plan. It is statutorily mandated to cover the nine-county and 101-city San Francisco Bay Area.

Letter C208 Adina Levin (5/10/2013)

See responses B24-2 through B24-7.

Letter C209 Elizabeth Manning (5/16/2013)

C209-1: Commenter's opposition to the proposed Plan is noted. The decision-makers will weigh the advantages and disadvantages of each alternative in determining which option to adopt. The MTC and ABAG Board consist of elected representatives from many counties and cities of the region and their decisions reflect the decisions of these voter-selected officials.

Letter C210 Kim Mollenauer (4/29/2013)

Priority Development Areas (PDAs) were nominated by local governments. See Master Response I regarding the PDA process. In addition, local jurisdictions have local land use authority, and will be responsible for individual permitting decisions within their jurisdiction. The proposed Plan does not compel any local jurisdiction to revise their existing zoning code. The proposed Plan will only be implemented insofar as local jurisdictions adopt its policies and recommendations. Please refer to Master Response A.1 on local control over land use.

Letter C211 Kim Mollenauer (4/29/2013)

Commenter's property tax concerns are noted. Commenter does not raise environmental issues that require a response under CEQA.

Letter C212 Dan Ransenberg (4/29/2013)

C212-1: MTC and ABAG followed CEQA requirements for public noticing of the EIR. See Chapter 1.2 of the Draft EIR for a description of the public participation process for development of the proposed Plan. Regarding public engagement for the EIR, please see Chapter 1.1 of the Draft EIR for a description of the Notice of Preparation and public scoping process and Section 1 of this Final EIR for a description of the public review process for the Draft EIR.

See the responses to the letter from the City of Sausalito, A16; the City did not challenge the projected jobs and housing in the Draft Plan.

Letter C213 Hank Rose (4/27/2013)

Commenter's opposition to the proposed Plan is noted. The decision-makers will weigh the advantages and disadvantages of each alternative in determining which option to adopt.

Letter C214 Richard Hall (5/3/2013)

C214-1: Please see Master Response C regarding requests for extensions of the public comment period.

C214-1.5: See Chapter 3.1 of the EIR, which includes extensive quantitative and qualitative analysis and comparisons between the alternatives analyzed in the EIR.

- C214-2: The *Draft Summary of Predicted Traveler Responses* provides a brief overview of the MTC travel model which takes traveler preferences into account. Detailed documentation of the MTC travel model is available in the *Travel Model Development: Calibration and Validation Technical Report*¹⁶. The model's estimates of VMT rely on behavioral models applied to individual travelers, not historical trends. Forecasted changes in mode share as a result of the Plan can be found in Table 2.1-13 of the Draft EIR on page 2.1-29, demonstrating that transit and walk mode share are expected to grow while drive alone mode share is expected to decline over the life of the Plan.
- C214-3: The comment raises no environmental issue to which a response is required under CEQA. For more information on the project performance analysis done to evaluate projects, see the Supplemental Report *Performance Assessment Report*.¹⁷ In addition, see Chapter 5, Performance, of the Draft Plan regarding the performance framework used to develop the proposed Plan.
- C214-4: The proposed Plan in fact devotes a significant portion of its budget to operating and maintaining the existing roadway system. The Draft EIR, on p. 1.2-49, notes that the proposed Plan allocates over 79 percent of its budget to committed projects, which include many highway and roadway projects, and the remaining discretionary funds are allocated mainly to "fix it first" projects with 87 percent of total funds going to operations and maintenance (see updated Table 1.2-10 in Section 2 of this Final EIR). "Compared to Transportation 2035, the proposed Plan Bay Area would spend a higher percentage of its budget on transit and roadway operations and maintenance, less on expansion of transit network, and roughly the same percent on road and bridge expansion." In addition, as Table 1.2-10 of the Draft EIR shows, the proposed Plan will increase road and bridge operations and maintenance from 30 percent of the overall Transportation 2035 budget to 32 percent of the Plan Bay Area budget, an increase of \$28 billion (see updated numbers in Section 2.2 of this Final EIR); these funds are available due to a decrease in the proportion and amount of money to be spent on transit system expansion compared to the last RTP. In light of this transportation investment strategy, the proposed Plan clearly supports a continuation of personal automobile use. MTC must fund a transportation system that serves a growing population and many lifestyles while achieving targets assigned by the State, and this requires supporting transit as well as roadway systems.
- As shown in Table 3.1-28 of the Draft EIR, the No Project alternative fails to attain the SB 375 target under the rules set by SB 375; see Master Response D.1 regarding which calculations are allowed. The table cited in the comment, Table 3.1-29, shows transportation emissions assuming technologies and policies not permitted to assess SB 375 compliance.
- C214-5: See response C214-3 and review the analysis of Impacts 2.5-1 and 2.5-2 in Chapter 2.5 of the Draft EIR. The former assesses per capita emissions following the requirements of SB 375, as described in Master Response D.1; the latter assesses net GHG emissions from all land use and transportation sources.
- C214-6: CARB's requirement is for Plan Bay Area to reduce per capita GHG emissions from cars and light trucks, without considering fuel standards and technological improvements; see the analysis under Impact 2.5-1 of the Draft EIR and Master Response D.1 regarding assumptions allowed in meeting SB 375 targets. Transit emissions are accounted for in the

¹⁶ http://mtcgis.mtc.ca.gov/foswiki/pub/Main/Documents/2012_05_18_RELEASE_DRAFT_Calibration_and_Validation.pdf

¹⁷ <http://onebayarea.org/regional-initiatives/plan-bay-area/draft-plan-bay-area/supplementary-reports.html>

analysis of Impact 2.5-2; see Table 2.5-9 and the comparative analysis of transit emissions in Table 3.1-29 under buses and other vehicles.

- C214-7: The EIR considered three alternatives to the proposed Plan, plus the No Project alternative. The EIR only need consider a reasonable range of alternatives to the proposed Plan, not all potential alternatives. See Chapter 3.1 of the Draft EIR for a description of the alternatives screening process.
- C214-8: See the Mitigation Monitoring Program which will accompany certification of the EIR. Additionally, as the RTP and SCS for the San Francisco Bay Area, the proposed Plan will be updated every four years.
- C214-9: The lack of detail in this comment makes it impossible for MTC and ABAG to respond. MTC and ABAG believe this EIR provides an adequate assessment of the proposed Plan's environmental impacts as required under CEQA.
- C214-10: See response C214-9.
- C214-11: The comment does not raise a direct point or question about the proposed Plan or EIR, but seems to imply that Plan Bay Area should include targets regarding CO₂ emissions from transit. Transit emissions are accounted for in the analysis of Impact 2.5-2; see Table 2.5-9 and the comparative analysis of transit emissions can be found in Table 3.1-29 under buses and other vehicles.
- C214-12: The proposed Plan was prepared in a manner consistent with the requirements of SB 375 and other applicable laws. MTC and ABAG followed CEQA requirements for public noticing of the EIR. See Chapter 1.2 of the Draft EIR for a description of the public participation process for development of the proposed Plan. Regarding public engagement for the EIR, please see Chapter 1.1 of the Draft EIR for a description of the Notice of Preparation and public scoping process and Section 1 of this Final EIR for a description of the public review process for the Draft EIR.
- C214-13: See responses C214-4 and 5.
- C214-14: MTC and ABAG respectfully disagree with the commenter that increasing non-auto mode share by 10 percent and decreasing VMT per capita are not valid goals. This is a voluntary target adopted by MTC and ABAG, which are permitted to adopt goals with wide latitude. This goal was also adopted by MTC for the current Regional Transportation Plan, Transportation 2035, "Reduce daily per-capita vehicle miles traveled (VMT) by 10 percent from today by 2035." The analysis under Impact 2.5-2 in the Draft EIR shows that total net GHG emissions will decrease under the proposed Plan; see responses C214-4 and 5 as well, which discuss this impact analysis as well as the increase in funding for roadways in the proposed Plan compared to Transportation 2035. The commenter fails to explain what is "disproportionately high" about the transit investments in the proposed Plan; the No Project alternative would in fact devote a higher proportionate of funds to transit—especially transit system expansion—than the proposed Plan.

MTC's travel model does account for GHG emissions and other air quality impacts from roadway congestion. The commenter should note much of the roadway congestion impacts by 2040 would occur as a result of inevitable population growth (see Master Response B.1)

and that the proposed Plan would result in significantly less congestion than would occur under the No Project alternation, as explained on p. 3.1-20 of the Draft EIR: “As a result, the No Project alternative leads to per-capita congested VMT levels that are 150 percent higher than the proposed project during the AM peak, 97 percent higher during the PM peak, and 115 percent higher over the course of a typical weekday.” Also see Table 3.1-11.

See response C214-4 again regarding the proposed Plan’s continued support for private automobile usage.

The regional travel demand model (Travel Model One) captures transit delays as a result of traffic congestion. For transit vehicles operating in mixed flow, the transit passengers’ travel time reflects vehicle speeds on the roadway, combined with a land use factor that incorporates expected delay from bus stops (caused by passenger boardings & alightings). These transit delay impacts are incorporated into overall transit travel times, as shown in Tables 2.1-14 and 2.1-15. These tables show that average transit per trip commute travel time would increase from 44 to 44.3 minutes (1%) and non-commute travel time would decrease from 36.2 to 35.5 minutes (-2%). On balance, transit travel time essentially stays the same. This comment does not explain how reducing “commute radiuses” [sic] creates adverse environmental impacts.

- C214-15: The objectives listed by the commenter are targets MTC and ABAG determined the proposed Plan should strive to achieve. The proposed Plan includes strategies designed to help achieve these targets.
- C214-16: GHG emissions from transit, as included in the analysis of Impact 2.5-2 of the Draft EIR, are based on 2010 emissions. The data shown are aggregate net emissions; ridership levels do not factor into this calculation.
- C214-17: Analyzing per capita transit emissions would be immaterial to determining whether the proposed Plan exceeds the criteria of significance related to SB 375 adopted by MTC and ABAG. Criterion 2.5-1 evaluates per capita GHG emissions from cars and light trucks, as required by SB 375, and Criterion 2 evaluates net GHG emissions from all land use and transportation sources, including transit. The analysis requested would not change the conclusions of the EIR.
- C214-18: Chapter 2.1 of the Draft EIR discusses existing travel modes and shows travel by mode in Tables 2.1-6 and 2.1-7. The proposed Plan seeks to make transit a more realistic travel alternative through transportation programs and investments, as well as more transit-oriented development. MTC and ABAG expect that many trips in the region will continue to be by car; see Table 2.1-13, as well as response C214-4 again regarding the proposed Plan’s continued support for private automobile usage.
- C214-19: See response C214-18.
- C214-20: This issue is evaluated under Impacts 2.1-1 (per-trip travel time for commute travel) and 2.1-2 (non-commute travel) in Chapter 2.1 of the Draft EIR. The EIR found a less than significant impact at a regional level in both instances.
- C214-21: See response C214-20, the analyses discussed evaluates all travel modes, per the criteria of significance.

- C214-22: See response C214-4 and C214-18 regarding roadway investments and travel mode expectations. The proposed Plan would reduce the average distance between residences and workplaces, as shown in Table 2.1-16 of the Draft EIR, which would help make travel by non-auto modes more feasible.
- C214-23: See response C214-22. The comment does not explain how reduced commute radii would have an adverse environmental impact. Economic impacts are beyond the scope of CEQA.
- C214-24: See response C214-20; the analyses discussed evaluate all travel modes, per the criteria of significance.
- C214-25: This issue is evaluated under Impact 2.1-3 in Chapter 2.1 of the Draft EIR. The EIR found a significant and unavoidable impact and proposes Mitigation Measures 2.1(a), (b), and (c) to reduce the impacts.
- C214-26: The proposed Plan is designed to achieve a number of objectives. MTC and ABAG have the discretion to adopt reasonable objectives for the proposed Plan. Increasing walking and biking time is a valid objective for a number of reasons including the health benefits of these activities..
- C214-27: It is not within the scope of this EIR or the proposed Plan to question the validity of SB 375. Instead, as required by law, one of the proposed Plan's basic objectives is to achieve the CO₂ emission targets established for the region pursuant to SB 375.
- C214-28: See Impact 2.5-2 of the Draft EIR which evaluates whether the proposed Plan reduces net GHG emissions from transportation and land uses; it finds that it would do so.
- C214-29: It is not within the scope of this EIR or the proposed Plan to question the validity of SB 375.
- C214-30: MTC and ABAG are unable to identify where in the Draft Plan or Draft EIR there is a reference to a "multi-modal transit" goal. The only occurrences of the term multimodal are found in references to the "the multimodal investment strategy" of the existing regional transportation plan, Transportation 2035 and that, "A well-maintained multimodal transportation system is fundamental to the success of the more compact future land use ..." on page 67 of the Draft Plan. Pages 2.1-28 and 29 of the Draft EIR discuss future mode share expected as result of the proposed Plan, and finds modest shifts to transit and walking and away from driving alone and carpooling. This analysis was conducted by the MTC travel model; see the *MTC Travel Demand Forecasts, 2012*.
- C214-31: The comment claims that MTC and ABAG ignore the impact of traffic congestion on GHG emissions. This is not accurate. As demonstrated in Figures 24 and 26 (pp. 59 and 61) in the *Draft Summary of Predicted Traveler Responses* supplementary report, MTC and ABAG expect congestion to increase between today and 2040. These congestion estimates are fed into the CARB emissions estimation software (EMFAC2011). As such, MTC and ABAG explicitly consider the increase in congestion on the Draft EIR's GHG estimates.
- C214-32: See responses C214-2, C214-4, C214-18, and C214-30 regarding MTC and ABAG's recognition of existing levels of driving, investment in the regional roadway system, the

proposed Plan's objective of making non-auto modes more feasible options, and expectations of mode shift.

- C214-33: Air quality impacts within development areas and disproportionate impacts on communities of concern are evaluated in Chapter 2.2 of the Draft EIR.
- C214-34: See response C214-33.
- C214-35: See response C214-33.
- C214-36: See Master Response D.2 on GHG emissions reductions and transit-oriented development.
- C214-37: See Master Response H on UrbanSim and subsidies.
- C214-38: Typically public services are the responsibility of local jurisdictions and are funded through sales and property tax revenues and impact fees. Development under the proposed Plan will be subject to all local regulations and fees. See Master Response A.1 regarding local land use control. See also chapters 2.12 (Public Utilities and Facilities) and 2.14 (Public Services and Recreation) regarding impacts relating to public facilities and services.
- C214-39: For point "a" see Master Response D.2 for a discussion on how transit-oriented development reduces GHG emissions and the analysis under Impact 2.5-5 of the Draft EIR regarding transit capacity which found a less than significant impact. For point "b" see Master Response H on the UrbanSim and assumed subsidies. For point "c", per CEQA Guidelines impacts must be compared between existing conditions (2010) and the horizon year for the proposed Plan (2040); the exception is the analysis of per capita emissions from cars and light trucks required by SB 375 to use 2005 for existing conditions compared to 2020 and 2035. Based on responses C214-1 through C214-39, MTC and ABAG believe this EIR provides an adequate assessment of the proposed Plan's environmental impacts as required under CEQA.
- C214-40: MTC and ABAG believe this EIR provides an adequate assessment of the proposed Plan's environmental impacts as required under CEQA.
- C214-41: See Chapter 3.1 of the Draft EIR for a description of the alternatives screening process.
- C214-42: Yes, the alternatives were modeled for GHG emissions in the same manner as the proposed Plan and, therefore, incorporate transit related CO₂ emissions into the analyses. See pages 3.1-57 through 64 of the Draft EIR.
- C214-43: The EMFAC2011 model used by MTC and ABAG to calculate GHG emissions includes considerations such as length of trip as well as number of vehicle starts. For more information on EMFAC2011, see *EMFAC2011 Technical Documentation, Updated January 2013*, page 16.¹⁸
- C214-44: MTC and ABAG believe this EIR provides an adequate assessment of the proposed Plan's environmental impacts as required under CEQA; see responses C214-1 through C214-43 for specific concerns.

¹⁸ <http://www.arb.ca.gov/msei/emfac2011-technical-documentation-final-updated-0712-v03.pdf>

Letter C215 Various Bay Area Residents (6/14/2013)

- C215-1: Commenter's support for Alternative 5 is acknowledged. The decision-makers will weigh the advantages and disadvantages of each alternative in determining which option to adopt.
- C215-2: The letter refers to a system of HOT lanes, which presumably is the Regional Express Lane Network. This Network represents only a modest increase in the region's freeway capacity. Table 3.1-7 of the Draft EIR shows only a 4 percent difference in freeway lane-miles between the No Project alternative, which includes only committed express lanes, and the proposed Project, which includes the full Network. This is because approximately half of the Network is composed of existing HOV lanes that will be converted to express lanes. Only the remaining half of the Network would be developed by building new express lanes. Furthermore, express lane mileage is managed capacity, which gives priority to transit and buses and is subject to Federal requirements to maintain speeds of 45 miles per hour or better 90 percent of the time express lanes are in operation. This effectively limits the number of vehicles to approximately 1,600 vehicles per hour per lane, which is less than the typical capacity of an unmanaged lane (2,200 vehicles per hour per lane).
- C215-3: See Master Response F regarding displacement. Commenter's suggestions regarding transit, affordable housing and displacement will be considered by decision-makers as part of the EIR certification process and action on the proposed Plan.
- C215-4: See response C215-3.

Letter C216 Thomas Ayres (5/8/2013)

- C216-1: Please see responses to Letter C215.

Letter C217 Anonymous (5/16/2013)

- C217-1: Commenter's opposition to the proposed Plan is acknowledged. The decision-makers will weigh the advantages and disadvantages of each alternative in determining which option to adopt.
- C217-2: No comments from the specified groups in the comment were received (although letters may have been received by individuals belonging to these groups). The environmental analysis included in the EIR complies with the CEQA requirements applicable to a programmatic planning document. See Master Response A.3 regarding the programmatic nature of this EIR.
- C217-3: The proposed Plan does not take away local land use authority. Please see Master Response A.1 regarding local control over land use.
- C217-4: Please see Master Response C regarding requests for extensions of the public comment period.
- C217-5: The proposed Plan does not take away local land use authority. Please see Master Response A.1 regarding local control over land use.

- C217-6: The MTC and ABAG Board consist of elected representatives from many counties and cities of the region and their decisions reflect the decisions of these voter-selected officials. This Final EIR contains the comments by many agencies and people on the Draft EIR and the responses by MTC and ABAG. The proposed Plan was prepared in a manner consistent with the requirements of SB 375 and other applicable laws. MTC and ABAG followed CEQA requirements for public noticing of the EIR. See Chapter 1.2 of the Draft EIR for a description of the public participation process for development of the proposed Plan. Regarding public engagement for the EIR, please see Chapter 1.1 of the Draft EIR for a description of the Notice of Preparation and public scoping process and Section 1 of this Final EIR for a description of the public review process for the Draft EIR.
- C217-7: Responseer's specified comments and questions are provided below.
- C217-8: See response C217-6.
- C217-9: See Chapter 2.3 regarding a discussion of projected housing preferences. Note that implementation of the proposed Plan is at the discretion of local jurisdictions; MTC and ABAG cannot "require" anything regarding land development. See Master Response A.1 for more information on local land use control. See also Master Response B.2 regarding the feasibility of the proposed Plan's PDAs.
- C217-10: Commenter's concern regarding the cost of implementing the proposed Plan is noted. Implementation of the proposed Plan is at the discretion of local jurisdictions; MTC and ABAG cannot "require" anything regarding land development. See Master Response A.1 for more information on local land use control. See also Master Response H for additional discussion of subsidies.
- C217-11: See response C217-6. Plan Bay Area is a regional project and is analyzed under CEQA at such a level. See Master Response A.3 regarding the programmatic nature of this EIR. MTC and ABAG have no local land use authority and cannot compel a jurisdiction to adopt or implement Plan Bay Area; see Master Response A.1 for information on local land use control. When changing land use plans and regulations in order to implement Plan Bay Area, local jurisdictions will need to comply with CEQA and must, where applicable, undertake their own environmental impact analysis.
- C217-12: CEQA is designed to provide substantial opportunities for input from responsible agencies, trustee agencies, other interested agencies and organizations, as well as the public. CEQA, therefore, by its own terms provides an opportunity for third party review and comments. It should also be noted that in preparing this EIR, MTC and ABAG worked with a number of other agencies, such as the Bay Conservation and Development Commission, the Bay Area Air Quality Management District, and the California Air Resources Board, and expert consultants to ensure the validity of the analysis included herein.
- C217-13: Typically public services are the responsibility of local jurisdictions and are funded through sales and property tax revenues and impact fees. Development under the proposed Plan will be subject to all local regulations and fees. See Master Response A.1 regarding local land use control. See also chapters 2.12 (Public Utilities and Facilities) and 2.14 (Public Services and Recreation) regarding impacts relating to public facilities and services.

- C217-14: These comments regard localized and specific impacts of land development design on crime prevention. This is a project-level issue and should be evaluated in project-level environmental review and/or local discretionary review; see Master Response A.3 regarding analysis required in a program EIR. All development under the proposed Plan is subject to local permitting, design guidelines, impact fees for public safety, and other land use controls; see Master Response A.1 regarding local land use control. Economics impacts are not environmental issues under CEQA.
- C217-15: Such a request is beyond the scope of this regional-scale, program EIR. See Master Response A.3 for more information on specificity of program EIRs. Further information on the programmatic nature of this environmental document can be found on page 1.1-4; additional information regarding the Draft EIR's emphasis on regional impacts can be found on page 2.0-1.
- C217-16: Per Chapters 2.5 and 2.7, site specific analysis will be required to identify issues with sea level rise and seismic concerns where applicable. The proposed Plan does not limit the existing land use authority of local implementing agencies; implementing agencies retain the discretion to modify or deny discretionary projects based on considerations such as sea level rise and seismicity. Also see response C217-15.
- C217-17: Questions posed at Draft Plan and Draft EIR hearings are answered in this Final EIR; see subsections D, E, and F of Section 3. MTC and ABAG followed CEQA requirements for public noticing of the EIR. See Chapter 1.2 of the Draft EIR for a description of the public participation process for development of the proposed Plan. Regarding public engagement for the EIR, please see Chapter 1.1 of the Draft EIR for a description of the Notice of Preparation and public scoping process and Section 1 of this Final EIR for a description of the public review process for the Draft EIR.

Letter C218 Elizabeth Appell (5/14/2013)

- C218-1: Please see Master Response B.1 regarding population projection as well as Master Response D.2 regarding the connection between high density near transit and reduced greenhouse gas emissions.
- C218-2: Pursuant to SB 375, an SCS must identify "areas within the region sufficient to house all the population of the region, including all economic segments of the population..." (Gov. Code § 65080(b)(2)(B)(ii).) The proposed Plan does so by producing a land use pattern that will accommodate HCD's Regional Housing Needs Determination (RHND) and through ABAG's and MTC's efforts to support additional affordable housing production. This includes Chapter 6 of the Plan, which identifies strategies for facilitating greater affordable housing preservation and production in the region. Many of these efforts require policy changes at the state or federal level that are beyond the control of the regional agencies, who will act as advocates for these changes. The regional agencies are providing more direct support for affordable housing through the Transit Oriented Affordable Housing (TOAH) fund, which supports affordable projects in Priority Development Areas and the identification of Affordable Housing as an allowable use for future Cap and Trade funds.
- C218-3: Please see Master Responses E and G regarding sea level rise and water supply, respectively. See also chapters 2.5 (Climate Change and Greenhouse Gases) and 2.12 (Public Utilities and Facilities).

C218-4: MTC and ABAG may find that the proposed Plan would create significant environmental impacts, but that these impacts would be outweighed by other benefits. In addition many of the significant and unavoidable impacts occur because MTC and ABAG cannot require local implementing agencies to adopt the mitigation measures, and it is ultimately the responsibility of a lead agency to determine and adopt mitigation. Please see Master Response A.1 on local control over land use for additional information.

C218-5: Commenter's opposition to the proposed Plan is acknowledged. The decision-makers will weigh the advantages and disadvantages of each alternative in determining which option to adopt.

Letter C219 Ashley Eagle-Gibbs (5/13/2013)

C219-1: Please refer to the analysis of Impact 2.1-5 in the Draft EIR, Chapter 2.1, Transportation, which found no significant impact on regional transit crowding under the proposed Plan. In addition, commenter's suggestion regarding Alternative 5 will be considered by decision-makers as part of the EIR certification process and action on the proposed Plan.

C219-2: Please see Master Response F regarding displacement. See also response C157-1.

Letter C220 Eric Ireland (5/13/2013)

Please refer to responses to Letter C219.

Letter C221 Marshall Sanders (5/1/2013)

Please refer to responses to Letter C215.

Letter C222 Shannon Tracey (5/16/2013)

Please refer to responses to Letter C215.

Letter C223 Elizabeth Wampler (5/9/2013)

Please refer to responses to Letter C215.

Letter C224 Betty Winholtz (5/13/2013)

C224-1: Your support for the transit funding component of Alternative 5 is noted.

C224-2: See Master Response F regarding displacement.

Letter C225 Kim Bowman (5/16/2013)

C225-1: Commenter's support for the No Project alternative is acknowledged. The decision-makers will weigh the advantages and disadvantages of each alternative in determining which option to adopt.

Letter C226 Joyce Britt (4/25/2013)

C226-1: Commenter's support for the No Project alternative is acknowledged. The decision-makers will weigh the advantages and disadvantages of each alternative in determining which option to adopt. In addition, please note that the No Project alternative does not imply that no growth will take place, as growth will happen regardless of implementation of the proposed Plan. See Master Response B.1 for more information on population projections.

Letter C227 Jon Campo (5/5/2013)

C227-1: Commenter's support for the No Project alternative is acknowledged. The decision-makers will weigh the advantages and disadvantages of each alternative in determining which option to adopt.

Letter C228 June and Steve Kim (5/9/2013)

C228-1: The decisions referred to in this comment regarding the 101 Corridor Priority Development Area are at the discretion of Marin County, not MTC and ABAG. See Master Response I regarding the PDA designation process.

C228-2: Please see Master Response C regarding requests for extensions of the public comment period.

C228-3: Please see Master Response B.1 regarding population projections. It should also be noted that implementation of the proposed Plan requires discretionary actions by local jurisdictions with applicable land use authority; the proposed Plan does not compel local jurisdictions to approve any specific land use developments. See Master Response A.1 regarding local land use control.

C228-4: Commenter's support for the No Project alternative is acknowledged. The decision-makers will weigh the advantages and disadvantages of each alternative in determining which option to adopt.

Letter C229 Mark Schoenbaum (5/16/2013)

C229-1: Commenter's support for the No Project alternative is acknowledged. The decision-makers will weigh the advantages and disadvantages of each alternative in determining which option to adopt.

Letter C230 Sebastian Ziegler (4/8/2013)

C230-1: Commenter's support for the No Project alternative is acknowledged. The decision-makers will weigh the advantages and disadvantages of each alternative in determining which option to adopt.

C230-2: MTC and ABAG are required to fulfill the terms of SB 375 with Plan Bay Area, but used an extensive multi-year planning process to recommend a high-level yet nuanced growth pattern. Local jurisdictions retain all land use control, however, per Master Response A.1

C230-3: See Master Response B.1 regarding the projections.

Letter C231 Victor Goodrum (4/2/2013)

- C231-1: Please see Master Response C regarding requests for extensions of the public comment period.
- C231-2: MTC and ABAG followed CEQA requirements for public noticing of the EIR. See Chapter 1.2 of the Draft EIR for a description of the public participation process for development of the proposed Plan. Regarding public engagement for the EIR, please see Chapter 1.1 of the Draft EIR for a description of the Notice of Preparation and public scoping process and Section 1 of this Final EIR for a description of the public review process for the Draft EIR.

Letter C232 Barbara Hagen (4/22/2013)

- C232-1: Please see Master Response C regarding requests for extensions of the public comment period.
- C232-2: Implementation of the proposed Plan is at the discretion of local jurisdictions; MTC and ABAG cannot “require” anything regarding land development. See Master Response A.1 for more information on local land use control. As noted in Chapter 2.3 of the Draft EIR, almost half of the region’s population already lives in multi-family or townhouse units, and per the population projections (see Master Response B.1 and the *Jobs-Housing Connection Strategy*) that preference is expected to grow in the Bay Area.
- C232-3: General concerns regarding property values are an economic issue not a physical impact on the environment that must be addressed in an EIR pursuant to CEQA. .
- C232-4: Typically public services are the responsibility of local jurisdictions and are funded through sales and property tax revenues and impact fees. Development under the proposed Plan will be subject to all local regulations and fees. See Master Response A.1 regarding local land use control. See also chapters 2.12 (Public Utilities and Facilities) and 2.14 (Public Services and Recreation) regarding impacts relating to public facilities and services.
- C232-5: The MTC and ABAG Board consist of elected representatives from many counties and cities of the region and their decisions reflect the decisions of these voter-selected officials. See also Master Response A.1 regarding local land use control.

Letter C233 Kent Hagen (4/22/2013)

- C233-1: Please see Master Response B.1 regarding population projections.
- C233-2: The MTC and ABAG Board consist of elected representatives from many counties and cities of the region and their decisions reflect the decisions of these voter-selected officials. See also Master Response A.1 regarding local land use control.
- C233-3: Please see Master Response C regarding requests for extensions of the public comment period.

Letter C234 Susan K (5/2/2013)

- C234-1: Open space is not necessarily protected as it also includes undeveloped lands. The comments on the No Project alternative are correct. The decision-makers will weigh the advantages and disadvantages of each alternative in determining which option to adopt.

Letter C235 John Parnell (5/16/2013)

- C235-1: Commenter's support for the No Project alternative is acknowledged. The decision-makers will weigh the advantages and disadvantages of each alternative in determining which option to adopt.
- C235-2: See Chapter 2.2 of the Draft EIR for an analysis of and mitigation measures for impacts on air quality.
- C235-3: Please see Master Response G regarding water supply. In addition, the decision to use desalination as a water source would be solely the decision of MMWD and is not advocated for or required by the proposed Plan. The current MMWD Urban Water Management Plan indicates adequate water supplies through the year 2035 without a need to resort to desalination. The proposed Plan would result in essentially the same year 2040 population as under the No Project alternative - a three percent increase, with the proposed Plan resulting in 500 more households in Marin County than under the No Project scenario. Given the water supplies indicated by MMWD, it is extremely unlikely that additional water supplies will need to be acquired due to growth under the proposed Plan. Moreover, in August of 2010, the District adopted Ordinance 420, which states that the District shall not approve construction, or financing for construction, of a desalination facility unless such construction is approved by a majority of District voters, voting in an election held within the District's service area for that purpose.
- C235-4: Please see Master Response E regarding sea level rise and chapter 2.5 (Climate Change and Greenhouse Gases) in the EIR.
- C235-5: See Chapter 2.10 of the Draft EIR for an analysis of and mitigation measures for impacts on visual resources. Also note that all discretionary projects are subject to the approval by applicable local jurisdictions and must adhere to all design guidelines, permits, impact fees, and other requirements imposed by such jurisdictions; see Master Response A.1 on local land use control. In addition, please note that the proposed Plan's land development pattern would result in around only 500 additional households in Marin County by 2040 in comparison to the No Project alternative (see Table 3.1-3); that is, much of the growth in Marin is expected to occur regardless of the Plan due to regional growth; see Master Response B.1 regarding population projections.
- C235-6: MTC and ABAG are not proposing implementation of a Vehicle Miles Traveled (VMT) tax as part of the proposed Plan. The VMT tax was included in Alternative 5, the Environment, Equity and Jobs Alternative, as per the direction of the stakeholders who developed that alternative. The VMT tax is only a consideration as a component of Alternative 5. It is not being considered as a part of the proposed Plan, but commenter's opposition to the VMT tax is acknowledged. If a VMT tax is pursued, many details of implementation and the possible effects would be evaluated further.

C235-7: The MTC and ABAG Board consist of elected representatives from many counties and cities of the region and their decisions reflect the decisions of these voter-selected officials. Note that implementation of the proposed Plan is at the discretion of local jurisdictions; MTC and ABAG cannot “require” anything regarding land development. See Master Response A.1 for more information on local land use control.

Letter C236 Valorie Van Dahl (5/15/2013)

C236-1: Commenter’s opposition to the proposed Plan is noted. The decision-makers will weigh the advantages and disadvantages of each alternative in determining which option to adopt. Priority Development Area locations are designated by local jurisdictions, not by MTC and ABAG. See Master Response I regarding the PDA designation process.

C236-2: See response C235-5. Commenter’s opposition to the proposed Plan is noted. The decision-makers will weigh the advantages and disadvantages of each alternative in determining which option to adopt.

Letter C237 Byrne Mathisen (5/14/2013)

C237-1: Please see Master Response C regarding requests for extensions of the public comment period.

C237-2: Please see Master Response A.1 regarding local control over land use as well as Master Response A.3 regarding the programmatic nature of this EIR. In addition, see Chapters 2.7 (Geology and Seismicity) and 2.9 (Biological Resources) for the analysis of these issues and related mitigation measures, which cite existing State laws require site-specific analyses. Future second-tier projects must comply with CEQA; implementing agencies will consider localized biological resource and geology concerns during the administrative process associated with such future second-tier projects.

C237-3: The Commission and ABAG Board consist of elected representatives from many counties and cities of the region and their decisions reflect the decisions of these voter-selected officials. See also Master Response A.1 regarding local land use control.

C237-4: Please refer to the Draft EIR Chapter 2.6, Noise, which provides a thorough analysis of the potential noise impacts of the proposed Plan as well as provides adequate mitigation measures to combat these impacts. See also Master Response A.3 regarding the programmatic nature of this EIR.

C237-5: General concerns regarding property values are an economic issue not a physical impact on the environment that must be addressed in an EIR pursuant to CEQA.

C237-6: Typically public services are the responsibility of local jurisdictions and are funded through sales and property tax revenues and impact fees. Development under the proposed Plan will be subject to all local regulations and fees. See Master Response A.1 regarding local land use control. See also chapters 2.12 (Public Utilities and Facilities) and 2.14 (Public Services and Recreation) regarding impacts relating to public facilities and services.

C237-7: Plan Bay Area in fact devotes a significant portion of its budget to operating and maintaining the existing roadway system. The Draft EIR, on p. 1.2-49, notes that the proposed Plan

allocates over 79 percent of its budget to committed projects, which include many highway and roadway projects. In addition, 87 percent of all projected revenues are dedicated to operations and maintenance of the existing transit system and roads and bridges. “Compared to Transportation 2035, the proposed Plan Bay Area would spend a higher percentage of its budget on transit and roadway operations and maintenance, less on expansion of transit network, and roughly the same percent on road and bridge expansion.” In addition, as Table 1.2-10 of the Draft EIR shows, the proposed Plan will increase road and bridge operations and maintenance from 30 percent of the overall Transportation 2035 budget to 32 percent of the Plan Bay Area budget, an increase of \$28 billion (see updated numbers in Section 2.2 of this Final EIR); these funds are available due to a decrease in the proportion and amount of money to be spent on transit system expansion compared to the last RTP. In light of this transportation investment strategy, the proposed Plan clearly supports a continuation of personal automobile use. MTC must fund a transportation system that serves a growing population and many lifestyles while hitting targets assigned by the State, and this requires supporting transit as well as roadway systems.

The proposed land use pattern attempts to concentrate growth within transit-served locations and reducing parking requirements—which can be expensive or logistically impossible to follow in an infill setting—is meant as a way to incentivize such development and to increase transit usage given its more efficient use of existing roadway capacity and lower production of per capita greenhouse gas emissions. Ultimate decisions regarding the amount of parking to require for a specific future project rests with the local jurisdiction with discretionary local land use authority over its approval. See Master Response A.1 regarding local land use control.

- C237-8: Please see Master Response B.2 regarding the feasibility of the proposed Plan’s Priority Development Areas.
- C237-9: Such a request is beyond the scope of this regional-scale, program EIR. See Master Response A.3 for more information on specificity of program EIRs. Further information on the programmatic nature of this environmental document can be found on page 1.1-4; additional information regarding the Draft EIR’s emphasis on regional impacts can be found on page 2.0-1. However, it should be noted that second-tier plans and projects proposed to implement the proposed Plan must comply with CEQA and are subject to the discretionary land use authority of the implementing agencies. See Master Response A.1 regarding local land use control.
- C237-10: CEQA is designed to provide substantial opportunities for input from responsible agencies, trustee agencies, other interested agencies and organizations, as well as the public. CEQA, therefore, by its own terms provides an opportunity for third party review and comments. It should also be noted that in preparing this EIR, MTC and ABAG worked with a number of other agencies, such as the Bay Conservation and Development Commission, the Bay Area Air Quality Management District, and the California Air Resources Board, and expert consultants to ensure the validity of the analysis included herein.
- C237-11: Plan Bay Area is required to adhere to the GHG emissions reductions targets established by SB 375. Consistent with SB 375, the GHG emissions target CARB assigned MTC and ABAG requires reductions, when measured on a per capita basis relative to 2005, beyond those achieved by “new vehicle technology and by the increased use of low carbon fuel” (SB 375, Section 1(c)). See also Master Response D.1 regarding GHG emissions for SB 375.

- C237-12: Please see Master Response D.1 regarding the regional greenhouse gas emissions reductions for land use and transportation planning sectors under SB 375.
- C237-13: MTC and ABAG believe this EIR provides an adequate assessment of the proposed Plan's environmental impacts as required under CEQA.

Letter C238 Kevin Moore (5/16/2013)

- C238-1: Please see Master Response C regarding requests for extensions of the public comment period. Commenter's opposition to the proposed Plan and support for the No Project alternative is acknowledged. The decision-makers will weigh the advantages and disadvantages of each alternative in determining which option to adopt.
- C238-2: See Master Response B.1 regarding the population projections. PDAs are nominated and planned voluntarily by local jurisdictions, not selected by MTC or ABAG; see Master Response I regarding the PDA designation process. It is the responsibility of that local jurisdiction to comply with CEQA and approve or deny future second-tier projects within their discretionary land use authority based on site-specific considerations. See Master Response A.1 regarding local land use control.
- C238-3: See response C238-2. Also this is a regional-scale program EIR and such a request is beyond its scope. See Master Response A.3 for more information on specificity of program EIRs. Further information on the programmatic nature of this environmental document can be found on page 1.1-4; additional information regarding the Draft EIR's emphasis on regional impacts can be found on page 2.0-1.
- C238-4: See responses C238-2 and C328-3. Also see Chapters 2.12, and 2.14 of the Draft EIR for its analysis of and mitigation measures for impacts on public utilities and public services, respectively.
- C238-5: See responses C238-2, C328-3, and C238-4.
- C238-6: Please see Chapter 2.12 of the Draft EIR and Master Response G regarding water supply. Most of the water supply issues under the proposed Plan would be the result if population growth which will occur regardless of the proposed Plan; see Master Response B.1 on population projections.

In addition, the decision to use desalination as a water source would be solely the decision of MMWD and is not advocated for or required by the proposed Plan. The current MMWD Urban Water Management Plan indicates adequate water supplies through the year 2035 without a need to resort to desalination. The proposed Plan would result in essentially the same year 2040 population as under the No Project alternative - a three percent increase, with the proposed Plan resulting in 500 more households in Marin County than under the No Project scenario. Given the water supplies indicated by MMWD, it is extremely unlikely that additional water supplies will need to be acquired due to growth under the proposed Plan. Moreover, in August of 2010, the District adopted Ordinance 420, which states that the District shall not approve construction, or financing for construction, of a desalination facility unless such construction is approved by a majority of District voters, voting in an election held within the District's service area for that purpose.

- C238-7: This EIR analyzes the potential significant impacts of the adoption and implementation of the proposed Plan Bay Area (proposed Plan), which is the update to the 2009 Regional Transportation Plan (RTP) and the new Sustainable Communities Strategy (SCS) for the San Francisco Bay Area. MTC is required to adopt an RTP including an SCS pursuant to SB 375; MTC is required to adopt an RTP pursuant to federal and state planning requirements. Please see Master Response A.1 regarding local control over land use.
- C238-8: Please refer to the Draft EIR Chapter 2.5, Climate Change, as well as Master Response E regarding sea level rise.
- C238-9: The EIR is required to assess GHG emissions at a regional level, as it does in Chapter 2.5 of the Draft EIR. As a result of the proposed Plan, GHG emissions could rise in some locations but the EIR found that it would result in regional decreases in GHG emissions; see the analyses of Impacts 2.5-1 and 2.5-2.
- C238-10: Please see Master Response B.1 regarding population projections.
- C238-11: MTC and ABAG have no local land use authority and cannot compel a jurisdiction to adopt or implement Plan Bay Area; see Master Response A.1 for information on local land use control.
- C238-12: Commenter's support for the No Project alternative is acknowledged. The decision-makers will weigh the advantages and disadvantages of each alternative in determining which option to adopt.

Letter C239 James Holmes (5/10/13)

- C239-1: Please see Letter A8 from the City of Larkspur and MTC and ABAG's responses thereto. It should also be noted that second-tier plans and projects proposed to implement the proposed Plan must comply with CEQA and are subject to the discretionary land use authority of the applicable implementing agencies. See Master Response A.1 regarding local land use control.
- C239-2: Please refer to the Draft EIR, Chapter 2.5, Climate Change, as well as Master Response E for more information regarding sea level rise. In addition, the EIR is an environmental review document that thoroughly analyzes the potential environmental impacts as a result of the proposed Plan on the programmatic level. See Master Response A.3 regarding the programmatic nature of this EIR. Second-tier plans and projects proposed to implement the proposed Plan must comply with CEQA and are subject to the discretionary land use authority of the applicable implementing agencies. See Master Response A.1 regarding local land use control.
- C239-3: MTC and ABAG acknowledge that the proposed Plan includes incentives that may encourage local jurisdictions to implement that land use vision included in the proposed Plan. The One Bay Area Grant program, which account for 4.9 percent of revenues in the proposed Plan, requires that either 70 or 50 percent, depending on the county, of a county's OBAG funds be spent in or proximate to a PDA. However, local jurisdictions must comply with CEQA, notice and hearing requirements, and other applicable laws. Therefore, the public will have a continued opportunity to participate in local second-tier decision making

related to the proposed Plan. Please see Master Response A.1 regarding local control over land use and Master Response A.2 regarding CEQA streamlining.

C239-4: It is beyond the scope of this EIR to evaluate projects other than Plan Bay Area; this comment refers to a past decision on a separate project involving both the City of Larkspur and MTC.

C239-5: As the proposed Plan is a regional level plan, the impacts were evaluated on a regional scale. It is beyond the scope of the EIR to evaluate impacts on an individual project or jurisdiction level basis. See Master Response A.3 for more information on specificity of program EIRs. Further information on the programmatic nature of this environmental document can be found on page 1.1-4; additional information regarding the Draft EIR's emphasis on regional impacts can be found on page 2.0-1.

Future second-tier projects must comply with CEQA; implementing agencies will consider localized traffic and congestion concerns during the administrative process associated with such future second-tier projects. See Master Response A.1 regarding local land use control. It should also be noted that some of these comments are on the Larkspur Station Area Plan, a policy document of the City of Larkspur, and beyond the scope of this EIR.

C239-6: MTC and ABAG believe that the proposed mitigation measures for the proposed Plan are adequate, as presented in the Draft EIR, Chapter 2.1, Transportation. See also response C239-5.

C239-7: The proposed Plan addresses regional-level transportation investments and does not engage the details of how local transit operators work with existing land use. Furthermore, neither MTC nor ABAG have local land use control; see Master Response A.1. As a result, Plan Bay Area provides a blueprint for land development that could be supported at a broad level by the its transportation investment program, but the details of implementation are up to local jurisdictions, transit agencies, and county-level transportation authorities.

See chapters 2.12 (Public Utilities and Facilities) and 2.14 (Public Services and Recreation) regarding impacts relating to public infrastructure. See also Master Response A.1 regarding local land use control.

Pursuant to SB 375, an SCS must identify “areas within the region sufficient to house all the population of the region, including all economic segments of the population...” (Gov. Code § 65080(b)(2)(B)(ii).) The proposed Plan does so by producing a land use pattern that will accommodate HCD's Regional Housing Needs Determination (RHND) and through ABAG's and MTC's efforts to support additional affordable housing production. This includes Chapter 6 of the Plan, which identifies strategies for facilitating greater affordable housing preservation and production in the region. Many of these efforts require policy changes at the state or federal level that are beyond the control of the regional agencies, who will act as advocates for these changes. The regional agencies are providing more direct support for affordable housing through the Transit Oriented Affordable Housing (TOAH) fund, which supports affordable projects in Priority Development Areas and the identification of Affordable Housing as an allowable use for future Cap and Trade funds. See also Master Response B.2 regarding feasibility of the proposed Plan's PDAs.

C239-8: MTC and ABAG believe this EIR provides an adequate assessment of the proposed Plan's environmental impacts as required under CEQA. Localized "life-quality issues" are beyond the scope of this programmatic EIR. Local jurisdictions will consider these types of localized issues as they exercise their discretion over future second-tier projects. See Master Response A.1 regarding local land use control.

Letter C240 Debra England (5/16/2013)

Commenter's opposition to the proposed Plan is noted. The decision-makers will weigh the advantages and disadvantages of each alternative in determining which option to adopt. The proposed Plan was prepared in a manner consistent with the requirements of SB 375 and other applicable laws. MTC and ABAG followed CEQA requirements for public noticing of the EIR. See Chapter 1.2 of the Draft EIR for a description of the public participation process for development of the proposed Plan. Regarding public engagement for the EIR, please see Chapter 1.1 of the Draft EIR for a description of the Notice of Preparation and public scoping process and Section 1 of this Final EIR for a description of the public review process for the Draft EIR. The proposed Plan does not override local land use control. See Master Response A.1 regarding local land use control.

Letter C241 Stephen Nestel (6/13/2013)

See responses to Letter C98.

Letter C242 Peter Singleton (6/7/2013)

This letter was submitted on June 7, 2013, and contains corrections to C187, the commenter's original comment letter. The commenter recognizes errors that undermine the arguments in the original comment letter. Regardless, this Final EIR provides complete responses to C187. This revised letter C242 is included in the record; however, it raises no new environmental issues to which a response is required.

See comment letter C187 and responses to Letter C187.

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3.8 EIR Hearings Oral Comments

METROPOLITAN TRANSPORTATION COMMISSION
ASSOCIATION OF BAY AREA GOVERNMENTS

PLAN BAY AREA)
ENVIRONMENTAL IMPACT REPORT)
PUBLIC HEARING)

PUBLIC HEARING ON THE
DRAFT ENVIRONMENTAL IMPACT REPORT
SAN RAFAEL
APRIL 16, 2013

Reported by: SALLIE ESTUDILLO
CSR NO. 9060

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ATTENDEES

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BRAD PAUL - ABAG Deputy Director

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CAROLYN CLEVINGER - MTC Associate Planner Analyst

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BE IT REMEMBERED that, pursuant to Notice of the Public

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Hearing, and on April 16, 2013, 10:00 a.m. at the

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Embassy Suites Hotel, 101 Mcinnis Parkway, San Rafael,

16

California, before me, SALLIE ESTUDILLO, CSR No. 9060,

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State of California, there commenced a Public Hearing

18

under the provisions of California Environmental Quality

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Act.

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MEETING AGENDA

22

PAGE

23

24

Introduction by Joan Chaplick

25

Presentation by Carolyn Clevenger

Page 2

1	PUBLIC SPEAKERS	
2		PAGE
3	PETER HENSEL	5
4	RICHARD HALL	8
5	CLAYTON SMITH	10
6	CAROLYN LEMENT	12
7	NONA DENNIS	14
8	SUSAN KIRSCH	15
9	LINDA RAMES	17
10	AL DUGAN	18
11	HARRY BROPHY	19
12	RAY DAY	21
13	MARGARET KETTUNENZESAR	23
14	PAM DREW	24
15	JEAN RIEKE	26
16	NANCY OCADA	28
17	ROBERT CHILVERS	30
18	ELIZABETH MOODY	32
19	MARGARET NAN	33
20	ANN SPAKE	36
21	JULIE LEITZELL	39
22	CAROL SHEERIN	40
23	SUE BEITTEL	42
24	JOY DAHLGREN	43
25		

1	PUBLIC SPEAKERS (Continued)	
2		PAGE
3	VINCENT WELCH	44
4	BRENDAN BURKE	45
5	JIM BITTER	47
6	BARBARA SALZMAN	50
7	STEPHEN NESTEL	51
8	MARJORIE MACRIS	52
9	LILIE CROCKER	55
10	SUSAN WERNICK	59

11
12
13
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2 (Introduction by Joan Chaplick not reported.)

3 (Presentation by Carolyn Clevenger not
4 reported.)

5 JOAN CHAPLICK: Okay. Thank you for your
6 presentation, Carolyn. And now, we will start the
7 public comment. So I will be reading off names in
8 groups of three, and I'd like you to line up behind the
9 microphone. Ursula will be keeping time, so if you
10 approach the two minute mark, I'll just give you a brief
11 hand signal to wrap up your remarks.

12 If you do have additional comments beyond
13 your two minutes that you need, please remember, you can
14 provide comments in writing today, or by email, mail, or
15 fax, as Carolyn showed on the slide. So with that we
16 are going to get started. And I please ask that you
17 speak slowly so that our court reporters can get your
18 information down accurately.

19 So let's start with Peter Hensel,
20 followed by Richard Hall, and Clayton Smith. So if you
21 could start, your name and where you are from.

22 PETER HENSEL: I'm Peter Hensel, and I live in
23 Corte Madera. And just as a little perspective, I'm
24 definitely not against affordable housing. I think we
25 need more of it, but it needs to be dispersed through

Page 5

1 the community. I consider myself an environmentalist, so
2 this, I tackled this gigantic document, a thousand
3 pages, as best I could with limited time, concentrating
4 mainly on biological and water resources, because that's
5 all the time I had.

D1-A1

6 But what struck me, you know, on page 39
7 of the biological resources report, there's a footnote
8 that defines a certain section of Federal Endangered
9 Species Act. It says, a taking is defined at section
10 nine of that act, as broadly defined to include
11 intentional or accidental harassment or harm to
12 wildlife. Now, in the extreme, that could be something
13 even as disastrous as killing wildlife.

14 So, if you are a modern day land-use
15 planner or developer, what you want to do is mitigate.
16 They have a word for that, LSM, or an acronym, I should
17 say, it means less than significant impacts. So, this
18 puts planners and developers in a kind of quandary,
19 because, let's say -- and again, this is from the
20 document, page 60, of biological resources.

D1-A2

21 In the event that construction with the
22 needs to operate in any water course with flowing or
23 standing water, a qualified biologist resource monitor
24 shall be present at all times to alert construction
25 crews to the possible presence of California red legged

1 frogs, nesting birds, salmon heads, or other aquatic
2 species at risk during construction operations.

3 Well, I got kind of a laugh out of that,
4 actually, because one hopes that the state planners
5 would provide a chair for this guy sitting there all day
6 long watching the action. Am I?

7 JOAN CHAPLICK: Yes, that's time.

8 PETER HENSEL: Afraid so.

9 JOAN CHAPLICK: If you could please wrap up
10 your remarks.

D1-A3 11 PETER HENSEL: Well, let me just wrap it up.
12 So, in other words, we need to do some more work on the
13 people impacts of this report, and especially around the
14 water, because -- and this will be my last sentence. I
15 plugged into the California water agencies, they have a
16 website, and they say that Central Valley farmers are
17 going to get five, excuse me, 20 percent of the water,
18 their contract water this year. And I said, my
19 goodness, why are we planning for all these people under
20 that scenario?

21 JOAN CHAPLICK: Thank you for your comments.

22 Following our next commenter is Clayton
23 Smith, could come in line, and then I have Carolyn
24 Lement.

25 Sir.

1 RICHARD HALL: Hi, I'm Richard Hall, and I
2 live here in San Rafael, and I represent a group called
3 Quiet and Safe San Rafael. We are a group of residents
4 spanning ten neighborhoods. And, first of all, I want
5 to say, this is a big plan. It has big implications.
6 And I also wanted to sort of bring up a point of fact, I
7 kind of quickly went through obviously a big plan, as I
8 mentioned, this has more implications for Oakland,
9 San Francisco, some of the big cities.

D1-B1

10 Well, I think it's worth calling out that
11 right here in Civic Center, where we are sitting today,
12 the plan here and the PDA that manifests it, increase
13 the population by 55 percent in just a small half mile
14 radius zone, right here. In downtown San Rafael the
15 impact is 58 percent population increase.

16 So I found that sort of the way this was
17 presented was very dismissive of the actual impact. And
18 I think this is, what's really happening is the
19 residents I'm talking to, right here are impacted, are
20 feeling like we are just waking up to a major impact on
21 our life. We live here. We have vested interest in
22 this being a great place to live. We want to have a
23 voice. And we have consistently found that that voice
24 is not being heard.

25 And through -- we have met with our town

1 council, we packed the council chambers was overflowing
2 with proponents to the PDA plan, stationary plan, yet
3 our council voted five nothing against all those people.
4 We are at out wit's end to work out how are we meant to
5 object to the PDA, the general plan, the plan that
6 basically almost all of us disagree with that's based on
7 these transit oriented development principles, that we
8 don't just buy into this vision.

D1-B2

9 And I think many of us here don't buy
10 into the transit oriented development vision. We think
11 there's an alternative way. We think there's many
12 things you haven't considered. First of all,
13 telecommuting is increasing, cars are green, gas
14 emissions have reduced, and preempted, they are making
15 radical steps forward there. There's changing of car
16 technology that might start to emerge, and I've
17 explained this one, in the next five or ten years.

18 So these are all things that can be taken
19 into account that we don't have such radical impacts on
20 our everyday lives.

21 JOAN CHAPLICK: And could you wrap up your
22 comments, please?

D1-B3

23 RICHARD HALL: Sure. You have basically given
24 us one alternative, no project, but I'm told by people,
25 if we choose no project you still have to get to choose

1 an alternative. It feels like you haven't given us a
2 choice. No project is no project. There is no
3 (inaudible) choice that says no project. We would like
4 to say no project, period, and eliminate the PDA here in
5 San Rafael and North San Rafael. Thank you.

6 JOAN CHAPLICK: Thank you for your time.

7 Our next commenter will be followed by
8 Carolyn, and then Nona Dennis.

9 CLAYTON SMITH: Yeah, my name is Clayton
10 Smith, I'm from Mill Valley. You know, I look at your
11 document, it starts with what I consider to be
12 questionable scientific theories concerning the effects
13 of CO2 on what is now referred to as climate change. It
14 moves on, continues with population increases search
15 that contradict those made by Department of Finance at
16 the state level.

17 These are used to justify the overthrow
18 of local control concerning zoning and development.
19 And it culminates, interesting enough, on the last page
20 of your summary document with this vast expenditure.
21 Billions and billions of dollars on all these
22 transportation items. And I look at this, and what I
23 immediately sense, and I immediately feel, is cronyism.
24 All this money, and I, I look at what the state does
25 with the money we give it today, and we get big

1 bureaucracy. We get an overgrown and overpaid state
2 government, and we have almost no real value in exchange
3 for our tax dollars.

4 What we are getting back is substandard
5 government. And this I think is just more of it. This
6 is billions, hundreds of billions of dollars, most of
7 which is going to go into the coffers of the bureaucracy
8 and all those people that feed off this bureaucracy.
9 All the contractors, all the politicians, the financing
10 companies, and all the rest of it.

D1-C5

11 And it brings to mind, and my culminating
12 statement being, when Mussolini was asked to define
13 fascism, his definition of fascism was, everything in
14 the state and nothing out of the state. Again,
15 everything in the state and nothing outside of the
16 state. And I would argue that this document, One Bay
17 Area, is fascistic. It is a statement that we are now
18 all basically in the state, as described by these
19 bureaucrats and unelected officials, and that none of
20 our life, the life we have enjoyed in this country, will
21 be able to be permitted outside of the state.

22 And I think it's up to the duty of every
23 person who loves this country and who basically loves
24 the freedoms that are the gift of this country, will do
25 what they can to oppose such an opus document. Thank

Page 11

1 you.

2 JOAN CHAPLICK: Thank you for your comment.

3 And following Nona Dennis we'll have Susan Kirsch.

4 CAROLYN LEMENT: Carolyn Lement, San Rafael.

5 Two boys escaped from the Nazis, and one of them got to
6 go to the University of California and then get his
7 master's degree from Stanford University in medicine.
8 And then the army that sponsored that sent him back to
9 Germany. And he finished his service there and came
10 back and there was no place to live. My father lived in
11 a chicken coop after the war.

12 Affordable housing, of course, is
13 necessary. Better plan, of course, is necessary. I've
14 never met anyone against affordable housing. If you are
15 here, please come introduce yourself. That said, we
16 have a variety of issues and I'm just going to speak on
17 a potpourri of them about the EIR. First of all, we
18 need more time to consider this carefully. The staff is
19 doing it full time. Why isn't this meeting being held
20 in the evening so we can get people here? My computer
21 is still downloading 1,300 pages. It hasn't finished
22 downloading the report yet.

23 Secondly, housing is responsible for 40
24 percent of greenhouse gases. What's out there now is
25 green. All this building is not green. No matter what

Page 12

1 materials you use and how you dispose of the waste in
2 building it, it's not green. Twenty units per acre is
3 appropriate in our county. We are not urban. And you
4 can't go five miles out into deep country below
5 landslides and put more people at risk.

6 The places that have been chosen in Marin
7 County are dangerous. They are either toxic sites, they
8 are next to cell phone tower farms, they are next to
9 freeways where you double the chances of your children
10 having autism and asthma, according to 93 studies that I
11 downloaded. This is not examining the community's
12 impacts. The EIR is insufficient in this way and the
13 process has been scripted from the beginning.

14 So the process has been incomplete,
15 exclusive, and too fast for us. The assumptions behind
16 it are wrong. We have two freeway projects now in
17 Marin, no one is living in them. They failed. And
18 lastly, we have the water. The international standards
19 for transit oriented development is spoke and wheel.
20 It's not cramming people next to a freeway where they do
21 not want to live.

22 So far all this and more reasons, no
23 project, give us an alternative, let us develop an
24 alternative. It's going to taking more time in Marin
25 than we have been given. Thank you.

1 JOAN CHAPLICK: Thank you for your comments.

2 And let's see. We have Nona, then we
3 have Susan Kirsch and Linda Rames.

4 NONA DENNIS: I'm Nona Dennis, I'm
5 representing Marin Conservation League, and these are
6 our very preliminary comments on the EIR itself. I have
7 five comments. The first is that --

8 JOAN CHAPLICK: If you could use the
9 microphone. We can't hear you.

10 NONA DENNIS: Okay. Sorry. Thank you. Okay.
11 The first comment, is that as far as it goes, the EIR, I
12 must say, stands in sharp contrast. It's subjective.
13 It's comprehensive. It misses some major points, which
14 we are going to be making, but in comparison with the
15 plan itself, it is refreshing because it does identify
16 the areas of controversy, it identifies the significant
17 unavoidable impacts. It presents information
18 objectively, whereas the plan itself is sugar coated and
19 written through rose colored, I'm sorry, colored
20 glasses.

21 So anyway, that's as far as it goes. So
22 I've heard -- so main comment on the EIR, is that it's
23 based on projections that now are in question. We are
24 aware that there are discrepancies between the numbers
25 projected by ABAG and those by the Department of

Page 14

1 Finance. We don't know, some people are familiar with
2 those, the differences, the explanation of the
3 differences, so forth, but it's our understanding that
4 the entire EIR plan itself are premised on projections.
5 And you have a deadline, you have no time to correct
6 those.

7 When will we see a correction of those
8 projections, such that all these assumptions underlying
9 the EIR can be made consistent with projections that are
10 accepted? Are we going to have to wait four years for
11 review of the plan? The plan, the EIR itself does deal
12 fairly well with directives of the transportation
13 project, such as the displacement of open space and so
14 forth. It fails to, however, address the long term
15 indirect effects of the actual rate of growth, economic
16 growth as projected.

D1-E2

17 This will have to be, those indirect
18 impacts are not addressed. The impact of sea level rise
19 should be carried beyond the mid century. And we will
20 have some more comments to make on deficiencies in the
21 EIR. Thank you.

D1-E3

22 JOAN CHAPLICK: Thank you for your comment.
23 Next we have Susan Kirsch, Linda Rames, and then Al
24 Dugan.

25 SUSAN KIRSCH: Good morning, Susan Kirsch,

D1-F1

1 Mill Valley, California, a 34-year-resident of
2 Mill Valley. I want to make three comments regarding
3 the EIR and its measurements with CEQA. You know, on
4 the Executive Summary, page two, it talks about one of
5 the requirements of CEQA, as you mentioned in your
6 opening comment, is to inform decision makers and
7 members of the public as to the range of the
8 environmental impacts on the proposed plan.

9 I would hold that this project has been
10 grossly inadequate in terms of the people who are
11 representing any of us in our communities, bringing
12 forward being informed, educated and engaged around
13 this. So, at this point at least, the project is
14 failing on informing and engaging the public.

D1-F2

15 The second part of this is around picking
16 the environmentally superior alternative. And in an
17 example of the kind of double speak and the kind of
18 manipulation that happens in this, what it says in
19 Executive Summary, page nine, is that if the no project
20 alternative is identified as the environmentally
21 superior alternative, then the EIR must identify another
22 alternative from among the alternative allies.

23 However, project -- the no project
24 alternative is the one that continues to honor local
25 control through general plan and maintains that strength

1 of local communities working in collaboration but
2 holding power with local communities, which many of us
3 are in favor of.

D1-F3

4 The other thing that I want to comment
5 on, is many groups have been holding great promise for
6 this plan thinking that it's going to provide affordable
7 housing. And I'd like to point out from page 108, in
8 terms of hidden targets for equitable access, that in
9 fact, instead of hitting equitable access, the wording
10 from page 108 is that this plan moves in the wrong
11 direction.

12 The share of household income needed to
13 cover transportation and housing costs is projected to
14 increase to 69 percent for low income and lower middle
15 income residents during the Plan Bay Area period. And
16 further, transportation cost from page 109 will change
17 by one percent. This project is based on faulty
18 assumptions, faulty numbers, and a faulty process. It
19 should be slowed down and reconsidered.

20 JOAN CHAPLICK: Thank you for your comment.
21 Next we have Linda and Al Dugan, followed by Harry
22 Brophy.

D1-G1

23 LINDA RAMES: Good morning, I'm Linda Rames,
24 I'm a resident of Mill Valley. I simply have one
25 comment to make. Don't you think it's a little putting

Page 17

1 the fox in charge of the hen house to have MTC doing the
2 EIR? They are hardly impartial. Thank you.

3 JOAN CHAPLICK: Thank you for your comment.
4 You can adjust the volume from the back.

5 AL DUGAN: All right. My name is Al Dugan and
6 I represent the Novato Homeowner's Association. And
7 basically, I have three main issues, and they are with
8 ABAG, which is the basis of this whole report is based
9 on ABAG projections. Number one, the May 16th date is
10 just not sufficient time for us to be able to analyze
11 and give an independent review of the ABAG numbers and
12 this report. It's just insufficient.

13 I also note that ABAG used the DFO
14 migration factor from 2007 instead of the most recent
15 Department of Finance migration numbers, and that makes
16 a significant difference between the Department of
17 Finance numbers and the ABAG numbers. And then,
18 finally, ABAG top down planning does not have an
19 adequate way to deal with an anomaly or an outlier like
20 Marin.

21 Dr. Levy reviewed the total growth of the
22 Bay Area but clearly stated at a recent ABAG meeting, he
23 was not involved in and did not review the allocation
24 process to the jurisdictions. The 18,400 jobs and
25 33,000 population growth by 2040 makes no sense for

1 Marin. The ABAG numbers are 61 percent higher than the
2 Department of Finance numbers for the Bay Area, but they
3 are 400 percent higher than the Department of Finance
4 numbers for Marin. This is an obvious anomaly and a red
5 flag.

6 Thank you.

7 JOAN CHAPLICK: Thanks for your comment.

8 I have Harry Brophy next, followed by Ray
9 Day.

10 Did you, ma'am, did you fill out a
11 speaker card, or did I accidentally not call your name?

12 (Discussion had off the record.)

13 JOAN CHAPLICK: It's in the queue. So you just
14 have to stand. Please, sir, go ahead.

15 HARRY BROPHY: My name is Harry Brophy. I'm
16 from Novato. I have nothing against housing. That
17 isn't why I'm here. In a way, it, it might effect it,
18 but what I want to talk about is the water situation in
19 Novato. I've looked at some of reports. I have a book
20 full here that I haven't quite finished yet, but Novato
21 is going to have problems with water. They have 6,100
22 acres of feet they are using now, and ABAG projects
23 12,000 feet by 2020. That's almost double.

24 In Novato, people at ABAG has projected
25 is up around 64,000, that's way high. And what I'm

Page 19

1 getting at is, there's one pipe now that brings water
2 into Novato. It's a 30 inch main. I went up and
3 checked it, it comes from Sonoma. We are going to get
4 another pipe, but in 2009, due to financial constraints,
5 that pipe is out of the game.

6 So they have one way of getting water to
7 Novato. And more than anybody in this room, I know what
8 happens when a pipe full of water breaks. And don't
9 tell me it can't, because I was in charge of the City of
10 San Francisco the day that Loma Prieta had all the pipes
11 break in the marina. We used the bay. You don't have
12 that option right at this time.

13 We could set up a system where you could
14 use above ground water, I could do that for you, but as
15 it is now, the amount of water coming in is not
16 sufficient. All these statements in this book are taken
17 from North Marin Water District, in conjunction with
18 talking with Krista Gabriel, he's the head engineer, all
19 these things are true, and it comes down to where they
20 tell you, by the year of 2020 when there's going to be a
21 20 percent reduction by the State of California that's
22 mandatory, the water you have now won't be enough.

23 You are going to have less water up
24 there. You are going to have more people. You are
25 going to have a major problem when you do the EIR. And

D1-I2

1 another thing about the EIR, I would like it to be
2 impartial. So I don't know why Novato could be the lead
3 on the EIR when they are in cahoots with ABAG trying to
4 put these buildings up in Novato. It's got to be
5 impartial, because they are siding together.

D1-I3

6 They are not going to look at all these
7 facts. They are just going to do like one did, do we
8 have enough water? Yes. End the game. Let's look at
9 it from the start of Maravella all the way through where
10 it comes down. There's nine water contractors between
11 Russian River and lower Marin. They all have this water
12 problem. And it's going to get worse.

13 Thank you.

14 JOAN CHAPLICK: Thank you for your comments.

15 Following our next speaker, Ray Day, we
16 have Margaret Kettunenzesar, followed by Pam Drew.

D1-J1

17 RAY DAY: Hi, I'm Ray Day from Marinwood. And
18 I'm just representing myself, so don't take this to mean
19 that I represent the entire Marinwood area. I just
20 wanted to say that I agree with the prior speakers
21 indicating that the EIR focuses on transportation, jobs,
22 air pollution, and ignores many things that are really
23 important to the communities here in Marin.

D1-J2

24 And especially one thing, as a result of
25 SB50, which really messed us up, because the impact on

1 schools, which are not permitted to be placed in the
2 EIR, as far as the impacts to the local school
3 districts. Giving example, in the, in Marin County
4 here, 70 percent of the county's affordable units will
5 be, are planned to be located in the Dixy School
6 District and concentrated there. Now, okay. Now, you
7 say so what's the impact of the affordable housing?

8 Okay. For example, I did a calculation,
9 over the 40 year life of the project it would mean about
10 14.8 million in tax revenues if it was done on a regular
11 affordable basis. That meaning that the county's
12 original plan of 20 percent affordable housing and then
13 the rest to be market rate housing. Right now what the
14 plan is on the existing PDA is to go ahead and have it
15 100 percent affordable housing with the owner being
16 bridge housing that is entitled then to not pay any
17 property taxes that would be going to the schools.

18 Okay. Now you say, what is the impact?
19 Okay. For the school districts, that would amount to
20 over the life, that would be 1.6 million that they would
21 receive from the project out of the funds that would be
22 sent to the schools, versus 3.8 million that they would
23 be entitled to.

24 So this is a problem, and I think that if
25 it's nothing else, it's put in as a informational item

1 to the public so they know what the impact is to there
2 local school districts, because otherwise it won't be
3 mentioned, they have no say in what is going on. And
4 this is a very important issue that hasn't been
5 discussed and should be contained in any of these plans.

6 Thank you very much.

7 JOAN CHAPLICK: Thank you for your comment.

8 And next we have Margaret.

D1-K1 9 MARGARET KETTUNENZESAR: Horrible would be the
10 use of the funds for urban areas. Unfortunately, in the
11 unincorporated areas of Marin, all population has been
12 added and creates an urban prophecy, which does not
13 exist. The very sad thing is the PDA's and the
14 information of location of affordable housing in
15 Southern Marin, where I live, is on flood plain. A
16 flood plain.

D1-K2 17 Climate change does is not addressed in
18 terms of the areas where the population is planned. The

D1-K3 19 population is assuming transit orientation, because
20 there is a Highway 101, which is inadequate and will be
21 inadequate for many years. Shoreline Highway is
22 impassible on weekends and sunny days. Shoreline
23 Highway is accessed by flooded -- accessed from the
24 bridge, the Golden Gate Bridge. There is no transit
25 facility throughout rural, semi-rural Marin.

D1-K4

1 We are impacting populations that are
2 planned. And it's unfortunate that an eagerness to gain
3 funds for transportation, a process which was designed
4 for urban renewal, which is desperately needed in parts
5 of the cities which surround the Bay Area. Common
6 change needs to be better addressed, and the impacts of
7 the unfortunate probability of very high FEMA insurance
8 on semi, on semi-rural populations and affordable
9 housing, needy people, seniors, these kinds of
10 considerations should be given a more economic -- that
11 aspect should be analyzed in the document. Thank you.

12 JOAN CHAPLICK: Thank you for your comment.
13 Next, Pam Drew, Jean Rieke, and Nancy Ocada.

D1-L1

14 PAM DREW: My name is Pam Drew, I'm from
15 Novato. And I don't represent any one of the three
16 lobbies that the Plan Bay Area has replaced democracy
17 with. I believe in climate change. I believe the globe
18 is warming. I believe we need to reduce GHG emissions,
19 but I do not believe that we need to lie to the
20 population in order to do that.

21 I do not believe that you, as officials,
22 have a role in telling the population exactly what they
23 are to do and when they are going to do it. Whenever I
24 first watched the Bay Area Plan it was that we had to
25 prepare for two million people, one million of whom were

Page 24

1 going to be nearby migration, and one million by natural
2 increase. That was when there was still immigration
3 going on.

4 Very very shortly, few months after that
5 little factoid was dropped, it was no longer seen in any
6 of the literature. It was just two million people. You
7 have to provide for two million people. Now, that's
8 excessive growth. That's excessive growth in the face
9 of all the DOF projections. And at the beginning you
10 said that you were using the DOF numbers, but in the end
11 we find that it's Steven Levi and a private corporation
12 that is putting out all of these numbers.

D1-L2

13 This is based on something that is wrong.
14 And if it's wrong from the very beginning it's going to
15 be wrong at the end. It needs to be, no. No option.
16 There is not enough water. You are encroaching on the
17 bay lands from the Cargill Salt Flats all the way up
18 here to Tam. Valley. This is a lobby between the
19 corporations, the environment lobby and the equity
20 lobby. I don't belong to any of those.

21 I'm a homeowner, and despite my race,
22 despite that the fact that I am white, I'm still
23 speaking for homeowners. For black homeowners, for
24 Hispanic homeowners, for homeowners of all sorts. And
25 we deserve to be heard. We haven't been heard and we

1 need to be.

2 JOAN CHAPLICK: Thank you for your comment.

3 We have Jean Rieke who is next, followed by Nancy Ocada,
4 and then Robert Chilvers.

5 JEAN RIEKE: Hi, I'm Jean Rieke from Larkspur.

6 And, first of all, one thing around affordable housing
7 that has troubled me, I really do think that most people
8 understand the need for affordable housing and do not
9 oppose it for any elitism, or anything else, but every
10 time I hear about people needing 60 percent of certain
11 peoples need to commute into the county for work, I'm
12 wondering if they are taking the statistics of the
13 number of people that live in the county that need to
14 commute out of the county for their work.

15 So, I think that has to be understood,
16 commuting in general is a big problem for everybody.
17 And the other thing is, just a more broad base concern
18 in two areas. One is that a little bit of it has the
19 not in my backyard background, also, which I do not
20 think that people that live in Marin County, at least in
21 my experience, feel elite. They feel like they want to
22 keep people from living here. For most of the people
23 that live here, it's taken quite a struggle to come and
24 live here.

25 I think that when you look around the Bay

1 Area and you see whether it's because of highway
2 construction or infilling of housing, or whatever it is,
3 and I know these are all very deep complex problems, you
4 look at arenas that are not very attractive. At least
5 not along the freeways. And going farther and farther
6 out now, because what we see seem to be forgetting is we
7 live in such an incredibly beautifully blessed natural
8 area. And, unfortunately, we have lost that along 80,
9 880, 580, south of San Francisco on 101.

10 What I see here is an opportunity to try
11 to find balance in the basic concepts by which thinking
12 is done over future plans. And we still have some of
13 the suburban rural nature in Marin, and Sonoma County,
14 and farther north. And I would like us to treasure that
15 and to find a way to balance out all these needs and
16 wants.

17 And last thing I have a real problem
18 with, again not to not respect all the hard work that
19 people do, but in general I'm a little bit opposed to
20 top down government, because I don't think one size fits
21 all. And I think that when you, when, every time we
22 take control out of the local hands we have more and
23 more and more of the risk, than in general, every day
24 peoples needs are not being served, as much as people
25 are trying to serve them

1 JOAN CHAPLICK: Okay. Thank you for your
2 comment.

3 Our next speaker, Nancy Ocada. Followed
4 by Robert Chilvers, and then Elizabeth Moody.

5 NANCY OCADA: Hi, my name is Nancy Ocada. I
6 live in Ross Valley. And I want to thank you for coming
7 here. I guess your staff, I hope that my comments
8 will -- I know that my comments will be included in some
9 document that will be buried somewhere, but I hope that
10 you pass on my comments to the appropriate people.

11 This project actually started in June of
12 2012, when you presented a draft DIR alternative for
13 review by joint MTC Plan ABAG Administrative Committee.
14 And on June 11, you released notice of preparation for a
15 30-day public review period. Somehow I wasn't aware of
16 this, otherwise I might have got involved a little
17 earlier. From June 20th to June 28th, you held regional
18 wide scoping meetings. I, unfortunately, didn't know
19 about those, so I couldn't attend.

20 On July 13th, of 2012, you presented your
21 final alternatives for review by the joint MTC Plan ABAG
22 Administrative Committee, in recommendation for
23 committee -- which you probably did approve of it.
24 Anyhow, I got involved in this in, when I attended a
25 meeting in San Francisco in January of 2012, oh,

1 actually it was 2011 that you started it. I'm sorry.

2 Anyhow, I was very surprised to find that
3 there wasn't a single person in the room in
4 San Francisco who was in favor of your plan. And I
5 certainly am not. These come from your scoping
6 alternatives. You say it's unclear that market dynamics
7 will support protected PDA growth. You need to assess
8 the market feasibility. I see businesses closing down
9 everywhere.

D1-N1.5

10 I am a small business advocate, and I
11 think we need more small businesses. And what this is
12 going to do is going to put more businesses out of
13 business. You're offering incentives of ABAG and CEQA
14 streamlining. That means let's cut down more trees. I
15 am against cutting down more trees. I'm against
16 destroying the habitat, which is being done everywhere.

D1-N2

17 And, finally, I believe and I support the
18 the no project alternative. Alternative number one,
19 which is a land use based on 2010 existing land use
20 conditions, continue existing general plans and local
21 zoning into the future, assume loose compliance with
22 urban growth boundaries and more green field
23 development.

D1-N3

24 And then in transportation, which there's
25 a lot of money being spent in that area, based on 2010

1 existing transportation networks and only include
2 projects that have either already received funding and
3 have environmental clearance as of May 1st, 2011. This
4 would be a much better alternative, and it's too bad
5 that so much money, when people are losing their homes
6 all around us, so much money has been spent planning a
7 process and not going to real jobs.

8 We really need to have real jobs. And
9 this planning process and the millions of dollars that
10 ABAG and MTC has spent is really a very sad situation.
11 So thank you very much for coming here, and I hope you
12 enjoy your day in Marin.

13 JOAN CHAPLICK: Thank you for your comments.
14 Robert Chilvers, followed by Elizabeth Moody, and then
15 Margaret Nan.

16 ROBERT CHILVERS: Rob Chilvers, President of
17 Annabel. Marin County is truly a very very special
18 place. It's the only county in entire United States
19 that has three national parks within its borders. One
20 of those, the Golden Gate National Recreation Area,
21 which is largely within Marin, is the second most
22 visited park in the entire national park system.

23 We also have almost 500 species of birds.
24 And there's very good reason for that. It's because we
25 have the open space, we have the trees, we have the

1 habitat. Well, how did Marin County, even now, after
2 all of the growth that's been around us in the entire
3 State of California, still maintain its beauty and its
4 open space and its habitat? By fighting.

5 We have had this fight many many times.
6 Marincello was proposed for the headlands and it was
7 squashed. The Vincent Silvera properties were slot to
8 be developed and that has been stopped. It's taken
9 citizen action for decades and decades to preserve it.
10 Now my backyard is the entire Bay Area, and Marin County
11 is a jewel for the Bay Area. In fact, it's a jewel for
12 the entire world.

13 Try to think of one other city as large
14 as suburban San Francisco that has anything like Marin
15 County, literally within walking distance of the city.
16 It doesn't exist anywhere, except here. We must
17 preserve it. How did we get to the point where we have
18 this beauty? The foresight of Burton and other
19 politicians who put these national parks and national
20 monuments together, the citizen activities of myself and
21 the people in this room, and other citizens, we have to
22 fight to keep it as beautiful as it is.

23 The proposal to build it, literally,
24 within walking distance of this hotel, 600 units in this
25 area, which is an architectural treasure, and which is

1 almost entirely single-family detached homes, it would
2 change the character of this very neighborhood
3 profoundly. And anybody that thinks that this SMART
4 train is going to have a station nearby is going to
5 alleviate traffic on 101, if you build 600 new units,
6 you are going to have at least a thousand new cars on
7 101 every day, and for multiple trips. So, totally
8 aggravate the traffic problem.

9 JOAN CHAPLICK: If you can conclude your
10 remarks, please.

11 ROBERT CHILVERS: I think that elected
12 representatives who support this growth do so at their
13 peril.

14 JOAN CHAPLICK: Thank you for your comment.

15 Okay. Elizabeth Moody, I believe is
16 next.

17 ELIZABETH MOODY: I strongly support the nine
18 Bay Area Planning. I've read the full plan but not the
19 EIR. Sixty percent of our workers come from out of the
20 county, making greenhouse gas raise, as well as the
21 unfairness for those families who lose time, and the
22 cost of travel, and the importance of this plan in
23 providing for the three areas of sustainability. The
24 environment, the economy with jobs connected with
25 transportation, and equity, it's just absolutely

Page 32

1 essential.

2 My three kids with their eight children,
3 my three kids could not afford to live here, even though
4 they worked here. And it has been very distressing for
5 me to see that this county is so wealthy and 82 percent
6 white, so I participate in ACE, Action for Coalition --
7 -- let's see. Action for Coalition Equity, which
8 stresses the discrimination in this county. And it is
9 absolutely essential that we do planning between, and
10 integrate the planning between the nine counties that
11 make up the region.

12 And it is, as far as all of the elements
13 of sustainability, with the protecting the environment
14 which the plan does, and it also continues to allow for
15 the local land use, fully local decision making. So
16 there's just no reason why we shouldn't cooperate,
17 coordinate, and integrate, so that we have a better
18 region and a better future.

19 JOAN CHAPLICK: Thank you for your comment.
20 Next we have Margaret Nan, and then Ann Spake, and Julie
21 Leitzell. Those are all of the comment cards I have,
22 so -- I have one more. So if anyone else is seeking to
23 speak, please let us know.

24 Margaret, you are up next.

25 MARGARET NAN: Hi, I'm a homeowner and also a

Page 33

1 long-term resident. I was raised in Marin County and
2 Sonoma County, I went to school here, and then I
3 returned after living in Los Angeles, New York, D.C.,
4 and lots of urban areas, and I do not want Marin County
5 to turn in to having some of these issues like urban
6 areas. Like a lot of people have moved, specifically to
7 Marin to enjoy the beautiful scenery and the nature.

8 I know I moved back to Marin, I think, I
9 thank my family for raising me here and being able to
10 have the privilege of living here. That being said, I
11 do believe it's inevitable and there needs to be
12 affordable housing of some sort placed in Marin County,
13 however, after living in Hamilton, was our first home,
14 we stretched to get in there, we stretched to get into
15 Marinwood, we are in our third home now in Lucas Valley,
16 after stretching, working really hard, my husband works
17 here and so do I, I feel like we have sacrificed so much
18 to live in this community, and I'm happy to do so, but I
19 don't think we should be giving away the farm,
20 necessarily.

D1-Q2 21 We have -- our kids go to public schools.
22 I believe in public school. We contribute to Kendale.
23 To put this additional pressure on the school, and I
24 talked to our local principal, and he actually was not
25 really concerned about the homes that were going to be

1 built, 700 units in Marinwood, Lucas Valley have been
2 proposed, he said that he was more concerned about Marin
3 Commons being taken off the board as source of tax
4 revenue.

5 So Marin Commons was sold to the county,
6 apparently, and they no longer have two million dollars
7 in school revenue annually. So here we are getting
8 squeezed from tax revenue from the schools and you are
9 going to put more kids in our schools and have less
10 resources. So that's certainly an issue. The other
11 thing is I've seen, even in my community in Lucas
12 Valley, for affordable housing. I've actually gone and
13 talked to Sharon McAdams at Upridge Housing, I think
14 it's very well run. I'm not against that.

15 What I'm against is putting in a lot of
16 affordable housing, having people from outside the area
17 coming here and taking advantage of that and having
18 less, less revenue. When I lived at Hamilton at the
19 Meadows I was told by police officers that police
20 officers wouldn't buy there, because they would rather
21 live in Vallejo, realize their 30 percent increase in
22 their home price, trade up, than being set with one or
23 two, three percent increase.

24 So what ended up happening, is you got a
25 lot of people from outside the Bay Area with limited

1 options that were put in there by the developers. So
2 you are identifying a set of people that you want to
3 move to this area, but those people will not buy there.
4 So I don't know what your solution is with that. I'm
5 certainly for it, but it needs to be done properly. And
6 I just don't like this being where it's going. And
7 needs to be more controlled.

8 JOAN CHAPLICK: And can you state your name
9 for the --

10 MARGARET NAN: Margaret Nan, I live in Lucas
11 Valley.

12 JOAN CHAPLICK: Our next speaker is Ann Spake,
13 and then we have Julie Leitzell, and Carol Sheerin.

14 ANN SPAKE: My name is Ann Spake, I'm from
15 Tam. Valley. I was carefully reading the EIR, and I
16 note that three parcel viable for potential development.
17 You were basically analyzing, calculating the
18 profitability of new development or redevelopment on
19 each parcel. I would submit that this profitability is
20 fundamental to the proposed plan, proposed alternative,
21 and it is profit over people.

22 We need to plan for housing that's
23 healthy for sensitive members of our community,
24 including young children, pregnant women, seniors, and
25 those who have compromised immune symptoms. You admit

Page 36

1 in your EIR that this plan is totally in contradiction
2 to that. The current plan has the most and over twice
3 the transportation projects exposed to mid century sea
4 level rise inundation in the no project alternative.

D1-R2

5 You say it exposes more residents and
6 more new residential development inundation by placing
7 people closer to the bay than the other alternatives.
8 The proposed plan does not provide the least
9 environmental impact in relation to air quality. The
10 EIR does not examine the effects on local or regional
11 air quality from specific land use and transportation
12 improvements in the proposed plan.

D1-R3

13 The proposed plan could cause a net
14 increase in emissions of criteria pollutants and PM10,
15 and diesel, MP TACs from on roll mobile sources compared
16 to existing conditions, and yet you considered it to
17 have no adverse impacts. The proposed plan when you
18 admit will cause a localized net increase of sensitive
19 receptors being located in TPP corridors where TACs and
20 fine particulate matters concentrations result in
21 elevating cancer risk.

D1-R4

22 The proposed plan will also increase TACs
23 and PM in disproportionately impacted communities
24 creating even greater health disparities and
25 environmental justice. Environmental justice person

1 noted that low income housing is being used as a buffer,
2 even as science advises against it. The Pacific
3 Institute study says half of the land slated for infill
4 development in our San Francisco bay region is located
5 in communities with highest outbreaks of toxic air
6 contaminants.

7 JOAN CHAPLICK: If you could complete your
8 remarks, please.

9 ANN SPAKE: Yes. The proposed plan will cause
10 an increase in traffic volumes and impair implementation
11 of emergency response and evacuation response. It will
12 increase greenhouse gas emissions. In conclusion, I
13 would comment that the absurdity of the plan is that it
14 is intended to address three major trends. Increased
15 group living by seniors, and increased
16 multi-generational households. This would not suggest
17 the type of land-use planning which you are doing. It
18 would suggest the opposite of dense structures with many
19 small single units.

20 I would ask that you reject the proposed
21 plan. It is poor. All the reasons you state in your
22 EIR is basically not feasible to mitigate. Okay.

23 JOAN CHAPLICK: Thank you for your comment.

24 Next we have Julie Leitzell. She will be
25 followed by Carol Sheerin and Sue Beittel.

D1-S1

1 JULIE LEITZELL: Hi, I'm Julie Leitzell, I
2 live in Larkspur. I apologize, I came in late. Are
3 there any board of supervisors people here?

4 JOAN CHAPLICK: We have the mayor of Novato --

5 JULIE LEITZELL: Well, I wish, I wish they
6 were hear. My problem is with the big picture and the
7 top down central planning. We will not have any control
8 over, I guess there are 14 sites in the county that are
9 going to be open for overdevelopment, rezoning. That
10 doesn't include all the various sites in all the cities.
11 And when people start seeing these developments going
12 up, they are going to have nobody to complain to,
13 because of the levels of bureaucracy that we have to get
14 through to get something stopped.

15 It's going to be too late at that point.
16 I have been over to the Pleasant Hill BART station where
17 a transit oriented villages, and if you all want to go
18 over there you will see that the whole bottom floor has
19 for lease signs in the retail. There's only a Starbucks
20 there that serves the office workers that comes across,
21 you know, a six lane road to get there. These are
22 developments that, generally, they are hard to fill.

23 I agree that the firefighters, the school
24 teachers do not want to live in developments like this.
25 I think it's ridiculous. I think that, that there have

1 been central planning fiascos in the past. Marincello
2 has been mentioned. Thirty thousand people were
3 supposed to be living in the Marin Headlands. And with
4 that project, 1959, the Army Corps of Engineers
5 projected that the Bay Area would have 14 million people
6 by the year 2020. They were obviously very off.

7 If you watched the PBS special on saving
8 the bay, what was the plan for all those people? We
9 were going to fill in a third of the bay. And we
10 started with Foster City. If you look at what they were
11 going to do, there was a large wide river that was going
12 to be flowing instead of the bay. So I, I urge every
13 elected official and everybody running for office, if
14 you are not opposed to this, this is going to be your
15 legacy. Thank you.

16 JOAN CHAPLICK: Thank you for your comments.

17 Our next speaker, we have Carol Sheerin.

18 CAROL SHEERIN: I'm Carol Sheerin, I live in
19 San Rafael. A few few weeks ago I read in the local
20 newspaper about the opening of the Devil's Slides
21 Tunnels, and I didn't think that I was going to be
22 affected by reading that article. The people in Devil's
23 Slide, the Caltrans wanted to build a four to six lane
24 highway going to the coast to avoid all those slides on
25 that highway. The people didn't want that. And it took

Page 40

1 them many years, they wanted a tunnel, and it was
2 dedicated two weeks ago.

3 And Anna Eshoo, who was a San Mateo
4 County Supervisor at the time, and is now a
5 congresswoman, spoke at the dedication to those tunnels,
6 and she said, what I, what I saw was democracy at work
7 and the people being heard. And what we need, is we
8 need to have the people being heard. Because we are not
9 being heard.

10 I would like to thank everybody who came
11 to this meeting today and those who spoke, because we
12 are trying to get our voices heard. And we, if we get
13 enough of us, we will not be ignored. I was in
14 Santa Barbara and Ojai over the weekend, and we have
15 friends who have property in Ojai, and I was shocked to
16 hear they are going through this very same thing.

17 Ojai is an agricultural community with
18 citrus groves, and they are fighting for -- they want
19 400 units of affordable housing there. This is going on
20 all over the state with nobody having any voice in the
21 cities and towns that we live in, and the counties. And
22 you are right, there should be supervisors here
23 listening to this. And that's what we need to do, we
24 need to get people to listen.

25 You look like you are listening, and I

1 hope you are hearing.

2 JOAN CHAPLICK: Thank you for your comments.

3 Next we have Sue Beittel, followed by Joy
4 Dahlgren.

D1-U1 5 SUE BEITTEL: My name is Sue Beittel, and I
6 live within almost walking distance of this hotel. I
7 live in an Eichler house that I bought for \$25,000 in
8 1961, where Terra Linda was a entry level community. I
9 am a strong believer in good collaborative planning.
10 Much of it has to occur at the local level, or it has to
11 be at least fine tuned at the local level.

12 In 1973 Marin County came up with a very
13 collaborative plan which divided the county into three
14 corridors. That we now enjoy very much. A urban
15 corridor, an agricultural corridor and open space
16 recreational corridor. We have added a fourth corridor
17 since then, so part of what those early good thingers
18 did is plan a future for Marin County, which we are now
19 trying to build on, so we will continue to have at least
20 a few entry level places for people who work in Marin
21 County.

22 I need to say, as somebody in the 85 plus
23 group of people, that there are many others like me who
24 live in this area. That those over 60 now comprise
25 about 25 percent of our population. And that number is

Page 42

1 going to go, during the course of this plan, to well
2 over 40, it's expected to go to 45 percent. And these
3 people will either age in place in their houses, move to
4 senior housing, or downsize into some of the affordable
5 units that we are talking about providing.

6 So I hope that you can continue to fine
7 tune this plan so that it meets the needs of the people
8 of Marin County.

9 JOAN CHAPLICK: Thank you for your comments.

10 Next we have Joy Dahlgren. I'll let you
11 pronounce your last name correctly.

12 JOY DAHLGREN: My name is Joy Dahlgren, and I
13 live in San Rafael in Lucas Valley. And I agree that
14 there's a need for affordable housing, but I don't agree
15 with what I see as being the way that this is intended
16 to be provided, which is in large projects. We all know
17 how this model has failed in many big cities. You get
18 too many people who are too poor all together. It's not
19 the right way to provide affordable housing.

20 I think it's much more sensible to
21 provide, rather than new buildings for low income
22 people, to provide rent subsidies for low income people.
23 There are a lot of ways to provide low cost housing.
24 One is sharing housing, and as people get older they
25 could also rent their rooms. Second units are another

Page 43

1 way.

2 I guess inclusionary development having
3 units disbursed in new developments, that's the way that
4 we should be providing affordable housing, rather than
5 large structures that -- and one that's being proposed
6 is very remote from transit. These are just not the way
7 to deal with that problem. And I think the problem
8 probably starts with the state legislation. And I would
9 like our elected officials at the local level and at the
10 regional level to start assessing that legislation and
11 seeing how it is dysfunctional in many ways.

12 It's much better to support low emission
13 vehicles than to try to build high rises in order to get
14 less driving, because it just doesn't happen that way.
15 Thank you.

16 JOAN CHAPLICK: Thank you for your comments.

17 Next we have Vincent Welch followed by
18 Brendan Burke.

19 VINCENT WELCH: My name is Vincent Welch, I've
20 lived in San Rafael since 1960. (Speaking Russian.)
21 During the Korean War I was a naval officer, Russian
22 language, working at the National Security Agency.
23 (Speaking Russian.) This meeting reminds me of a
24 government plan of the Soviet Union in operation. Top
25 down, no bottom up. This is not Brigadoon, it's a brig.

Page 44

1 Thank you.

2 JOAN CHAPLICK: Thank you for your comments,
3 sir.

4 Next we have Brendan Burke. And this is
5 the last speaker card I have, so if anyone wants to
6 speak, please fill out a card, otherwise this will be
7 our last speaker.

D1-X1 8 BRENDAN BURKE: Hello, my name is Brendan
9 Burke, and I'd like to follow up on that. Russia had a
10 five year plan, my old childhood, and they never had
11 enough grain grown. Plan never worked. That was the
12 top down approach. ABAG's approach in Marin County is
13 completely wrong. Their numbers are related to job
14 growth in this county, don't dovetail in any way, shape
15 or form with the Department of Finance, which is
16 supposed to be the gold standard for growth around here.

17 They don't show what ABAG projects. Your
18 projections are wrong. Your high density plan, we
19 support affordable housing in this county. We have for
20 years. But put a few units in with the current stuff.
21 Don't make them standalone. The ripple effect of high
22 density is horrible. The cost of infrastructure, the
23 schools, the tax base, the real estate values, the
24 environment all suffer under this high density plan.

D1-X2 25 The final thing are related to the

1 legislation is CEQA is not going to be undermined in
2 Sacramento as Jerry Brown has envisioned. CEQA is the
3 law. It involves local control and environmental
4 review. ABAG pushing 375, which is not the law, it is a
5 non compulsory guideline, should not be adopted in this
6 county. Our supervisors have drank the Kool-Aide. They
7 are going to ram this thing through, if they can. ABAG
8 is wrong. Our supervisors are wrong.

D1-X3

9 High density is wrong for the county. It
10 is out of character. I'm from Tam. Valley. Where is
11 the mitigation on our 42 mitigating circumstances?
12 There will be no mitigation. The homeowners will have
13 to pay for it. And we will pay for it with destroyed
14 quality of life, lower environmental situation, high
15 traffic. And we are going to have to pay -- the sewage
16 and the schools alone are, comprise more than the eleven
17 million dollars the supervisors are going to get in the
18 highway aid, but for doing, implementing ABAG's plan.

19 And ABAG sails along like its own ship,
20 doesn't hear any of this. You people need to go back to
21 the think tank and realize you have got the wrong plan,
22 and the wrong approach. We support affordable housing,
23 just come up with something where the people are
24 involved, where everybody can work something out we can
25 all live with.

1 JOAN CHAPLICK: Thank you for your comments.

2 Do we have any other speakers?

3 We do need you to fill out a speaker card
4 just so that we get the correct spelling of your name.

5 JIM BITTER: It's B-i-t-t-e-r. It's real
6 easy.

7 JOAN CHAPLICK: Okay. Please introduce
8 yourself and where you are from.

9 JIM BITTER: Jim Bitter from Mill Valley.
10 Mill Valley. And I see the clock is running over there,
11 we have two minutes.

12 JOAN CHAPLICK: She just started.

13 JIM BITTER: So the public needs to know that
14 the meter is running at MTC, where 11.5 million dollar
15 salary bureaucracy. We have this diet, and -- can you
16 pronounce that for me?

17 JOAN CHAPLICK: Dyett & Bhatia.

18 JIM BITTER: Do we know what they cost the
19 public to put this monstrosity together? We don't. I
20 couldn't find it. We have a group called ICF
21 International. 17 to 25 million dollars in federal
22 government to draft all this, you know what. It's in
23 the federal EPA, it's in the California EPA. It's a
24 carb. It's what's behind SB-375. It's what's behind
25 AB-32.

Page 47

1 So the meter is running. But it's -- you
2 guys are getting it right, because the visiting
3 sessions, you can't make a reservation, you couldn't get
4 in, because you got filled up real quick, but some
5 people came anyway. Judy Arnold and Susan Adams were
6 kind of annoyed that people were disruptive, and some
7 people actually came from the East Bay.

8 So I don't know where you came from, but
9 I live here. I was born here. This is a wonderful
10 place. I grew up across the street from the guy who
11 owned the dump. This Italian. He played golf. He went
12 to Marin Joe's with Adolf Delasatia. And he drove a
13 dry-cleaning truck. Somehow he got the dump. Now it's
14 Target, Home Depot. And I think he's in a rest home
15 now. He drove a dry-cleaning truck.

16 And somebody, this, I almost hit print on
17 this thing, but I went through it. And I planted trees
18 in land, because I work landscaping and construction.
19 They are out there now. In here it's telling us what
20 trees to plant, how far from somewhere, and has
21 something to do with the environment or something. It's
22 it's insulting to all of us.

23 This is a great place and we know how to
24 do it. Martin drove his dry-cleaning truck. In here it
25 says prohibiting trucks from idling for more than two

1 minutes. I, I, we know how to do that. We don't need
2 this bureaucracy. We don't need the federal government
3 telling us how to live our life. This is a great place
4 because of us, not -- you need to drive out 580, across
5 680 and look at the stuff they are building out there.

6 And we should put our supervisors on the
7 bus with all their belongings and make them, make them
8 go live out there, because we don't want that in Marin.
9 And you don't represent us, do you?

10 JOAN CHAPLICK: I'm the moderator.

11 JIM BITTER: You are the moderator. Great.

12 JOAN CHAPLICK: And if you could wrap up your
13 comments --

14 JIM BITTER: Let me say this, so whoever
15 represents us is conveniently not here today. Thank
16 you, supervisor. And they are going to vote for this
17 thing. It's a done deal. They appointed members of the
18 planning commission, they are going to vote for it. The
19 staff has swallowed all this indoctrination and school
20 that we need. Nobody, we can't explain, global warming,
21 climate change, greenhouse gases, you can't do it. Or
22 come up to the mic. and do it for me, because it's in
23 all the legislature. Thank you very much.

24 JOAN CHAPLICK: Thank you for your comments.

25 And I have a comment card from Barbara

1 Salzman. And then, are there any other any other
2 speakers?

3 If you could give your card to Ursula,
4 she will pass it over here.

5 BARBARA SALZMAN: My name is Barbara Salzman
6 and I'm representing Marin Audubon Society.

7 JOAN CHAPLICK: A little closer to the
8 microphone so you project.

D1-Z1 9 BARBARA SALZMAN: And I have, I'm sorry, I
10 missed your presentation. I have a few comments on the
11 EIR and will be submitting a letter. One of the
12 comments and concerns is that you seem to, well you
13 don't seem to, it's pretty clear that you consider that
14 there's little in the way of environmental resources
15 along the 101 corridor.

16 There's a repeated reference to the fact
17 that the more rural areas have more resource impacts. I
18 think that's a major flaw in the document, because our
19 101 corridor, our major corridor goes right by the tidal
20 wetlands and all the endangered species habitats. And
21 you also don't even mention endangered species, which
22 was sort of shocking, because our major endangered
23 species in the Bay Area, well we do have a few others,
24 but are connected to tidal marshes. And we have a
25 number of those, actually, right out here, (inaudible)

1 creek, Corte Madera.

D1-Z2

2 A third issue I wanted to mention is a
3 need for clarification about how your, how you're
4 considering the priority development areas. Because
5 there are certain ones identified in Marin County, they
6 are not real clear how, you it's not easy to find them
7 out, it would be very good if you would put them, list
8 them in the document.

D1-Z3

9 But, secondly, we have a major grant from
10 your agency, from ABAG, or MTC, one of them, went to
11 Larkspur for development, around the Larkspur ferry
12 terminal, and that isn't even a priority development
13 area. So it's not clear to me how you are considering
14 the impacts from those, from that kind of a project,
15 which is not even in a priority development area, how
16 that's being considered in the mix, because it seems to
17 me that your plan is developed around the priority
18 development areas.

19 And I hear a buzzer, but we'll be
20 submitting more comments.

21 JOAN CHAPLICK: Thank you for your comments.

22 Next we have Stephen Nestel?

23 STEPHEN NESTEL: Yes.

24 JOAN CHAPLICK: And then followed by Marjorie
25 Macris.

D1-AA1

1 STEPHEN NESTEL: Politics and power and money.
2 That's the answer. That's why we are dealing with all
3 of this. This actually is directed not to the EIR, but
4 to ABAG. You are riding on the juggernaut right now.
5 You have seen, you know that a lot of this data that you
6 are presenting is not scientifically valid. You also
7 know that you have been fudging the figures. You have
8 heard our arguments. And it's so frustrating coming to
9 these meetings and presenting clear logical arguments
10 and being ignored.

11 We are the people under the juggernaut.
12 And soon, as history shows, that the people in power
13 will be the ones falling in front of the juggernaut. I
14 just warn you to pay attention to the democratic
15 process. We believe in our democratic process.

16 JOAN CHAPLICK: Thank you for your comment.
17 Marjorie Macris. Okay. Just, don't rush, please, be
18 safe.

19 MARJORIE MACRIS: Sorry. My writing isn't too
20 good. It's Macris.

21 JOAN CHAPLICK: If you could just tilt the
22 microphone down so we can hear you.

D1-BB1

23 MARJORIE MACRIS: It's Macris, M-a-c-r-i-s.
24 And I'm speaking on my own, I'm not representing any
25 organizations. I think that the one critical comment

1 that I have, even though I think that the idea of having
2 a regional plan makes a lot of sense, and your idea of
3 concentrating development in locations that have transit
4 and other services is a very valid one, and it's
5 something that has been an established principle in
6 Marin County's plan, and for 40 years, but the one major
7 criticism I have of this document is that it does not
8 take into account the effects of sea level rise.

9 There is a very dismissive comment in the
10 plan itself saying, well, we know that the sea level is
11 going to rise but we are sure we will work it all out,
12 but it doesn't say how. And in the EIR there is a
13 description of how sea level rise is likely to effect
14 transportation lines but not Priority Development Areas.
15 And it's, I don't understand why the plan does not take
16 into account the projection of sea level rise to the end
17 of the century.

D1-BB2

18 BCDC has done that, and you just choose
19 the year 2040, which is the time horizon of the plan.
20 But if we know this is going to happen beyond that, it
21 seems to me that a good plan needs to take into account
22 what we know is going to have major impacts on any
23 development potential in Marin and around the rest of
24 the Bay Area. And then coupled with the repeated
25 emphasis on, we have to streamline CEQA, that is

1 particularly illogical due to the fact that the plan and
2 the EIR don't really show what the impacts, particularly
3 of sea level rise, as well as other impacts, are going
4 to be on these Priority Development Areas.

5 So it doesn't make a lot of sense to say
6 we have to expedite their development, when it's very
7 likely they are going to be under water in the
8 foreseeable future. Thank you.

9 JOAN CHAPLICK: Thank you for your comments.
10 I've gone through all of the speaker cards that I have.
11 The hearing is until noon, so we do want to accommodate
12 any late comers, anyone who comes. So if there is
13 anyone who hasn't spoken, and you would like to, please
14 fill out a speaker card. The MTC and ABAG staff and the
15 court reporters are going to be here until noon to
16 receive any additional comments that come through the
17 process.

18 Okay. We have some keys left at the
19 front table. So with that, we will have Brad from ABAG.

20 BRAD PAUL: A number of speakers asked why
21 there weren't members of the county board of supervisors
22 here, and several of them called me, because they are
23 meeting right now, their regularly scheduled meeting is,
24 unfortunately, at this time. So they wanted to be here.
25 I'm just, I'm telling you where they are.

1 JOAN CHAPLICK: We do have some additional
2 hearings coming up. Carolyn is going to review them for
3 us.

4 (Discussion had off the record.)

5 (Public hearing resumed.)

6 JOAN CHAPLICK: I have a speaker card here.
7 So I have L. Crocker.

8 LILIE CROCKER: That's correct.

9 JOAN CHAPLICK: And so if the court reporters
10 could take the comments. So after, after this last
11 comment we'll be closing the public hearing. If you
12 have additional questions or comments we will take them
13 in writing. Okay. So we have a final, a final comment
14 here that I have a speaker card for.

15 LILIE CROCKER: Yes, my name is Lilie Crocker,
16 I live at just at Marin Lagoon, bought the house in
17 2007. I'm a widow, have lived in San Rafael since 1966.

18 JOAN CHAPLICK: Okay.

19 LILIE CROCKER: I was told by my neighbor
20 that, when I had gone to City Hall, that there's no use
21 to come to these meetings. I went to the one with
22 supervisors in, in San Rafael. And we were many. Here
23 we have, and very knowledgeable people, but I was told
24 by this person that it's absolutely useless. We are
25 fighting City Hall, we are fighting Sacramento, we are

Page 55

D1-CC1

1 fighting Washington, D.C. And we are, limited
2 government is no longer the goal. It is growing
3 government.

4 And life has to be fair. And as my
5 husband told me once, he said, I, I said, that's not
6 fair. He said, Lilie, life is not fair. You have to,
7 it doesn't, if you want to make it fair, I don't know if
8 robbing Peter to pay Paul is exactly fair, but we are
9 growing government. And when you look at the map and
10 here at Embassy Suites, when you build the housing and
11 the station at the end of McInnis Parkway, unless I can
12 swim or walk in wetlands, I have no way to get out of my
13 neighborhood, which is family housing.

14 And very nice, and I bought it for my old
15 age to be safe, because that's a, you, you have to go --
16 you can get in but you got to go out the same way. And
17 also, we, it's already a lot of traffic. And, well,
18 since business, big business is leaving into homes
19 maybe, not so many workers coming into -- and anyway, I
20 just say, I will be shut off with the commuters that
21 support, and my property taxes go up, or my -- well, it
22 goes for everybody, I guess.

23 But I'm reminded that if you get
24 something for free, you don't really take care of it as
25 much as you have strived to work for yourself up, and

1 it's your money, you take better care of things. And I,
2 I think, I was reminded by the, by the gentleman that,
3 whatever happened to cruise ships, highrises? And
4 cruise ship was -- sure, a nice man, a Russian person,
5 but if you go to Moscow and you see this urban
6 landscape, whatever, these highrises are slum money, and
7 not, not many of them occupied. And is that what
8 you want to happen in Marin?

9 Besides --

10 JOAN CHAPLICK: Okay. That's it.

11 LILIE CROCKER: I know. I'm so frustrated
12 because I think that you are going to do, government is
13 going to do, and I have no recourse.

14 JOAN CHAPLICK: Okay. Thank you, thank you
15 for your comments.

16 I have a speaker card --

17 Sir, if you could --

18 (Interruption in proceedings.)

19 UNIDENTIFIED AUDIENCE MEMBER: This has to do
20 about a process question that you --

21 JOAN CHAPLICK: Sir, if you could --

22 UNIDENTIFIED AUDIENCE MEMBER: It's just real
23 simply, you said --

24 URSULA VOGLER: We have a process, sir.

25 JOAN CHAPLICK: I have my speaker card --

1 UNIDENTIFIED AUDIENCE MEMBER: Well, I just
2 want to know when the court reporter's comments will be
3 made available, to us, the public?

4 You are not going to make the recording
5 available, how about the comments? That's all.

6 JOAN CHAPLICK: Okay. So that is, that is a
7 question we will take into the process. I can't answer
8 it right now. I don't know, sir.

9 UNIDENTIFIED AUDIENCE MEMBER: You can't
10 answer a simple question like that?

11 JOAN CHAPLICK: Yes. Yes. So my next comment
12 is from Susan Wernick. I need Susan Wernick in the
13 front of the room. I'm taking comments from those who
14 have not commented, so if you have already spoken for
15 two minutes, you can make additional comments in
16 writing, but it is two minutes per person.

17 So for those of you who have already
18 spoken --

19 UNIDENTIFIED AUDIENCE MEMBER: This is the
20 juggernaut.

21 URSULA VOGLER: Just to answer your question,
22 sir, through the public record document request you can
23 make a public records request, we can send you those
24 transcripts. Okay. So through info@onebayarea.org you
25 can request --

1 UNIDENTIFIED AUDIENCE MEMBER: Sixty days,
2 ninety days after the period is done.

3 URSULA VOGLER: When we get the transcripts we
4 can send them to you.

5 UNIDENTIFIED AUDIENCE MEMBER: We, you know we
6 pay them.

7 URSULA VOGLER. Asked and answered. Thank
8 you.

9 JOAN CHAPLICK: Okay. Thank you, sir. So our
10 next speaker is Susan Wernick.

11 SUSAN WERNICK: I just have one quick comment.
12 I've lived in Marin my entire life. I work retail in
13 Novato. I speak to people daily about this project, and
14 there is very little awareness among the general public
15 about what is going on. I understand you have a
16 website. I'm someone who is linked into that. I get
17 The One Bay Area updates, but most people do not.

18 So, I, my question to you, or my
19 suggestion, perhaps, is that these meetings should be
20 printed not in an article buried in the newspaper but an
21 add that your organization's paid for and put out. They
22 are carefully printed, they are in all newspapers of the
23 Bay Area. We have so many people that are not clued in.
24 We have thousands of people in Marin County that still
25 do not know what the SMART train is, and yet the tracks

1 are already being laid.

2 So communication is really key. It is
3 extremely frustrating that a project like this, as vast
4 as this is moving forward, and the bulk of the
5 population is unaware of it. So I think you could do a
6 little better job by not telling people to go look for
7 the information. Put it out there. Put it in print.
8 We have got SMART train posters finally coming up along
9 the freeway. So people are becoming a little bit more
10 aware of it. What's that?

11 But that hasn't happened with this whole
12 project. And then clearly you put a lot of money into
13 it. I pay a lot of taxes, you could do it. So if we
14 could just get this into The Chronicle, the IJ, the
15 Press Democrat, all the newspapers, so people are aware
16 of these meetings, and so it might spark some interest.
17 Thank you.

18 JOAN CHAPLICK: Thank you for your comments.

19 Do I have anyone who hasn't spoken yet?
20 Any additional speaker cards?

21 Okay with that we are going to close the
22 public comment period.

23 (The Public Hearing concluded at 12:00 p.m.)

24

25

1 STATE OF CALIFORNIA)
) ss.
2 COUNTY OF MARIN)

3

4 I, the undersigned, hereby certify that the
5 discussion in the foregoing public meeting was taken at
6 the time and place therein stated, that the foregoing is
7 a full, true and complete record of said matter.

8 I further certify that I am not of counsel or
9 attorney for either or any of the parties in the
10 foregoing meeting and caption named, or in any way
11 interested in the outcome of the cause named in said
12 action.

13

14

15 IN WITNESS WHEREOF, I have
16 hereunto set my hand this
17 7th day of May, 2013.

18

19

20

21

SALLIE ESTUDILLO, CSR. 9060

22

23

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25

METROPOLITAN TRANSPORTATION COMMISSION
ASSOCIATION OF BAY AREA GOVERNMENTS

PUBLIC HEARING ON THE
ENVIRONMENTAL IMPACT REPORT
FOR THE DRAFT PLAN BAY AREA

REPORTER'S TRANSCRIPT OF PROCEEDINGS

Tuesday, April 16, 2013

Metropolitan Transportation Commission
Oakland, California

Reported by: SARAH GOEKLER
CSR 13446

1 ATTENDEES

2

3 Carolyn Clevenger - MTC

4 Mark Shorett - ABAG

5 Jamillah Jordan - MIG/Moderator

6

7 ---o0o---

8

9 BE IT REMEMBERED THAT, pursuant to Notice of
10 the Hearing, and on Tuesday, April 16, 2013, commencing
11 at 7:04 p.m. thereof at Metropolitan Transportation
12 Commission, 101 8th Street, Oakland, California 94607,
13 before me, SARAH GOEKLER, a Certified Shorthand Reporter
14 for the State of California, there commenced a Public
15 Hearing.

16

17 ---o0o---

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1	MEETING AGENDA	
2		PAGE
3	Introduction by Jamillah Jordan	4
4	Introduction by Carolyn Clevenger	7
5		
6	PUBLIC SPEAKERS	
7		PAGE
8	CHARLIE CAMERON	15
9	MYESHA WILLIAMS	16
10	DEVILLA ERVIN	17
11	BRENDA BARRÓN	19
12	PAMELA TAPIA	21
13	WOODY LITTLE	23
14	TEADORA TADDEO	25
15	SIGNE MATTSON	26
16	KASEY SAETURN	28
17	JILL RATNER	29
18	EVELYN STIVERS	30
19	PETER SINGLETON	31
20	PUBLIC SPEAKER	33
21	JIM BITTER	33
22	AZIBUIKE AKABA	35
23	RACHEL HALLOWGRASS	36
24	---	o0o---
25		

1 Tuesday, April 16, 2013 7:04 p.m.

2 P R O C E E D I N G S

3 MS. JORDAN: Let's get started.

4 Good evening, everyone, and thank you all so
5 much for coming out tonight. My name is Jamillah
6 Jordan, and my planning firm MIG is working with ABAG
7 and MTC on these public hearings tonight.

8 We may get some more sound in a moment.

9 I'll be your moderator tonight, and I want to
10 thank all of you for coming out, taking the time, giving
11 your attention to this really important issue.

12 Our purpose today is to receive your comments
13 on the draft EIR. Tonight we have several members of
14 the project team responsible for the Plan and the EIR
15 documents here tonight listening. We also have two
16 court reporters who will be transcribing the comments
17 that we receive today.

18 So I want to go ahead and acknowledge the
19 elected officials who are in the room tonight. And
20 first up we have Mr. Mark Luce, who's an MTC
21 Commissioner and ABAG board chair and Napa County
22 Supervisor, Mr. Luce, over there.

23 We also have Mr. Robert Rayburn, a BART board
24 member, in the audience tonight. Wonderful.

25 We also have Mr. Pedro Gonzalez, who is the

Page 4

1 mayor of the City of South San Francisco.

2 Thank you all for coming out tonight. We
3 appreciate that.

4 So our agenda for the meeting is as follows:

5 There will be a short presentation by Carolyn
6 Clevenger, MTC planner, on the draft EIR. And her
7 presentation will provide an overview of the EIR and the
8 general process.

9 Following the presentation, we'll go ahead and
10 start the public comment period. If you'd like to
11 speak, we ask that you please fill out a blue card with
12 your name and where you are from. We see an example of
13 that. I have one up here as well that I want to show
14 all of you.

15 Each speaker will have two minutes to provide
16 their comments. We will have a timekeeper to help
17 ensure that everyone sticks to that two-minute time
18 frame and everyone gets the same amount of time. Once
19 you hear the buzzer go off, it means that your time is
20 up and we ask that you wrap up your comments.

21 A court reporter will provide MTC with a full
22 transcription of the comments, and the court reporters
23 are located right over there (indicating), as you see
24 them. So please go ahead turn in your comment card form
25 if you haven't already done that.

1 I will read the names of each commenter in
2 groups of three. We ask that you please line up and be
3 ready to comment. Please state your name for the record
4 and the city where you live. We ask that you please
5 speak slowly so that the court reporters can get all of
6 your information down.

7 Once you reach the two-minute mark, you'll
8 need to close your comments, and I will call up the next
9 speaker. If two minutes is not sufficient, you can
10 provide additional comments in writing, and these forms
11 are available at the welcome table. I think all of you
12 got one on your way in.

13 Okay. For those of you who do not wish to
14 speak, you're encouraged to fill out a comment card and
15 turn it in at the end of the meeting. You can also
16 submit comments in writing via fax, mail or e-mail. The
17 deadline for comments is May 16 at 4:00 p.m.

18 I want each of you to know that all of your
19 comments, whether they're received verbally at today's
20 hearing, through a comment card or sent in writing by
21 fax, e-mail or mail that I mentioned, they'll be handled
22 the same way and responded to in the final EIR.

23 And finally on a housekeeping note, I just
24 want to mention that the restrooms are located towards
25 the entrance. The women's is on my left and your right.

1 And the men's is located on my right.

2 So with that, I want to go ahead and now open
3 up the hearing and introduce Carolyn Clevenger from MTC
4 who will provide a brief presentation on the EIR.

5 Carolyn?

6 MS. CLEVENGER: Good evening. Hopefully these
7 microphones should work.

8 My name is Carolyn Clevenger. I work in the
9 MTC planning section. I'm the project manager of the
10 draft EIR that we'll be talking about this evening.
11 Sitting next to me is Mark Shorett with Association of
12 Bay Area Governments, which is our co-lead agency on
13 this document.

14 The purpose of this public hearing is to
15 present an overview of the plan and the EIR, as well as
16 to receive public comments on the Draft EIR. Responses
17 to all comments and questions will be provided in
18 writing in the final Environmental Impact Report.

19 I'd like to note that the focus of this
20 meeting is on the EIR; it's not on the Plan document
21 itself. So we ask that you focus your comments on the
22 EIR. And for comments related to the Plan, you can send
23 your comments to info@onebayarea.org, or you can also
24 attend one of the Plan open houses and public comment
25 hearings that are being held throughout the region, and

Page 7

1 there's a brochure at the table where you came in
2 identifying the opportunities to comment on the Plan at
3 those public hearings.

4 The purpose of the EIR is to analyze and
5 disclose the potential environmental impacts of the
6 implementation of the proposed Plan. It is meant to
7 inform decision-makers, responsible agencies and the
8 public of the range of environmental impacts of the
9 proposed Plan. It also recommends measure to mitigate
10 any significant impacts that are identified, and it also
11 evaluates a range of alternatives to the Plan, which
12 I'll go into in greater detail.

13 Just as some background to help provide some
14 context, the Plan is a regional task. It's the first
15 time we've done and integrated land use and
16 transportation plan. It's required by Senate Bill 375,
17 and it requires an integrated land use and
18 transportation plan, which hits two specific objectives
19 of reducing greenhouse gas emissions by 15 percent by
20 2035 and also houses the region's population at all
21 income levels.

22 The Plan embodies local visions, in that it
23 works with local jurisdictions to identify areas for
24 growth; priority development areas. And it seeks to
25 increase economic competitiveness while also preserving

1 the natural environment of the nine-county region.

2 The Plan looks from 2010 to 2040 and
3 identifies projected jobs and population growth in that
4 time period, and this table summarizes the projected
5 approximately 1 million additional jobs that the region
6 will need to accommodate in that period and
7 approximately 2 million additional people. The EIR
8 evaluates the environmental impact associated with
9 accommodating this growth; it doesn't evaluate the
10 projection itself.

11 This map shows most of the focused growth in
12 the Plan -- is allocated to PDAs, priority development
13 areas. They account for less than 5 percent of the
14 region's land, but in the proposed Plan they can
15 accommodate approximately 80 percent of new homes and
16 over 60 percent of new jobs. Approximately 40 percent
17 of the new jobs and housing are projected to be in the
18 region's three largest cities; San Francisco, Oakland
19 and San Jose. And approximately 75 percent of the
20 growth is located in the four central counties; Alameda,
21 Santa Clara, San Mateo and San Francisco.

22 Get to the transportation side. On the
23 transportation side, the Plan -- the total revenues
24 forecasted over the 28-year plan period of \$289 billion,
25 just over half, 53 percent, is local fund sources. It's

1 primarily sales taxes raised at the county level. The
2 nine counties in the Bay Area have local sales taxes.
3 There's -- approximately 15 percent of the funds are
4 regional, as primarily bridge tolls. And then the state
5 and federal funds kind of round out the revenue sources
6 for the Plan.

7 Approximately 80 percent of these funds are
8 committed funds, so those are projects that are either
9 funded 100 percent locally or are through a certain
10 point of project development when the Plan was begun.
11 And those projects were deemed to be committed and not
12 part of the regional decision-making process of the
13 Plan.

14 In terms of how the funds are expended,
15 88 percent of the proposed Plan funds are dedicated to
16 operating and maintaining the existing roadway and
17 transit system. The remaining 12 percent is split
18 roughly evenly between road and bridge expansion at
19 5 percent and transit expansion at 7 percent.

20 Turning to the Environmental Impact Report.
21 It evaluates the impact of the proposed Plan on 14
22 environmental issue areas: Transportation, air quality,
23 land use, energy, climate change and greenhouse gases,
24 noise, geology and seismicity, water, biological, visual
25 and cultural resources, public utilities, hazards and

1 public services and recreation.

2 The Draft Environmental Impact Report also
3 identifies potential mitigations for each area where
4 it's deemed to have a potential impact. Those
5 mitigations would be implemented as appropriate at the
6 local level, as local jurisdictions and project sponsors
7 move forward with projects.

8 Since ABAG and MTC cannot ensure
9 implementation of mitigation measures, those areas that
10 are shown here in bold are still in the Environmental
11 Impact Report deemed to have potential but significant
12 impacts.

13 I mentioned earlier that the EIR evaluates
14 alternatives. This highlights the different
15 alternatives to the proposed Plan that are evaluated.
16 California Environmental Quality Act requires that you
17 include the "No Project" as one of the alternatives in
18 the Plan.

19 The "No Project" takes the existing 2010 land
20 uses and transportation network. It also includes those
21 projects that I mentioned earlier that were committed.
22 So projects that were 100 percent locally funded or far
23 enough along in their project development.

24 The "Transit Priority Focus," which was called
25 Alternative No. 3 in the EIR, includes higher densities

1 near high quality transit, also includes a higher peak
2 period Bay Bridge toll, which is used to fund additional
3 BART and AC Transit investments.

4 The "Enhanced Network of Communities," which
5 is called Alternative 4 in the EIR, is based on input
6 from business stakeholders. They opted to use a higher
7 population total for that alternative. So forecasted a
8 higher level of population and job growth in the region,
9 and also included a more dispersed growth pattern. On
10 the transportation side, that alternative included a
11 higher period of bridge tolls, but those revenues in
12 that alternative are used to fund additional maintenance
13 of the state highway system.

14 And the last alternative, "Environment, Equity
15 and Jobs," which is called Alternative 5, was developed
16 based on input from the equity and environmental
17 stakeholders. On the land use side, it emphasizes
18 increasing opportunities for low-income housing in
19 job-rich communities.

20 It also is -- it eliminated uncommitted
21 roadway expansion projects in that alternative,
22 including the express lane network was eliminated in
23 that alternative. And it charged a VMT tax that was
24 used to fund additional transit investments in the
25 region.

1 In terms of how the alternatives performed in
2 the Environmental Impact Report, all of the
3 alternatives, including proposed Plan, have similar
4 impacts. Alternative 5 is identified in the EIR as the
5 "environmentally superior alternative." It had the
6 greatest reductions of GHG emissions, greenhouse gas
7 emissions. It also had fewer emissions for toxic air
8 contaminants and particulate matter emissions as
9 compared to the other alternatives.

10 However, the proposed Plan did have the
11 benefits over Alternative 5, it had the lowest vehicle
12 miles traveled or VMT per capita. It also had lower
13 congested VMT than Alternative 5, so fewer miles were
14 traveled in congested conditions. It included less
15 agriculture and open space conversion.

16 Alternative 3, the transit priority focus had
17 the least environmental impact on the transportation
18 side, as a future shorter commute, travel times, lesser
19 amount of congested VMT, and a lesser potential for
20 transited crowding.

21 As Jamillah outlined, there's multiple ways to
22 comment on the Draft EIR. You can comment orally at
23 today's meeting. You can submit your comments in
24 writing, either at today's meeting or mail, fax or
25 e-mail to my attention by 4:00 p.m. on May 16th.

1 And I just want to note again that comments on
2 the Plan should be made separately to
3 info@onebayarea.org or at any of the public hearings
4 being held on the Plan throughout the nine counties.

5 In terms of schedule, the comments period
6 closes on May 16th. We will be presenting the comments
7 in responses to comments to the MTC commission and the
8 ABAG board. Those are the two bodies that will vote on
9 adopting the Environmental Impact Report as well as the
10 Plan, and we anticipate a final adoption of the EIR in
11 July of this year.

12 So with that, I'll turn it go back to
13 Jamillah.

14 MS. JORDAN: Great. Thanks so much.

15 Okay. Is that better, everyone?

16 THE PUBLIC: Yes.

17 MS. JORDAN: Sorry about that mishap there.

18 So now we will open the comment -- open up the
19 hearing here for the public comment. And I want to
20 mention that along with your comments, any questions
21 that you may have will be included and responded to in
22 the final EIR. Okay? So let's go ahead and get the
23 process started. I'm going to call up the first three
24 speakers, and we ask that you form a line there in the
25 middle and speak when I call your name.

1 The first one is Charlie Cameron, followed by
2 Myesha Williams, followed by Devilla Ervin.

3 Mr. Cameron?

4 CHARLIE CAMERON: Yes. Good evening. The
5 name is Charlie Cameron. I'm a Hayward resident, but I
6 consider myself now a resident of Union City.

D2-A1 7 First of all, only three things that I want
8 you to note. Being that the current Union City west
9 side is now completed, I do think it is not going to be
10 able to perform up to expectations. The design is
11 pretty much bad. It's piss poor bad, the way the buses
12 come in and the location for other things to include the
13 taxis and pickup area and the kiss and ride. I'll be
14 sending in corrections for the San Jose Diridon Station.
15 The signs. I was in crisis one time, and I realized the
16 signage was screwed up and could be better.

17 I'm going to be sending in correction --
18 correctly corrections with the correct spelling of the
19 word "Capitol Corridor." It's misspelled in the
20 document.

21 And I want to thank you, Moderator, for
22 bringing to our attention now the deadline for comments
23 is May the 16th. We didn't know that, and I didn't know
24 that. Thank you for bringing that attention.

25 Bye.

1 MS. JORDAN: Thank you, sir.

2 MYESHA WILLIAMS: Hello. My name is Myesha
3 Williams for the New Voices Are Rising Project.

4 In New Voices Are Rising, we work with high
5 school students to help them gain skills and experiences
6 on behalf of themselves and their communities.

7 I want to thank you for this opportunity to
8 comment on the EIR. I would like to state my support
9 for Alternative 5. And even though the Draft EIR
10 identifies this alternative as "environmentally
11 superior," we believe that the Draft EIR does not
12 adequately analyze the VMT and greenhouse gas reduction
13 that this alternative would offer as compared with the
14 proposed Plan.

15 The EEJ alternative funds significant
16 investment for frequency improvement for high-demand
17 systems like AC transit, which many people in the
18 community that we work with depend on for daily access,
19 opportunities and necessities. According to the Bus
20 Access Health Impact Assessment conducted by the Alameda
21 County Public Health Department, more investment and
22 transit service, especially bus service, can improve
23 health and vitality for riders, their communities and
24 the transit system overall.

25 Currently, youth, seniors and

1 transit-dependent people's health is suffering as a
2 result of disinvestment in transportation. The HIA
3 found that reduction in bus service negatively affected
4 the physical, mental health, safety and well-being of
5 the most vulnerable rider.

6 In order to reduce VMT, we must restore local
7 transit to a reasonable baseline of service by
8 committing an additional 70 million per year to
9 restore bus service cuts made over the past five years.

10 The EEJ alternative favors the best reducing
11 VMT miles traveled, which in turn helps us to reach our
12 goals of reducing greenhouse gas emissions. As the
13 alternative with the strongest ridership, EEJ will
14 ensure that public transportation remains accessible,
15 affordable and will help to improve health and reduce
16 health disparities.

17 Alternative 5 prioritizes bus, BART and plans
18 for a free youth bus pass program. This proposal was
19 especially significant for those of us who work with
20 youth who experience negative health impacts and
21 critical barriers to opportunity, due to rising transit
22 costs, service cuts and route changes.

23 MS. JORDAN: Thank you. Thank you very much.

24 DEVILLA ERVIN: Thank you.

25 Hello. My name is Devilla Ervin, and I've

1 been working with the New Voices Are Rising Project for
2 a more sustainable and resilient Oakland since I was 14.
3 I'm now 23.

D2-C1

4 As a young man looking to live on my own, I am
5 deeply trouble by the threat of displacement in my
6 community and other areas slated as priority development
7 areas. But underestimating the impact of displacement,
8 I feel we are doing a disservice to the entire purpose
9 of Plan Bay Area. This placement needs to be at the
10 forefront of this conversation, not swept under the
11 table. You cannot cut VMT and/or greenhouse gases, gas
12 emissions without dealing with this threat.

13 Living in Oakland, I know many people who find
14 themselves being forced to leave their homes and
15 community that hold extensive history to find housing
16 that is less expensive. One example of this is my
17 foster mother. In my junior year of high school, she
18 found a place that was affordable, but it was in
19 Sacramento. She was still working in Hayward commuting
20 five hours a day to and from work.

21 This is what I fear for thousands of other low
22 income families with the adoption of this proposed plan
23 in the absence of additional mitigation. Without
24 careful, conscious, deliberate planning, more low income
25 residents will be pushed out to less attractive and more

1 polluted parts of the region, while new transit-oriented
2 developments attract new residents who have not
3 historically found neighborhoods like West Oakland
4 attractive.

5 Plan Bay Area should not add to the list of
6 issues residents of West Oakland or similar
7 neighborhoods have to deal with.

8 By increasing investment in public
9 transportation, affordable housing and strategies to
10 retain and build businesses that serve the existing
11 community, Alternative 5 will go a long way towards
12 addressing these concerns and mitigating the impacts of
13 displacement pressure.

14 Plan Bay Area should be providing solutions
15 and incorporating the strategies in Alternative 5 that
16 make it the environmentally superior alternative,
17 leading to a more truly sustainable and resilient
18 Bay Area.

19 Thanks for your time.

20 MS. JORDAN: Thank you for your comments, sir.

21 I'm going to call up the next three speakers.
22 First will be Brenda Barrón. Next will be Pamela Tapia,
23 followed by Woody Little.

24 Please come to the center of the aisle.

25 BRENDA BARRÓN: My name the Brenda Barrón, and

1 I'm currently a freshman at San Francisco State
2 University. I was born and raised in Oakland,
3 California, and I lived my whole life here.

4 I have seen many problems in the community,
5 and I have been to different meetings and spoken about
6 what can we change. One of the problems that concerns
7 me most is public transportation because I take it
8 almost every day to school.

D2-D1

9 Speaking today -- tonight was Plan Bay Area
10 and the EIR do not do a good enough job of addressing
11 the impact of adding more rides to the transit system.
12 Without the level increasing transit investment that
13 includes in the environment equity and job alternatives,
14 adding more rides to the public transit system without
15 enough adding investment will have serious impact for
16 youth and other low income riders.

17 I have been taking public transportation since
18 I was five years old when I started riding the bus to my
19 mom's work, and I never thought transportation was a big
20 deal until I grew up, but it has changed a lot since I
21 was five. Bus stops have been moved far from my house.
22 There are fewer buses, and I have to wait longer most of
23 the time. Night services have been reduced. The bus I
24 take that -- takes off 10:00 p.m.

25 When I was five, I was too small to understand

1 what was going on. But as I grew up, I've seen and
2 heard what people say about transportation in their
3 community.

4 In the last few years, bus lines have been
5 changed and cut so that people get confused about which
6 line goes to which places. The people do not want to
7 see bus services cut; they want to see more bus routes
8 and more frequent buses. Many people take the bus
9 because they cost less than the BART -- than BART. The
10 BART takes you back and goes farther.

11 MS. JORDAN: Please wrap up your comments.

12 BRENDA BARRÓN: There are other problems with
13 ground service levels. BART does not have enough
14 transit so that people can sit down. Thank you.

15 MS. JORDAN: Thank you.

16 PAMELA TAPIA: Good evening. My name is
17 Pamela Tapia. I'm a student at Peralta Colleges. Thank
18 you for the opportunity to speak to you tonight.

19 The EIR Draft consideration of displacement is
20 inadequate. The EIR fails to factor in the impact of
21 gentrification on housing costs in neighborhoods that
22 historically have been home to low income residents.

23 The assumption that low income residents will
24 avoid moving farther away from their jobs and their
25 homes and neighborhoods despite these areas becoming

Page 21

D2-E1

1 more attractive to other residents. Without significant
2 addition investment in affordable housing and other
3 anti-displacement policies, displacement will occur.

4 In September 2011, my mother lost her minimum
5 wage job. Her factory decided to pack up and move to
6 South Carolina. She was out of a job. As a single
7 parent raising two kids, my mom depended on the \$280 she
8 received every week to pay the \$700 rent. She spent
9 most of her check on housing and transportation. She
10 decided to move to central valley to a city called
11 Manteca. An apartment was half the price as our former
12 home, but there are no jobs in the central valley. She
13 had no option; she had to go back to what she was doing
14 before.

15 After months of desperate job hunting, my
16 mother found a job in a factory in Union City's
17 Industrial Park. My mom now lives in Manteca but has to
18 commute to Union City for work. What used to be a
19 30-minute drive now become a four-hour commute. She
20 doesn't have a car. She has to take the bus from
21 Manteca to Stockton, from Stockton take a train to
22 Richmond, from Richmond take BART to Union City, and
23 from Union City take another bus.

24 She now has to pay over \$60 a week (verbatim)
25 just to travel to work. She works eight hours at an

1 8-hour dollar rate turns out to 64. So she spends \$60 a
2 day and she gets \$64 a day also, she's only getting \$4.
3 She knows she cannot work. She literally cannot afford
4 to work.

5 So when spending so much money traveling, she
6 determined she had to stop traveling. She often slept
7 on BART, traveling the trains from one end to the other
8 end, hoping to just catch another day.

9 MS. JORDAN: Please wrap up your comments.

10 PAMELA TAPIA: I feel awkward writing this and
11 even reading it to you, but I do not look for pity.
12 This was not my goal. My goal was to inform you that
13 this happens. The EIR assumes that displacement will
14 not result in increased rates in commuting from outside
15 Bay Area and cross commuting from -- between counties.
16 This assumption is not supported by historical transit,
17 and it's not supported by my experience.

18 Thank you.

19 WOODY LITTLE: Hello and good evening. My
20 name is Woody Little, and I'm a first-year student at
21 UC Berkeley but an Oakland native. I want to talk
22 tonight a little bit about displacement, as some of the
23 other commenters have echoed.

24 The Plan Bay Area document states that the
25 Plan will place 36 percent of communities of concern to

1 risk of displacement, while the EEJ alternative,
2 Alternative 5 -- in this plan, 21 percent face
3 displacement risk, and that's already with the
4 assumption that are perhaps flawed because they rely on
5 this model that does not take into account
6 gentrification pressures.

D2-F2

7 Now, this has two main effects. One effect is
8 on the environment. We believe that because the Draft
9 EIR does not take into account gentrification pressures,
10 that the extent to which the EEJ alternative outperforms
11 the proposed Plan, the GHG emission reductions is
12 underestimated. So in fact, already -- though,
13 Alternative 5 is already the environmentally superior
14 alternative, it is likely far more superior than is
15 currently estimated.

D2-F3

16 Additionally, and perhaps more importantly,
17 these displacement pressures place social economic
18 pressures on low income communities and communities of
19 risk. I grew up with extreme privilege in Rockridge in
20 an affluent community in Oakland. However, I try to put
21 myself in the position of someone who would be displaced
22 by gentrification.

23 I imagine that if I was in high school and my
24 family had to start paying significantly more income
25 because stores in the area were now catering to other

1 residents instead of us who had been living there a long
2 time, I wonder what our family would have been able to
3 afford in terms of other services for me to do outside
4 of school, extracurricular activities that enriched my
5 life and made it possible for me to attend UC Berkeley.

6 Additionally, I wonder what would have
7 happened if I had been displaced and had to restart my
8 life all over again in the middle of high school or in
9 the middle of elementary school, an even more
10 informative time in my life. I think that would have
11 been a significant obstacle to get into UC Berkeley and
12 to -- you know, the struggles that I now have in trying
13 to further my own education. I think that would have
14 been much more difficult under this Plan. So I hope
15 that you take those facts into consideration.

16 Thank you.

17 MS. JORDAN: Thank you, sir.

18 I'm going to call up the next three speakers.
19 First we have the Teadora Taddeo, Signe Mattson, and
20 Kasey Saeturn.

21 TEADORA TADDEO: Hello. Good evening. I'm
22 Teadora Taddeo, and I'm also a UC Berkeley student.

23 I take great pride in being a part of a
24 cutting-edge and progressive region. I want to look
25 back in 20 years and find that my community was on the

1 right side of history.

2 Our regional plan, as a step towards
3 sustainability, should promote safety and longevity for
4 all people. A plan that neglects low income and
5 under-resourced individuals is absolutely unacceptable
6 in my eyes.

D2-G1

7 I believe the environment equity and job
8 alternative can serve our community more fairly.
9 Affordable, updated housing, quality transportation and
10 increased security for residents susceptible to extreme
11 weather. These are the provisions that simply must be
12 made in any plan to be adopted in the Bay Area in 2013.

13 We need a plan that will carry us into the
14 future, taking into account serious environmental
15 concerns, as well as equity and justice for all Bay Area
16 residents.

17 I support Alternative 5, and I strongly
18 encourage you to consider it as well.

19 Thank you so much for your time.

20 MS. JORDAN: Thank you.

21 Next speaker.

22 SIGNE MATTSON: Good evening. Signe Mattson,
23 resident of Albany.

D2-H1

24 A few concerns: At this point, first of all,
25 the amount of public notice, it claims in the report and

1 in the EIR, that you outreached so many times in so many
2 places, but I only heard about this by accident about
3 maybe two weeks ago now. So that's the first thing. If
4 you seriously want some public input, you've got to let
5 people know.

D2-H2

6 Secondly, this is touted as a strategy for a
7 sustainable region, but yet I have to find no mention of
8 the question of food security, equitable production and
9 distribution of food. This is -- I don't know how you
10 can talk about sustainability, and you don't even mention
11 the question of food.

D2-H3

12 Another concern I have is about the CEQA
13 streamlining, and overriding of CEQA. Many of us are of
14 the opinion that the CEQA requirements are already very
15 weak, and yet you propose to weaken them further, and
16 yet you're talking about improving the environment.

D2-H4

17 So I don't know how you lower environmental
18 standards and then -- to improve the environment. If
19 you're going to concentrate a bunch of people living in
20 apartments along high transit travel areas that produce
21 all these greenhouse gas emissions, one of your
22 mitigations is going to be air filtering. So does this
23 mean that you'll have windows that don't open and air
24 condition on 24/7, except for when the power goes out
25 and the air conditioning can't work?

Page 27

1 MS. JORDAN: Please wrap up your comments,
2 ma'am.

3 SIGNE MATTSON: Okay. Sea level rise and
4 tidal surges, and yet you want to concentrate the
5 population at the shoreline? Doesn't make a lot of
6 sense to me, and I ditto the comments about the
7 preferred alternative. Thank you.

8 MS. JORDAN: Thank you.

9 KASEY SAETURN: Hi. My name is Kasey Saeturn.
10 I'm a senior at Oakland High School.

11 So I just wanted to say that I would like to
12 see more eco-friendly buses, because so far I've only
13 seen, like, a couple hydrogen fuel cell buses, and
14 that's only on one bus route. So this bus route runs
15 along my school, actually. It's the 18 bus, and I've
16 only seen it a couple times, and I just think it'd be
17 nice to see more eco-friendly buses.

18 Also on another note, I'm a student. So after
19 school or, like, before school, I take the bus to school
20 and to work and stuff like that. But the fact is, in
21 the morning, it's really difficult to actually get on
22 the first bus and be on time for school sometimes
23 because it's just so packed. Because it's so packed,
24 I'm either late to school and work, and it just doesn't
25 exactly work out for me.

1 So -- and another -- like, I also have to
2 actually stand at the bus stops because there are no
3 benches where I'm -- where the bus stops I'm at, so it's
4 kind of difficult to actually sit down and get
5 comfortable in the morning or after work, even. So it's
6 just really hard for me.

7 Thank you.

8 MS. JORDAN: Thank you. I'm going to call up
9 the next three speakers now.

10 First we'll have Jill Ratner, followed by
11 Evelyn Stivers, and Peter Singleton.

12 JILL RATNER: Hello. My name is Jill Ratner.
13 I'm an Oakland resident, and I also work with New Voices
14 Are Rising, and I want to echo the comments of the
15 students who are very concerned about public transit and
16 about affordability and particularly about affordability
17 of housing and displacement.

18 One of the issues that I was concerned about
19 in reading the EIR was that it seemed to assume that the
20 significant -- that there will not be significant
21 impacts to the quality of trip experience for the bus
22 riders, adding more riders without a significant -- the
23 most significant possible increase in investment in bus
24 service.

25 There's an assumption that the buses are not

1 overburdened unless there's an 80 percent threshold in
2 terms of available seats systemwide that's crossed, and
3 I think what the students have said is that both buses
4 and BART are overburdened now and would be even more
5 overburdened under the proposed Plan.

D2-J2

6 We believe that the -- Alternative 5 offers
7 significant mitigations that need to be more carefully
8 assessed in the final Environmental Impact Report, and
9 that particularly some of the assumptions, including the
10 assumptions about cross-commuting, end-commuting and the
11 transportation impacts of additional ridership without
12 the highest level of investment need to be reassessed.

13 Thank you.

14 MS. JORDAN: Thank you.

15 EVELYN STIVERS: Hi. Thank you.

16 What a tremendous amount of work that
17 obviously went into the EIR, and I really appreciate
18 staff's hard work on that.

19 My name is Evelyn Stivers. I work with the
20 Nonprofit Housing Association. I also live here in
21 Oakland, and we will be submitting comments in writing,
22 but I did want to bring up an important thing that I
23 think is overlooked in general in the Draft EIR, looking
24 it over. That is sort of the underrepresenting how
25 important increasing transit investment is on land use

D2-K1

1 and how that can have a greater reduction in GHG
2 emissions than is acknowledged in the Plan.

3 Right now, the biggest limiting factor to
4 affordable housing production in the region is money.
5 Increasing bus and -- especially bus service, but local
6 transit service, can make more properties competitive
7 for tax credits. It can increase the amount of money
8 that the state and the -- this region gets in an
9 investment and can make more properties viable for
10 affordable housing.

11 So I think that's an important consideration,
12 especially given the current climate and the huge
13 disparity we have between the regional transportation
14 plan, which is a funding allocation plan and the housing
15 plan, which is very well-intentioned but not funded.

16 Thank you.

17 MS. JORDAN: Thank you.

18 PETER SINGLETON: Peter Singleton.

19 I'm going to submit my comments on the Draft
20 EIR in writing once I've had a chance to look over the
21 document. As you probably gathered, it's a very large
22 document.

23 But what I wanted to do was I wanted to thank
24 the young people for coming, and I don't personally
25 support Alternative 5, but I think the students that are

1 here are raising a couple of really important points
2 that I hope that you folks considered.

D2-L1

3 One is displacement. And I think all of the
4 alternatives have displacement risk that is significant
5 and should be looked at. And that's a big concern. And
6 these kids are right, what they're talking about.

D2-L2

7 The other is the importance of bus service.
8 And the Plan is very heavy on rail and light rail and
9 other kinds of what you call transit investments, but
10 bus service is often the -- adding buses to heavily
11 utilized routes and also dropping fares can be the very
12 best way to serve lower income communities that our
13 buses are so important to.

14 And I would just urge you to listen to these
15 young people, and, again, I -- thank you guys for
16 coming, I really appreciate it.

17 MS. JORDAN: Thank you, sir.

18 We have one card remaining. I'm going to call
19 up that individual, unless -- if you have a blue comment
20 card, please hand it to our ushers here on the left and
21 right. Now is the time to do that.

22 So I'm going to call up the next two speakers.
23 That's Peter Singleton -- oh, I'm sorry. Peter already
24 spoke.

25 And this individual. Pardon if I butcher your

1 name. Decline Lastot (verbatim)?

2 PUBLIC SPEAKER: Decline to state.

3 MS. JORDAN: And then the gentleman as well,
4 if you wouldn't mind --

5 PUBLIC SPEAKER: I note that the EIR includes
6 \$14 billion -- I note that the EIR includes \$14 billion
7 in nebulous, quote, "anticipated unspecified," unquote
8 federal dollars. The Plan relies on the use of these
9 dollars. The EIR is entirely flawed because this
10 reliance accounts for fully 5 percent of the money
11 figured into projects that affect the environment.

12 I also note that the population figures that
13 are forecasted are entirely created by the staff.
14 California statutory law has deemed the California
15 Department of Finance as the proper authority to create
16 population figures used by the Government in California.

17 Also, I was moved by the students' talk this
18 evening about displacement, and it reminded me of the
19 urban redevelopment that took place in the Bay Area in
20 the 1960s to very, very bad effects. And the historical
21 analysis was not included in the EIR.

22 MS. JORDAN: Thank you.

23 Sir?

24 JIM BITTER: I'll just be a second. So my
25 name is Jim Bitter, and we came up from Mill Valley, and

1 we generated a lot of greenhouse getting here. So
2 thanks for holding this, and I want to thank the kids
3 for coming tonight, except that -- or I just heard
4 \$14 billion and the cost of MTC and the cost of the
5 consultants and the cost of the consultants to put
6 together the EIR report and other consultants that are
7 involved in the EPA, federal, state, CARB -- what did I
8 leave out? California Energy Commission. It's all the
9 same language. It's all the same industry that's
10 pushing this thing. And that the kids in the gallery
11 here are going to end up paying for this because the
12 State of California is in the hole about \$80 billion,
13 and the federal government is approaching 17 trillion.
14 There's no way we can pay it back.

15 I came from a little town up in Marin, and
16 there's probably lots of stories like this where we had
17 a city council, we had a planning commission, we had a
18 little white church, we had steam locomotives, we had
19 dairy farms. It was all our stuff. The federal
20 government didn't tell us what our town was going to
21 look like. That was the old United States of America.

22 So I'm telling the kids, get ready because
23 you're going to find out that people other than yourself
24 are going to be telling you about transportation,
25 housing, the kind of housing you have. And a lot of

1 other things that are coming.

2 So anyway, thank you very much.

3 MS. JORDAN: Thank you, sir.

4 The next speaker I'm going to call up is
5 Mr. Azibuike Akaba.

6 AZIBUIKE AKABA: Good evening. My name is
7 Azibuike Akaba. I'm with the Public Health Institute in
8 the regional asthma management and prevention project.
9 So we're primarily focused on looking at air quality and
10 protecting low income communities and communities of
11 color that would be impacted by displacement.

12 As the young people stated, which I'm really
13 proud to see so many young people come out and speak
14 this evening and so articulately, I think that the issue
15 of suburbanization of poverty, which isn't really
16 highlighted very well in the EIR overall, is that low
17 income people are going to be impacted, and there needs
18 to be some type of strategy and/or mitigations to
19 address that suburbanization of poverty.

20 And I also think that -- some good things that
21 I saw in the EIR is the assessment of air quality and
22 the inclusion of diesel, which we're going to -- you
23 know, is a project of ditching dirty diesel. I think
24 that looking at black carbon and actually incentivizing
25 programs that address mitigation, even if at the

1 regional level you can't actually enforce mitigation on
2 a local level, you can put criteria in place for
3 incentivizing good projects that get funded that
4 actually mitigate those anticipated impacts.

5 That's it. Thank you.

6 MS. JORDAN: Thank you, sir.

7 So I'd like to take this opportunity to let
8 you all know again that our ushers to the left and the
9 right have the blue comment card forms. Give you
10 another opportunity to fill that out and state your
11 comment publicly, orally rather.

12 Are there any additional blue comment card
13 holders who'd like to speak?

14 So our next speaker will be Rachel
15 Hallowgrass.

16 RACHEL HALLOWGRASS: Forgive me. I came in a
17 little bit late, so I don't know what everybody else has
18 said, but I did want to say that while costs about a
19 plan like this are certainly large, and the funding by
20 its nature is certain, especially given that we don't
21 know a lot about the future economy, I just wonder about
22 the alternatives that I think not implementing a plan
23 remotely like this will be much more expensive, more
24 expensive to our children in terms of health, their
25 economy and their ability to participate in a healthy

Page 36

1 world. So in the abstract, yes, this is expensive and
2 ambitious, and, yet, the alternatives can be much worse
3 economically.

4 Thank you.

5 MS. JORDAN: Thank you for that comment.

6 So if there are no additional individuals who
7 would like to fill out the blue comment form and make
8 their comments orally, I'm going to bring the public
9 hearing to a close.

10 As I mentioned earlier, you all have the
11 opportunity, if you do not want to make your comment
12 orally, to fill out this comment form as well and drop
13 that off before you head out of the meeting and this
14 will be included in the final EIR.

15 So with that, I'm going to go ahead and close
16 the public hearing. I want to thank you all so much for
17 coming out tonight. We really appreciate your time and
18 attention.

19 Have a good evening.

20 (Hearing concluded at 7:50 p.m.)

21 ---o0o---

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CERTIFICATE OF REPORTER

I, SARAH L. GOEKLER, CSR No. 13446, a
Certified Shorthand Reporter, hereby certify:

That the preceding hearing was taken in
shorthand by me, a disinterested person, at the time and
place therein stated, and that the proceedings were
thereafter reduced to typewriting, by computer, under my
direction and supervision;

IN WITNESS WHEREOF, I have hereunto set my
hand this _____ day of _____, _____.

SARAH L. GOEKLER, CSR

METROPOLITAN TRANSPORTATION COMMISSION
ASSOCIATION OF BAY AREA GOVERNMENTS

PUBLIC HEARING ON THE
ENVIRONMENTAL IMPACT REPORT
FOR THE DRAFT PLAN BAY AREA

REPORTER'S TRANSCRIPT OF PROCEEDINGS

Wednesday, April 17, 2013

Martin Luther King, Jr. Library

San Jose, California

Reported by: AUDREY L. TAKATO

CSR 13288

Page 1

1 ATTENDEES

2

3 Carolyn Clevenger - MTC

4 Mark Shorett - ABAG

5 Joan Chaplick - MIG/Moderator

6

7 ---o0o---

8

9

10 BE IT REMEMBERED THAT, pursuant to Notice of the
11 Hearing, and on Wednesday, April 17, 2013, commencing at
12 1:08 p.m. thereof at the Martin Luther King, Jr.
13 Library, 150 E. San Fernando Street, Suite 225/229, San
14 Jose, California 95112, before me, AUDREY L. TAKATO, a
15 Certified Shorthand Reporter for the State of
16 California, there commenced a Public Hearing.

17

18 ---o0o---

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1 MEETING AGENDA

2 PAGE

3 Introduction by Joan Chaplick 4

4 Introduction by Carolyn Clevenger 5

5

6

7 PUBLIC SPEAKERS

8 PAGE

9 IVANA YEUNG 13

10 ED MASON 14

11 MICHAEL LUDWIG 18

12 DON CONNERS 18

13 HILDA LAFEBRE 20

14 JIM BITTER 21

15 ---o0o---

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Page 3

1 Wednesday, April 17, 2013 1:08 p.m.

2 P R O C E E D I N G S

3 MS. CHAPLICK: Good afternoon. Thank you so
4 much for coming today. My name is Joan Chaplick. I
5 work with MIG. We're a consulting firm that is helping
6 MTC to put on today's public hearing.

7 Our purpose today is to get comments on the
8 Draft Environmental Impact Report for Plan Bay Area. So
9 when you all came in, you were given the opportunity to
10 receive a blue card. That's your speaker card.

11 If you would like to make comments during the
12 meeting, you'll need to fill out one of those. They all
13 will be brought up to me, and I will call out the names
14 in sequence and every person will get two minutes --
15 every person wanting to speak will have two minutes and
16 be able to share their comments.

17 We are also receiving your comments in
18 writing today, and you can also comment by e-mail, fax,
19 and mail. And that information will be provided to you
20 shortly. So that's our purpose.

21 Our basic agenda is we will be having a short
22 presentation by MTC planner Carolyn Clevenger. She's
23 going to provide an overview on the Draft EIR, and after
24 she concludes her presentation, then we will start the
25 public hearing.

Page 4

1 We have with us two court reporters who will
2 be transcribing all of the comments that they receive
3 today verbally, and everything we receive verbally and
4 in writing will all be treated the same way and
5 responded to in the final Environmental Impact Report.

6 So with that, I believe we are ready to get
7 started. So Carolyn Clevenger from MTC.

8 MS. CLEVINGER: Good afternoon. Thank you
9 for joining us today. As Joan mentioned, my name is
10 Carolyn Clevenger with MTC planning. I'm the project
11 manager for the EIR. Seated next to me is Mark Shorett
12 with the Association of Bay Area Governments.

13 So the purpose of this public hearing is to
14 present an overview of the Plan, as well as the Draft
15 Environmental Impact Report, which are both out for
16 public comment right now.

17 We'll be receiving your public comments here
18 on the Draft EIR, and as Joan mentioned, all responses
19 to comments and questions will be made in writing as
20 part of the final Environmental Impact Report.

21 I would just like to note that the focus of
22 the meeting today is on the Environmental Impact Report.
23 There are a number of hearings going on throughout the
24 region on the actual Plan itself.

25 The hearing for Santa Clara County will be on

1 May 1st, and there's information on a brochure at the
2 front table that has the location and time of all of the
3 remaining -- the six remaining public hearings on the
4 actual Plan itself.

5 For comments on the Plan itself, you can, if
6 you would like to, just send a comment via e-mail rather
7 than attending one of the open houses and public
8 hearings. You can send those to info@onebayarea.org,
9 and that information is also in the brochure. So if you
10 would like to grab that, that has the details.

11 The purpose of the Environmental Impact
12 Report is to analyze and disclose the potential
13 environmental impacts of implementation of the proposed
14 Plan.

15 It's meant to inform decision-makers,
16 responsible agencies, and the public of the range of
17 potential impacts. It also recommends measures that can
18 help mitigate the impacts that are found to be
19 significant, and it analyzes a range of alternatives to
20 the proposed project.

21 A little background on the Plan. It's the
22 first time in the region that we've done an integrated
23 land use and transportation plan as required by Senate
24 Bill 375. That bill does require that the integrated
25 plan reduce greenhouse gas emissions or GHG by

1 15 percent per capita by 2035, and also that the region
2 houses the region's population at all income levels.

3 The Plan was developed working off of the
4 Priority Development Area strategy that ABAG and MTC had
5 been working on for a number of years, and it focuses on
6 increasing economic competitiveness while also
7 preserving the natural environment of the region.

8 Looking from 2010 to 2040, which is the out
9 year of the Plan, the region projects -- and these are
10 projections developed by ABAG -- 1 million additional
11 jobs and roughly 2 million additional people in the
12 region by 2040. And the EIR evaluates the environmental
13 impact of accommodating that growth; it doesn't actually
14 evaluate the forecasts themselves.

15 So the focused growth strategy that the Plan
16 is built around focuses on Priority Development Areas
17 that are shown in this map -- it's the pink and purple
18 hues -- and it accounts for less than 5 percent of the
19 region's land, but it accommodates nearly 80 percent of
20 new homes and 60 percent of new jobs in the proposed
21 Plan.

22 Much of this growth is concentrated in the
23 core cities of San Francisco, San Jose, and Oakland, as
24 well as in -- 75 percent of the growth is accommodated
25 in Alameda, Santa Clara, San Mateo, and San Francisco

1 Counties.

2 Turning to the transportation side, the
3 revenues forecast for the region over the 28-year plan
4 period are \$289 billion. This pie chart shows the
5 different sources of those funds.

6 So just over half, 53 percent of those funds
7 are local funds, and that's primarily local sales tax
8 revenue. Eight of the nine counties in the Bay Area
9 have a local sales tax dedicated to transportation, and
10 that's the bulk of those funds.

11 The additional funds are: Regional, 15
12 percent is primarily from bridge tolls, and then State
13 and Federal funds. The 5 percent anticipated is based
14 on fund sources that come along during the 28-year
15 projection of the Plan that we don't necessarily know
16 about right now.

17 But based on historical trends, that's --
18 we've had about a 5 percent of new funds and new
19 programs that have come up over the life of the Plan.
20 So we do account for those in the revenue projections.

21 In terms of how the funds are spent,
22 88 percent of the funds are dedicated to operating and
23 maintaining the existing system, that includes both
24 roadways, local streets and roads, highways, and transit
25 operations, as well as transit capital replacement. The

1 remaining 12 percent is split roughly equally between
2 roadway and transit expansion.

3 The Environmental Impact Report looks at
4 impacts on 14 different environmental areas that are
5 listed here: Transportation, air quality, land use,
6 energy, climate change and greenhouse gases -- which
7 include sea-level rise analyses -- noise, geology and
8 seismicity, water, biological, visual, and cultural
9 resource, as well as public utilities, hazards, and
10 public services.

11 This presentation is available on our
12 website, so if you're trying to write this down, we can
13 let you know where it will be available.

14 Potential mitigations are identified for each
15 of the areas where there is deemed to be a potential
16 impact. Mitigations would be implemented as appropriate
17 at the local levels by local jurisdictions as they move
18 forward with projects if they're using our EIR.

19 Since MTC and ABAG cannot ensure
20 implementation of mitigation measures in all cases,
21 those issue areas shown in bold are found to still have
22 potential significant impacts.

23 Now, I had mentioned that the EIR evaluates a
24 range of alternatives. This provides some detail on
25 those alternatives that were evaluated.

1 One alternative is the No Project, and
2 that's required by California Environmental Quality Act
3 to look at the "No Project," which is the existing 2010
4 land use and transportation network, as well as those
5 funds that are deemed to be committed.

6 So 80 percent of the funds in the Plan are
7 going to projects that are either locally funded, in
8 which case the regional agencies made no discretionary
9 decision over if they move forward, or were so far along
10 in project development that they were deemed committed
11 if they were through a certain level of environmental
12 clearance.

13 Alternative 3 or the "Transit Priority Focus"
14 alternative looked at higher densities near high-quality
15 transit service. It also included an additional high
16 peak-period Bay Bridge toll, with revenues used to fund
17 additional Bart and AC transit investments.

18 The "Enhanced Network of Communities" or
19 Alternative 4 in the EIR was based on input from
20 business representatives. It included a higher
21 population growth assumptions, both for population and
22 jobs compared to the Plan.

23 It also included that higher peak-period Bay
24 Bridge toll, but in this alternative, it was used to
25 fund additional investments in the State highway system

1 maintaining the system.

2 The "Environment, Equity and Jobs" or
3 Alternative No. 5 was based on input from the equity and
4 environmental stakeholders. That alternative on the
5 land use side emphasized increasing opportunities for
6 low-income housing and communities of opportunity or
7 job-rich communities.

8 It did eliminate uncommitted roadway
9 expansion projects, and it implemented a VMT tax that
10 was used to fund increased transit operations throughout
11 the region.

12 So those were the range of alternatives that
13 were evaluated in the EIR. In terms of how the -- what
14 the analysis showed, all of the alternatives, including
15 the proposed Plan, had similar impacts.

16 Alternative 5 or the "Environmental, Equity
17 and Jobs alternative," was deemed to be the
18 Environmentally Superior Alternative in terms of its
19 overall environmental impacts. The total greenhouse gas
20 emissions were reduced the greatest in that alternative,
21 and air quality emissions were reduced the greatest in
22 that alternative.

23 However, the proposed Plan did include some
24 benefits as compared to Alternative 5. It had the
25 lowest vehicle miles traveled or VMT in the region per

1 capita. It also included lower levels of congested VMT,
2 so fewer miles that were traveled in the region at
3 congested conditions. And less agricultural and open
4 space were converted under that alternative.

5 Alternative 3 or the "Transit Priority
6 Alternative" had the least impacts in terms of
7 transportation as it featured shorter commute travel
8 times, a lesser amount of congested VMT, and the least
9 likelihood of transit crowding of the alternatives.

10 In terms on commenting on the Draft EIR, you
11 can comment either orally or in writing at today's
12 meeting. You can also send it by mail, fax, or e-mail
13 by May 16th. Our comment period closes at 4 p.m. on May
14 16th, and the contact information is listed there.

15 Again, just to note, the comments on the
16 actual -- on the overall Plan itself and the policies
17 behind the plan should be made separately at
18 info@onebayarea.org. And that information is all
19 included in that brochure at the front table.

20 In terms of our overall schedule, we are
21 right now in the middle of the EIR public hearings and
22 the Plan Bay Area public hearings. The public comment
23 period will close on May 16th.

24 And then in June and July, we will be
25 presenting summaries and responses to comments to the

1 MTC Commission and the ABAG Board, with the final
2 adoption of the Plan and EIR scheduled for July of this
3 year. And the final EIR will include, as we've
4 mentioned, a written response to each comment received
5 on the EIR.

6 So with that, I'll turn it back to Joan.

7 MS. CHAPLICK: Okay. Thank you. So thank
8 you for your presentation, Carolyn.

9 Now we will be opening the public hearing.
10 Our court transcribers will be taking down exactly what
11 you say. And if you would like to speak, I need you to
12 fill out a blue comment card.

13 So I have received one, and I would like to
14 bring -- Ivana Yeung will be our first commenter.

15 There are MTC staff who are collecting
16 comments, and they'll bring them up to me. We'll just
17 line up, and we'll hear everyone's comments.

18 Each person gets two minutes to comment. And
19 Leslie up front is our timer. She has a timer that when
20 the alarm goes off, you'll need to bring your remarks to
21 a close. So that's our process. And with that, we will
22 start with our first comment.

23 Please state your name and where you're from
24 for the record.

25 IVANA YEUNG: Hi. Good afternoon. My name

1 is Ivana Yeung. I'm with the County Roads and Airports
2 Department.

D3-A1

3 We had a comment regarding the transportation
4 section, which is 2.1. We had read that there were
5 going to be significant unavoidable regional impacts.

6 While we realize that is probably going to be
7 the case, we are wondering if there were going to be
8 plans to have a map or some analysis for the Santa Clara
9 County in particular, just because we understand that we
10 have a lot of employment areas here, but I feel that a
11 lot of the congested VMT miles are going to be in the
12 Santa Clara County. Are there any plans to include that
13 in the EIR.

14 MS. CHAPLICK: Questions will just be
15 recorded and responded to in the final EIR.

16 IVANA YEUNG: Okay.

17 MS. CHAPLICK: Okay. Thank you.

18 Our next commenter, I have a card from Ed
19 Mason. And please introduce yourself and where you are
20 from for the record.

21 ED MASON: Good afternoon. Ed Mason of San
22 Jose.

D3-B1

23 And on Page 1-2-7, it says that there's going
24 to be an increase in the number of seniors that will be
25 in the downtown areas. I really find that hard to

1 believe in the Bay Area. It might be happening across
2 the nation, but there are two articles that basically
3 say, nobody is going anywhere for the baby boomers that
4 are retiring.

5 It's been my experience in roundtable and
6 personal surveys that basically seniors are going to age
7 in place and not go into the downtown areas, and I
8 believe that only the wealthy move to Rincon Hill in San
9 Francisco.

D3-B2

10 Also, there is no mention on Page 1-2-24.
11 There's jobs and prosperity. There is no mention made
12 of the corporate commuter buses. If they were a transit
13 agency, they would be at about six or seven as the
14 largest transit agency.

15 The real estate ads in San Francisco tell
16 that the residences for sale in nearby neighborhood
17 stops. And the housing quota that is going to be
18 allocated in San Francisco or any other location, who is
19 the residence really going to be designated for?

20 You know, if you've got all these commuter
21 buses going around, it implies -- even in San Francisco,
22 you've got 24 percent of the population that goes out of
23 the city, and it's a consequence. If you are going to
24 assign a housing allocation to San Francisco as an
25 example, why -- we've got commuter buses going on. So

Page 15

1 they don't live where they work. You know, the company
2 town is extinct.

3 But that's one way that I think there really
4 needs to be a reevaluation by businesses to not get into
5 this mode of saying, Well, you can live in hip San
6 Francisco and congest all the neighborhood streets with
7 the commuter buses but, you know, you can live here.

8 Highway investment. We always wind up
9 mitigating everything and we widen. We've widened 880
10 in '96 and 2000. Now we're going to widen Old Oakland
11 Road. Well, what happens if we did nothing and really
12 made commuting a painful experience? Because your
13 projections indicate that over the near term in long
14 term, it's only going to be a few more minutes increased
15 in commuting time.

D3-B3 16 Well, if you want to reduce the greenhouse
17 gases, let's make -- you know, don't do anything and
18 just let everybody kind of suffer, and then maybe
19 they'll get the message, because eventually, they may be
20 commuting with the fish as the sea level rises. So I
21 think that needs to be a message that's not being made.

22 MS. CHAPLICK: If you could wrap up your
23 comments, sir.

D3-B4 24 ED MASON: Yeah. And also, 75 percent of the
25 jobs are half a mile off of a freeway exit, and only

1 25 percent are within the 88 rail stations. So there
2 seems to be a mismatch that maybe we should be
3 encouraging more commuter buses.

4 Are my two minutes up?

5 MS. CHAPLICK: Yes, your two minutes are up,
6 sir.

7 ED MASON: Sorry.

8 MS. CHAPLICK: Thank you for your comments.

9 If you do have additional remarks that you
10 would like to share, feel free to add them to a comment
11 form and turn them in, or also comment -- send
12 additional comments by e-mail, fax, or mail.

13 I have no other blue speaker cards, so if
14 there's anyone who would like to speak, I'll give you a
15 minute to fill that out. Our main purpose is to receive
16 comments. So we don't have a question-and-answer
17 portion. And any questions that you have will be
18 responded to in the final EIR.

19 So if you would like to make a comment for
20 the record, we'll need your speaker card.

21 AUDIENCE PARTICIPANT: This is not a comment,
22 it's a question on the presentation.

23 MS. CHAPLICK: You know, we're -- I'm sorry.
24 We are not taking questions on the presentation. So
25 they're all -- it's all part of the CEQA process, where

1 we receive the comments.

2 AUDIENCE PARTICIPANT: I'll make a comment.

3 MS. CHAPLICK: Okay. So I'm going to give --
4 I'll give you a few minutes. If you have --

5 AUDIENCE PARTICIPANT: So --

6 MS. CHAPLICK: Sir, I'm needing speaker
7 cards, if you would like to speak. So we are going to
8 give people a moment to fill out a speaker card, and
9 then it's two minutes per person.

10 So we have someone coming up here. We'll
11 just need your name for the record. I have a card from
12 Michael Ludwig. Okay, Michael. And you have two
13 minutes to comment.

D3-C1

14 MICHAEL LUDWIG: Okay. Yes. Sorry I got
15 here late, but I just was wondering why -- I mean, I
16 don't know what exactly the lists of projects are in the
17 Plan Bay Area, so I'm thinking you might be doing this
18 kind of backwards to be holding the environmental
19 hearing before the hearing for the list of projects.

20 And so I'm just wondering about that, and I
21 just want to make sure that you encourage jobs and
22 housing as close to transit as much as possible.

23 MS. CHAPLICK: Thank you for your comment.

24 Our next speaker is Don Conners.

D3-D1

25 DON CONNERS: I know an awful lot of very

1 intelligent and highly educated people worked very hard
2 on doing this Bay Area Plan and the Environmental Impact
3 Report, so I don't mean to impugn your competence or
4 motives; however, let's look at the history of past
5 projections.

6 In the middle '70s, we put the first fuel
7 economy standards in. It was supposed to save an awful
8 lot of oil because we were going to use less oil in our
9 cars. So over the subsequent years, the fuel economy
10 standard of people on the road roughly doubled. Savings
11 in oil, none, because miles per car also doubled
12 exactly, offsetting that.

13 We also have the record of light rail in San
14 Jose, where the cost estimates kept going up and up and
15 up, the ridership estimates kept going down and down and
16 down, and the operating costs were tremendous. And
17 that's just in San Jose. The same thing happened with
18 BART earlier. It's doing well now, but it took an awful
19 lot of time to get there.

20 What makes you think that your planning is
21 any better than the past record?

22 MS. CHAPLICK: Okay. Thank you for your
23 comment.

24 Our next speaker is Hilda, and I will let you
25 pronounce your last name.

D3-E1

1 HILDA LAFEBRE: Hilda Lafebre with San Mateo
2 Transit representing Caltrain in San Fran.

3 I saw in the presentation four alternatives;
4 however, you mentioned a fifth alternative. Does that
5 mean that in the document we will see five alternatives
6 or four alternatives?

7 MS. CLEVINGER: The proposed Plan is the
8 other alternative. So it's the No Project, the Proposed
9 Plan, and then the three additional alternatives that I
10 described in more detail.

11 HILDA LAFEBRE: Okay.

12 MS. CLEVINGER: So yes, since the previous
13 slides went into detail on the Proposed Plan, I didn't
14 include that in that alternatives chart.

15 HILDA LAFEBRE: All right. Thank you.

16 MS. CHAPLICK: I apologize for my break from
17 process.

18 Do we have -- I have no other blue speaker
19 cards.

20 JIM BITTER: I have --

21 MS. CHAPLICK: Please fill out a speaker
22 card, and we'll have your name, and your comments can be
23 entered into the record. I'll give you just a minute or
24 so to fill that out.

25 If we don't have any more people wanting to

1 speak, we will close the public hearing portion of the
2 meeting.

3 JIM BITTER: I'd like to speak.

4 MS. CHAPLICK: Yes. Just get me a card.

5 JIM BITTER: I have a card right here.

6 MS. CHAPLICK: Okay. And if you can state
7 your name for the record. And the card, I just -- the
8 court reporters use it to get your --

9 JIM BITTER: My name is Jim Bitter,
10 B-I-T-T-E-R, and I'm from Mill Valley, California. I'm
11 up north of the Golden Gate Bridge.

12 Why am I down here getting lost in San Jose?
13 I'm down here because I care about my country. I care
14 about college kids that are the next generation that are
15 having trouble finding jobs when you get out of here.
16 You are going to have a big debt to pay when you get out
17 of here.

18 And on top of that, you are going to be
19 paying for all of this, and it's wonderful stuff. It's
20 housing, transportation, green stuff, green stuff, green
21 stuff everywhere, but there is no money at the federal
22 level. \$17 trillion, going to 22 trillion. \$80 billion
23 in debt in California.

24 The consultants that are here, MTB -- or not
25 MTB, but the -- I need to take a breath here. The

Page 21

1 Metropolitan Transit Commission, an \$11.5 million
2 bureaucracy, the consultants, ICF International, the
3 company that did the Environmental Impact Report, that's
4 Dyett & Bhatia.

5 This is San Jose. It's a big place, and you
6 have how many people here? So you have invested -- they
7 won't tell us what this costs. And it's on my computer,
8 and I didn't hit print, because I -- but we're all
9 paying for this thing.

10 You know, 99.99 percent of the public is not
11 going to read it, they'll never see it, and I pity the
12 next generation that has bought all of this and that is
13 having to pay for it.

14 So what else can I say? I got lost coming
15 down here.

16 So anyway, these meetings were conveniently
17 arranged during the day when people couldn't get here.
18 They have two at a time. The one up in Marin was
19 arranged so that the Board of the Supervisors couldn't
20 come. They're the ones who are responsible for this.
21 Darrell Steinberg, who drafted the legislation, the
22 legislature, the California Air Resources Board, they're
23 all responsible for this.

24 The next generation, the college kids at San
25 Jose and other places, are going to pay for all of this,

Page 22

1 so good luck, because the old people are set. But you,
2 you are going to -- they're going to be in your wallet,
3 big time.

4 MS. CHAPLICK: Thank you for your comments,
5 sir.

6 Do I have any more -- anyone wanting to fill
7 out a speaker card and speak?

8 Okay. With that, we will close the public
9 hearing and will -- you know, the MTC folks, we will be
10 collecting comment cards, if you want to provide us
11 written comments. But that's all we have for now, so
12 with that, we are adjourned. And feel free, again, to
13 stay and provide some additional written comments, if
14 you prefer.

15 Thank you.

16 (Hearing concluded at 1:32 p.m.)

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CERTIFICATE OF REPORTER

I, AUDREY L. TAKATO, CSR No. 13288, a Certified
Shorthand Reporter, hereby certify:

That the preceding hearing was taken in shorthand
by me, a disinterested person, at the time and place
therein stated, and that the proceedings were thereafter
reduced to typewriting, by computer, under my direction
and supervision;

IN WITNESS WHEREOF, I have hereunto set my hand
this _____ day of _____, _____.

AUDREY L. TAKATO

CSR No. 13288

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3.9 Oral Testimony at EIR Hearings

PUBLIC HEARING ON DRAFT EIR – SAN RAFAEL (4/16/2013)

D1-A Peter Hensel

- D1-A1: All development, whether under this Plan or otherwise, must comply with the Federal Endangered Species Act.
- D1-A2: The provision cited is just one of many possible measures listed under Mitigation 2.9(a) to be considered by implementing agencies and/or project sponsors based on project-and site-specific considerations. That measure might work best at project sites with available seating.
- D1-A3: Plan Bay Area must accommodate the regional growth expected through 2040. This growth is expected to occur with or without the proposed Plan. Regarding adequate water supplies, please see Chapter 2.12 of the Draft EIR and Master Response G.

D1-B Richard Hall

- D1-B1: MTC and ABAG acknowledge your frustration. Regarding the instances you cited, these are part of local planning efforts in San Rafael and beyond the decision-making ability of MTC and ABAG. See Chapter 1.2 of the Draft EIR for a description of the public participation process for development of the proposed Plan. Regarding public engagement for the EIR, please see Chapter 1.1 of the Draft EIR for a description of the Notice of Preparation and public scoping process and Section 1 of this Final EIR for a description of the public review process for the Draft EIR.
- D1-B2: Traffic reduction trends such as greater telecommuting were incorporated into MTC's transportation model for the proposed Plan and all the alternatives. See response C151-20 for more information on telecommuting. Regarding new car technologies, please see Master Response D.1 for details on the limits of what Plan Bay Area is allowed to include in reaching the SB 375 target.
- D1-B3: Your support for the No Project alternative is acknowledged.

D1-C Clayton Smith

- D1-C1: Regardless of any differences of opinion on the causes and existence of climate change, Plan Bay Area is bound to adhere to the GHG emissions reductions targets established by SB 375.
- D1-C2: See Master Response B.1 for explanation of the different population projections provided by ABAG and the California Department of Finance.

- D1-C3: The Draft EIR notes on p.1.2-52 that, “MTC and ABAG do not have land use authority. Implementation of the land use strategy will require its adoption by the local jurisdictions in the Bay Area; local governments (the nine counties and 101 cities of the region) have sole authority to create and implement land use plans.” See Master Response A.1 for additional information regarding local control over land use.
- D1-C4: The budget for the transportation investments comes from multiple sources including the State and federal governments as well as local funds and fees. MTC does not set the budget, but rather must create a regional transportation plan (RTP) that is financially constrained to the anticipated budget. This budget is substantially similar to the budgets in prior RTPs.
- D1-C5: See Master Response A.1 regarding local control over land use. Your opposition to the proposed Plan is acknowledged.

D1-D Carolyn Lement

- D1-D1: See Master Response C regarding the request to extend the public comment period.
- D1-D1.5 See Master Response D.2 for an explanation of the connection between high-density housing and reduced greenhouse gas emissions.
- D1-D2: The comment refers to placing housing in landslide-prone areas, the risks of which are assessed in Chapter 2.7, Geology and Seismicity. Impact 2.7-4 discusses exposure of people or structures to substantial risk related to landslides.
- D1-D3: Plan Bay Area has allocated growth to areas throughout the region where land development is feasible, where it may support transportation options that reduce greenhouse gas emissions, and where environmental impacts can be avoided or mitigated, as feasible. The comment makes reference to development on areas where there are toxic sites (discussed in Chapter 2.13, Hazards), where air pollution may have adverse health effects (discussed in Chapter 2.2, Air Quality), and near cell phone towers (not discussed in this EIR, as it is not an issue area covered by CEQA). For toxic sites and air quality, impacts are assessed and mitigation measures provided that would reduce most of these impacts to a less than significant level, and further site-specific mitigation may be identified by the further environmental review required of all individual projects. This EIR only assesses the entire proposed Plan at a regional level. See Master Response A.3 regarding the level of specificity in the program EIR.
- MTC and ABAG respectfully disagree with the statement that the EIR process has been “scripted from the beginning.” See Chapter 1.2 of the Draft EIR for a description of the public participation process for development of the proposed Plan.
- D1-D4: The planning and environmental review processes have been going on for several years. See Chapter 1.2 of the Draft EIR for a description of the public participation process for development of the proposed Plan. Regarding public engagement for the EIR, please see Chapter 1.1 of the Draft EIR for a description of the Notice of Preparation and public scoping process and Section 1 of this Final EIR for a description of the public review

process for the Draft EIR. The EIR already includes Alternatives 4 and 5 developed by outside parties – see Chapter 1.2 of the Draft EIR for a description of the Plan development process and Chapter 3.1 for a description of the alternatives screening process.

D1-E Nona Dennis

- D1-E1: See Master Response B.1 for more information regarding population projections, including a discussion of the relationship between ABAG and DOF projections.
- D1-E2: Growth-inducing impacts of the Plan, including job growth, are discussed in Chapter 3.2 of the Draft EIR, beginning on page 3.2-4. See Master Response A.3 regarding the level of specificity in the Program EIR.
- D1-E3: See Master Response E for more information regarding sea level rise, including a discussion of the projection year chosen for this issue area.

D1-F Susan Kirsch

- D1-F1: MTC and ABAG followed CEQA requirements for public noticing of the EIR. See Chapter 1.2 of the Draft EIR for a description of the public participation process for development of the proposed Plan. Regarding public engagement for the EIR, please see Chapter 1.1 of the Draft EIR for a description of the Notice of Preparation and public scoping process and Section 1 of this Final EIR for a description of the public review process for the Draft EIR.
- D1-F2: Per CEQA regulation 15126.6, “If the environmentally superior alternative is the ‘no project’ alternative, the EIR shall also identify an environmentally superior alternative among the other alternatives.” However, in the case of this EIR, Alternative 5, not the No Project alternative, was found to be the environmentally superior alternative – see Chapter 3.1 of the Draft EIR for a comparative impact analysis of all the alternatives and the explanation for the selection of the environmentally superior alternative.
- D1-F3: Local control over land use decisions will be maintained and local jurisdictions’ decisions to amend their general plans to achieve consistency with Plan Bay Area are entirely voluntary. See Master Response A.1 for more information regarding local control over land use.
- D1-F4: The comment refers to the Plan, rather than the Draft EIR, which provides environmental assessment of the Plan. However, the comment is correct in its statement regarding targets for equitable access. In the *Plan Bay Area Draft Performance Assessment Report* published by MTC in March 2013, it was found that the proposed Plan is expected to increase the share of low-income and lower-middle income residents’ household income consumed by transportation and housing by three percent. While this result moves in the opposite direction from the Plan’s objective, the proposed Plan would perform better than the No Project alternative, which is estimated by the same report to increase this metric by eight percent. In other words, the proposed Plan provides a beneficial rather than deleterious impact compared to the No Project alternative

Page 109 notes that the proposed Plan would result in a two percent increase in percent of income spent on housing and transportation by low-income households, and a two percent increase for all other households, but it also shows that the proposed Plan outperforms the No Project alternative on both measures, which would increase the percent of income spent by eight percent for low income households and three percent for all other households. These findings suggest that this issue would worsen without the proposed Plan.

D1-G Linda Rames

D1-G1: As the regional transportation agency and decision-maker on the Plan, MTC is the appropriate CEQA lead agency for Plan Bay Area. This is similar to cities or counties being the lead agencies for their general plans. It should be noted that ABAG and MTC are joint lead agencies for Plan Bay Area.

D1-H Al Dugan

D1-H1: See Master Response C regarding the request to extend the public comment period.

D1-H2: See Master Response B.1 for more information on development of population projections. This response includes a discussion of the relationship between ABAG and DOF projections, as well as migration assumptions.

D1-H3: See Master Response B.1 for more information on development of population projections and allocation of growth.

D1-I Harry Brophy

D1-I1: Maintenance of water conveyance systems in Marin County is the responsibility of the Marin Municipal Water District and other water suppliers. If there is an existing issue with their pipe capacity, that issue and related impacts are not caused by the proposed Plan, and should be a capital project included in its Urban Water Management Plan. Furthermore, Mitigation Measure 2.12(h) of the Draft EIR states that, “For projects that could increase demand on water and wastewater treatment facilities, project sponsors shall coordinate with the relevant service provider to ensure that the existing public services and utilities could be able to handle the increase in demand. If the current infrastructure servicing the project site is found to be inadequate, infrastructure improvements for the appropriate public service or utility shall be identified in each project’s CEQA documentation. The relevant public service provider or utility shall be responsible for undertaking project-level review as necessary to provide CEQA clearance for new facilities.” MTC and ABAG cannot require local implementing agencies to adopt the above mitigation measures, and it is ultimately the responsibility of a lead agency to determine and adopt mitigation. However, any project seeking CEQA streamlining under SB 375 will have to apply Mitigation Measure 2.12(h).

D1-I2: MTC and ABAG are the lead agencies for this EIR. Please see Master Response A.1 for more information regarding local control over land use.

D1-I3: See comment D1-I1.

D1-J Ray Day

D1-J1: This EIR evaluates Plan Bay Area as a single, regional plan and assesses its impacts at a regional level across all nine counties, which is consistent with CEQA provisions regarding program EIRs. The individual projects that may result from the Plan—transportation improvements and land use development—will require their own individual environmental analyses. A county-level evaluation of the proposed Plan and its impacts would be at a greater level of detail than required by law. Impacts have been assessed at a regional level and a conceptual localized level. County level information has been provided in the EIR when feasible, but does not represent an obligation to evaluate all impacts at that level. See Master Response A.3 regarding the level of specificity in the EIR.

D1-J2: Impacts on schools as a result of growth are discussed in Chapter 2.14, Public Services and Recreation. Although the California public school system is under the policy direction of the Legislature, the California Department of Education relies on local control for the management of school districts. School district governing boards and district administrators allocate resources among the schools of the district. Regional growth, which is anticipated to occur regardless of the implementation of the proposed Plan, will require the expansion of public school facilities throughout the region. Because standards for both public schools are determined at the local level, and because impacts on existing facilities would vary substantially throughout the region, it is infeasible for this EIR at the regional scale to determine the exact scale and location of impacts on school districts region-wide. At the local level, school impact fees may be used by local school districts to build new or expand existing schools to accommodate new enrollment. Chapter 1.1 of the Draft EIR notes that, “CEQA streamlining benefits will still need to obtain discretionary permits or other approvals from the lead agency and the local jurisdiction, in accordance with local codes and procedures, including any agreements related to zoning, design review, use permits, and other local code.” This would include impact fees, and would obviously extend to non-streamlined development that tiers off this EIR as well.

While housing affordability is a concern of Plan Bay Area, the Plan does not go so far as to mandate affordability levels of potential development on specific sites. Local governments retain control over the right to approve proposed development projects within their jurisdiction; please see Master Response A.1 regarding local control over land use.

D1-K Margaret Kettunenzesar

D1-K1: The comment is correct to note that some PDAs intersect with mapped 100-year flood hazard areas. Impacts and mitigation measures pertaining to this topic are discussed in Chapter 2.8, Water Resources.

D1-K2: Impacts related to climate change are discussed for the entire region, including areas where population growth is anticipated to occur. More detailed project-level assessments may be required for individual sites or projects. Please see Chapter 2.5, Climate Change, for a discussion of related impacts and mitigation measures. See also Master Response D.1 regarding SB 375’s GHG reduction targets.

D1-K3: Impacts on the regional transportation system are discussed in Chapter 2.1. However, the impacts discussed are regional in nature, and individual roadways are not analyzed specifically. Projects in and around Marin County will have to analyze impacts on relevant roadways in their individual environmental review. At the same time, it is a goal of Plan Bay Area to promote development of housing in such a way that transit is better supported, to offer transportation alternatives to congested highways. See Master Response A.3 regarding the level of specificity in the EIR.

D1-K4: Economic impacts are not an environmental issue area under CEQA and thus are not analyzed in this EIR.

D1-L Pam Drew

D1-L1: See Master Response B.1 for more information regarding population projections and the relationship between DOF and ABAG growth forecasts.

D1-L2: Please see Master Response G for more information on water supply. Regarding Bay encroachments, the Draft EIR notes in Mitigation Measure 2.9(h) that all development under the proposed Plan would need to be in conformance with the applicable local coastal program or San Francisco Bay Plan and involve the California Coastal Commission or BCDC as early as possible in the project-level EIR process. See Master Response E for more information on sea level rise. In addition, MTC and ABAG respectfully disagree that homeowners, as a group, have not been heard in the planning process. See Chapter 1.2 of the Draft EIR for a description of the public participation process for development of the proposed Plan. Regarding public engagement for the EIR, please see Chapter 1.1 of the Draft EIR for a description of the Notice of Preparation and public scoping process and Section 1 of this Final EIR for a description of the public review process for the Draft EIR.

D1-M Jean Rieke

D1-M1: This comment concerns the substance of Plan Bay Area itself, not the Draft EIR, which provides environmental review of that plan. This comment does not raise environmental concerns under CEQA. With regards to the comment that mentions top-down government and local control, please refer to Master Response A.1 for more information on local control of land use and environmental review.

D1-N Nancy Ocada

D1-N1: MTC and ABAG followed CEQA requirements for public noticing of the EIR. See Chapter 1.2 of the Draft EIR for a description of the public participation process for development of the proposed Plan. Regarding public engagement for the EIR, please see Chapter 1.1 of the Draft EIR for a description of the Notice of Preparation and public scoping process and Section 1 of this Final EIR for a description of the public review process for the Draft EIR.

D1-N1.5: The comment concerns economics, which is not an environmental issue area under CEQA and thus is not analyzed in this EIR. See Master Response B.2 regarding PDA feasibility.

D1-N2: CEQA streamlining is an aspect of SB 375 and is described in more detail in Master Response A.2.

D1-N3: Your support for the No Project alternative is acknowledged.

D1-O Robert Chilvers

D1-O1: Plan Bay Area and the EIR do not make recommendations for specific development projects on specific sites. The general locations for future land use development are mostly Priority Development Area (PDAs), which were defined voluntarily by local jurisdictions. The Draft EIR contains an analysis of conflicts with existing visual and cultural resources, such as architecture, in Chapters 2.10 and 2.11 and includes mitigation measures as appropriate, although MTC and ABAG lack land use authority so implementation of those measures is the responsibility of the local land use jurisdiction. Please see Master Response A.1 regarding local control over land use for more detail on this topic. Additionally, this EIR analyzes impacts at a regional scale and did not evaluate traffic impacts on US 101 in particular; specific projects will be required to analyze impacts at the local level in project-level environmental assessments. See Master Response A.3 regarding the level of specificity in the EIR.

D1-P Elizabeth Moody

D1-P1: MTC and ABAG acknowledge your support for the regional planning process.

D1-Q Margaret Nan

D1-Q1: This comment concerns the substance of Plan Bay Area itself, not the Draft EIR, which provides environmental review of that plan. This comment does not raise environmental concerns under CEQA.

D1-Q2: Impacts on schools as a result of growth are discussed in Chapter 2.14, Public Services and Recreation.

D1-R Ann Spake

D1-R1: MTC and ABAG respectfully disagree that profitability of development of individual sites was a determining factor in allocating growth throughout the region. The distribution of housing units and jobs in the Draft Plan takes into account a variety of factors—including input from jurisdictions, level of transit service, Vehicle Miles Travelled by Household, in-commuting by low-wage workers, housing values, existing employment, and concentration of knowledge-based economic activity. In some cases, the distribution assumes changes in local conditions over the next three decades, and is not constrained by existing zoning. This approach was a key element of creating a distribution of jobs and housing growth that achieved the region's Greenhouse Gas Emissions reduction target.

MTC and ABAG assume the comment about healthy housing refers to the air quality analysis in Chapter 2.2 of the Draft EIR. The analysis includes mitigation measures that

would reduce most impacts to a less than significant level—if implemented by local land jurisdictions—although that would not be possible in all instances. The EIR does note that impacts on future sensitive receptors may need to be evaluated in project-level environmental review, which could recommend additional mitigation measures depending on the location, design, and other factors of that individual project. See Master Responses A.1-A.3 regarding local control over land use, CEQA streamlining, and the level of specificity in the EIR.

The comment is correct to state that the proposed Plan would include more roadways subject to potential sea level rise than the No Project alternative, as well as Alternative 5. The proposed Plan would include a comparable number of transportation projects subject to sea level rise as Alternatives 3 and 4; Table 3.1-56 in the Draft EIR has been corrected in Section 2 of this Final EIR to show that the No Project alternative is the environmentally superior alternative for Impact 2.5-5. See Master Response E regarding sea level rise.

D1-R2: The comment is correct to state that the proposed Plan of all the alternatives would place the most residents within low-lying areas at risk of inundation due to sea level rise, that the proposed Plan does not have the least impact with regards to air quality (that is Alternative 5), and that the EIR does not examine the effects on air quality from specific land use or transportation improvements in the proposed Plan. The EIR evaluates Plan Bay Area as a single, regional project and assesses its impacts at a regional level across all nine counties, which is consistent with CEQA provisions regarding program EIRs. The individual projects that may result from the Plan (transportation improvements and land use development) will require their own individual environmental analyses. Impacts have been assessed at a regional level and a conceptual localized level. County level information has been provided in the EIR when feasible for informational purposes. See Master Responses A.1-A.3 regarding local control over land use, CEQA streamlining, and the level of specificity in the EIR.

D1-R3: The comment is correct to state that the analysis finds a net increase in emissions of PM₁₀ and TACs from mobile sources compared to existing conditions, and that under the proposed Plan a net increase in sensitive receptors' exposure to TACs in TPP corridors could occur. Contrary to the comment's assertion that the EIR considers this to be no adverse impact, the EIR recognizes these impacts to be significant and unavoidable. Please see Chapter 2.2 of the Draft EIR for more information. Chapter 3.1 also concluded that all significant and unavoidable air quality impacts under the proposed Plan would also be significant and unavoidable under the No Project alternative as well as all other alternatives.

D1-R4: The comment is correct to state that implementation of the proposed Plan could result in a localized larger increase or smaller decrease of TACs and/or PM_{2.5} emissions in disproportionately impacted communities compared to the remainder of the Bay Area communities. The EIR has determined that this is a significant and unavoidable impact. However, the impact is also significant and unavoidable for all other alternatives as well, including the No Project alternative. See Master Response F regarding regional displacement and the Equity Report included in Appendix 1 of Plan Bay Area for information regarding efforts to address this issue.

D1-R5: Contrary to the comment, the Draft EIR found that increases in traffic volumes would generally be the result of projected growth that will occur with or without the Plan, and that compared to the proposed Plan, conditions under the No Project alternative would result in substantially greater commute travel times, slightly longer non-commute travel times, substantially greater congestion, and significantly greater vehicles miles travelled. As a result, the proposed Plan would provide a positive rather than deleterious effect on traffic (see Table 3.1-56 of the Draft EIR). Also contrary to the comment, Chapter 2.5 of the Draft EIR also found that the proposed Plan would result in a decrease in GHG emissions. The Plan does not propose the “dense structures with many small single units” that you mention but rather proposed a land use development pattern and references expected demographic trends which will both likely lead to greater development of attached townhouses and multi-family units, which could include many different types of housing and size, and does not mandate the type of housing to be built.

D1-S Julie Leitzell

D1-S1: The comment does not raise environmental issues under CEQA. However, for more information regarding local control over land use, please see Master Response A.1.

D1-T Carol Sheerin

D1-T1: MTC and ABAG acknowledge your comment regarding the importance of public participation in this process. MTC and ABAG followed CEQA requirements for public noticing of the EIR. See Chapter 1.2 of the Draft EIR for a description of the public participation process for development of the proposed Plan. Regarding public engagement for the EIR, please see Chapter 1.1 of the Draft EIR for a description of the Notice of Preparation and public scoping process and Section 1 of this Final EIR for a description of the public review process for the Draft EIR.

D1-U Sue Beittel

D1-U1: The comment does not raise environmental issues that require a response under CEQA.

D1-V Joy Dahlgren

D1-V1: See Master Response A.1 regarding local control over land use planning and Master Response D.2 regarding GHG reduction benefits of transit oriented development.

D1-W Vincent Welch

D1-W1: The comment does not raise environmental issues that require a response under CEQA.

D1-X Brendan Burke

D1-X1: See Master Response B.1 for more information regarding growth projections and the relationship between DOF and ABAG data.

D1-X2: The commenter is incorrect in stating that SB 375 is a non-compulsory guideline and not State law. SB 375 was adopted as State law in 2008, and as regional transportation and planning agencies, MTC and ABAG are required to comply. (See Government Code § 65080(b)(2), *et seq.*) However, local jurisdictions such as Marin County will maintain control over local land use decisions. Please see Master Response A.1 for more information on this distinction.

D1-X3: MTC and ABAG acknowledge your comment regarding the importance of public participation in this process. MTC and ABAG followed CEQA requirements for public noticing of the EIR. See Chapter 1.2 of the Draft EIR for a description of the public participation process for development of the proposed Plan. Regarding public engagement for the EIR, please see Chapter 1.1 of the Draft EIR for a description of the Notice of Preparation and public scoping process and Section 1 of this Final EIR for a description of the public review process for the Draft EIR.

D1-Y Jim Bitter

D1-Y1: The comment does not raise environmental issues that require a response under CEQA.

D1-Z Barbara Salzman

D1-Z1: As stated in Chapter 2.0 of the Draft EIR, “as a program-level EIR individual project impacts are not addressed in detail; the focus of this analysis is to address the impacts which, individually or in the aggregate, may be regionally significant.” As such, impacts on specific locations, such as biological resources along the US 101 corridor, are more appropriately dealt with as part of detailed local analyses. Endangered species and critical habitats are explicitly discussed in the Draft EIR in Chapter 2.9, Biological Resources. However, the level of analysis should again be noted: the EIR evaluates Plan Bay Area as a single, regional project and assesses its impacts at a regional level across all nine counties, which is consistent with CEQA provisions regarding program EIRs. See Master Response A.2 for more information on further environmental review that will be required of individual projects and Master Response A.3 regarding the level of specificity in the EIR.

D1-Z2: See Appendix J of the Draft EIR, added through Section 2 of this Final EIR, for a full list of PDAs.

D1-Z3: While it is beyond the scope of this EIR to address past decisions of MTC and ABAG, one intention of the proposed Plan is to tie a small amount of grant funding from MTC and ABAG, under the OneBayArea Grant (OBAG) program, to planning for infill development within Priority Development Areas (PDAs). OBAG directs approximately 4.9 percent of total funding in Plan Bay Area to the Congestion Management Agencies to support implementation of the Plan. In the case of North Bay Congestion Management Agencies (CMAs) such as the Transportation Authority of Marin, 50 percent of these OBAG funds are required to be spent on projects in or linked to PDAs. The proposed Plan would not prohibit MTC and ABAG from providing money toward a project such as development around the Larkspur ferry terminal; however, as described above, eligibility for some OBAG funding is contingent upon a project being located in or serving a PDA.

D1-AA Stephen Nestel

D1-AA1: MTC and ABAG followed CEQA requirements for public noticing of the EIR. See Chapter 1.2 of the Draft EIR for a description of the public participation process for development of the proposed Plan. Regarding public engagement for the EIR, please see Chapter 1.1 of the Draft EIR for a description of the Notice of Preparation and public scoping process and Section 1 of this Final EIR for a description of the public review process for the Draft EIR.

D1-BB Marjorie Macris

D1-BB1: The impact of sea level rise on Priority Development Areas is discussed in Impact 2.5-6, starting on page 2.5-68 in Chapter 2.5, Climate Change and Greenhouse Gases. See Master Response E for more information regarding sea level rise, including a discussion of the projection years used.

D1-BB2: See Master Response E for more information regarding sea level rise, including a discussion of the projection years used. See also Master Response A.3 regarding the level of specificity in the EIR.

D1-CC Lilie Crocker

D1-CC1: The comment does not raise environmental issues requiring a response under CEQA.

D1-DD Susan Wernick

D1-DD1: MTC and ABAG followed CEQA requirements for public noticing of the EIR. See Chapter 1.2 of the Draft EIR for a description of the public participation process for development of the proposed Plan. Regarding public engagement for the EIR, please see Chapter 1.1 of the Draft EIR for a description of the Notice of Preparation and public scoping process and Section 1 of this Final EIR for a description of the public review process for the Draft EIR.

PUBLIC HEARING ON DRAFT EIR – OAKLAND (4/16/2013)

D2-A Charlie Cameron

D2-A1: The comment does not raise environmental issues that require a response under CEQA.

D2-B Myesha Williams

D2-B1: Your support for Alternative 5 is acknowledged. Regarding the comment that the Draft EIR does not adequately analyze the VMT and GHG reduction that this alternative would offer, all alternatives have been analyzed at a lesser level of detail than the proposed Plan. Per CEQA Guidelines section 15126.6(d), the impacts of the alternatives may be discussed “in less detail than the significant effects of the project proposed.” The Guidelines also permit analysis of alternatives at a less detailed level for program EIRs, compared to project EIRs. The Guidelines do not specify what would be an adequate level of detail. Quantified information on the alternatives is presented where available; however, in some cases only

partial quantification can be provided because of data or analytical limitations. Detailed tables comparing traffic impacts of the alternatives are included in Chapter 3.1 of the Draft EIR (pages 3.1-24 to 31) and GHG emissions due to transportation and land use are quantified for all alternatives in Chapter 3.1, beginning on page 3.1-57; some of these have been revised as shown in Section 2 of this Final EIR. See responses B25-21 through B25-23 regarding the adequacy of the EEJ alternative.

Reductions in VMT can be provided in a variety of ways. Reduction associated with the integration of transportation and land use planning generally require a combination of frequent, reliable transit along with land use development that is oriented to utilize this transit service. See Master Response D.2 for more on this issue. Plan Bay Area is tasked with more than reducing VMT, but must also provide transportation for many different locations and users around the region.

MTC and ABAG respectfully disagree with the assertion that Alternative 5 is the best option at reducing VMT; the Draft EIR in Chapter 3.1 found that the proposed Plan has the greatest decline in per capita VMT of the alternatives, while Alternative 5 has the largest decline in overall VMT. MTC and ABAG acknowledge that Alternative 5 would result in the highest levels of transit ridership.

D2-C Devilla Ervin

D2-C1: See Master Response F for more information regarding displacement. Your support for Alternative 5 is acknowledged. Your request to incorporate measures as proposed in Alternative 5 will be considered by decision-makers as part of the EIR certification process and action on the proposed Plan.

D2-D Brenda Barron

D2-D1: This issue is addressed in Chapter 2.1 of the Draft EIR, which analyzes transit capacity exceedance under Impact 2.1-5, and which found that the proposed Plan would have no adverse impact on transit capacity on a regional level. However, it is acknowledged there may be instances of local crowding not captured in the analysis. See Mater response A.3 regarding the level of specificity of this program EIR. The Draft Plan increases daily transit seat-miles by 27 percent, including a 10 percent increase in local bus daily seat-miles and a 29 percent increase in heavy rail daily seat-miles, as shown on page 2.1-27 of the Draft EIR. Much of this additional transit service is targeted to improve the region's busiest transit services. Many of the busiest Muni, AC Transit, and VTA bus lines will be upgraded to bus rapid transit service with greater frequency and an improved rider experience. The heavy rail BART system will also benefit from additional frequency within the urban core of the system, as a result of investments in the BART Metro Program.

As shown on page 2.1-37 under impact criteria 2.1-5, no significant regional transit capacity impacts are expected under the Draft Plan, as regional transit utilization remains well below the 80 percent threshold. While the Environment, Equity, and Jobs alternative has a slightly lower potential for transit vehicle crowding, as noted on page 3.1-20, "no alternatives evaluated have issues with excessive regional transit demand – for all modes during all time

periods, transit utilization levels remain well below the 80 percent exceedance threshold. All alternatives are expected to have no adverse impact related to transit utilization.”

D2-E Pamela Tapia

D2-E1: See Master Response F for more information regarding displacement and Master Response B.1 for more information regarding the population projections.

D2-E2: This issue is addressed in Master Response F on displacement. The analysis in the Draft EIR supports the conclusion that the Plan maintains the current proportion of the work force that in commutes to the region. See responses B7-9 and B7-12 for more information on in-commuters.

D2-F Woody Little

D1-F1: For information regarding displacement, see Master Response F.

D1-F2: Your support for Alternative 5 is acknowledged. See responses B25-21 through B25-23 regarding the adequacy of the EEJ alternative.

D1-F3: See Master Response F for more information regarding displacement.

D2-G Teadora Taddeo

D2-G1: Your support for Alternative 5 is acknowledged.

D2-H Signe Mattson

D2-H1: MTC and ABAG followed CEQA requirements for public noticing of the EIR. See Chapter 1.2 of the Draft EIR for a description of the public participation process for development of the proposed Plan. Regarding public engagement for the EIR, please see Chapter 1.1 of the Draft EIR for a description of the Notice of Preparation and public scoping process and Section 1 of this Final EIR for a description of the public review process for the Draft EIR.

D2-H2: Food security is not an environmental impact caused by the Plan that requires analysis under CEQA. Please see Master Response A.3 regarding the level of specificity in the EIR.

D2-H3: See Master Response A.2 for more information regarding CEQA streamlining. This streamlining is a component of SB 375 and is not under the purview of MTC and ABAG or this EIR.

D2-H4: Installation of air filtration to reduce cancer risks and PM exposure for residents, and other sensitive populations, in buildings that are in close proximity to freeways, major roadways, diesel generators, distribution centers, railyards, railroads or rail stations, and ferry terminals is one mitigation measure identified in Chapter 2.2, Air Quality, to reduce the impacts on sensitive receptors from stationary and mobile sources of TACs and PM_{2.5}. Like all mitigation measures identified in the proposed Plan, this can be considered by implementing agencies and/or project sponsors where feasible based on project-and site-specific

considerations, but does not represent the only possible or appropriate mitigation measure to address these impacts. See Master Response A.1 and A.2 regarding local control over land use planning and CEQA streamlining.

- D2-H5: Implementation of the proposed Plan would accommodate an increase over existing conditions in the number of residents living in areas subject to sea level rise. The EIR identifies mitigation measures and adaptation strategies that would lessen the impacts associated with sea level rise, but because MTC and ABAG cannot force local implementing agencies to adopt relevant mitigation measures, and because there may be instances in which site-specific or project-specific conditions preclude the reduction of all project impacts to less than significant levels, this impact remains significant and unavoidable for all the proposed Plan and all alternatives. See Master Response E for more information on sea level rise. See Master Responses A.1, A.2, and A.3 regarding local control over land use planning and CEQA streamlining. Your support for Alternative 5 is acknowledged.

D2-I Kasey Saeturn

- D2-I1: The comment does not raise environmental issues requiring a response under CEQA. That said, as transit vehicles are replaced over the life of the Plan, they will likely be succeeded by increasingly GHG-efficient vehicles (e.g. many local transit agencies are currently converting from older diesel buses to hybrid or natural gas buses). The proposed Plan allocates \$15 billion to maintain and sustain the existing system which includes money to fully fund timely transit vehicle replacement; see Chapter 1.2 of the Draft EIR for more details.

D2-J Jill Ratner

- D2-J1: Please see Chapter 2.1 of the Draft EIR, which analyzes transit capacity exceedance under Impact 2.1-5, and which found that the proposed Plan would have no adverse impact at a regional level. However, it is acknowledged there may be instances of local crowding not captured in the analysis. See Mater response A.3 regarding the level of specificity of this program EIR. Refer to the response D2-D1 regarding the Draft Plan's investments in public transit and the determination of no adverse impacts as a result of regional transit utilization in any EIR alternative. Refer to the response A22-5 regarding the Draft EIR's focus on regional, rather than localized, transit capacity constraints. Page 2.1-36 of the Draft EIR specifies the rationale for the 80 percent utilization threshold, as this would represent the point where it would be difficult for transit passengers across the region to find a seat.
- D2-J2: Your request to incorporate measures as proposed in Alternative 5, they will be considered by decision-makers as part of the EIR certification process and action on the proposed Plan. Without more specific information provided on what aspect of the assumptions pertaining to cross-commuting, end-commuting, and the transportation impacts of additional ridership should be reassessed, this response cannot provide a specific answer to the comment.

D2-K Evelyn Stivers

- D2-K1: The comment largely concerns funding for transportation and affordable housing, which is not an environmental issue under CEQA. See Master Response D.2 for information

regarding the connection between high-density housing near transit and reduced greenhouse gas emissions.

D2-L Peter Singleton

D2-L1: See Master Response F for more information regarding displacement.

D2-L2: D2-L2: The Draft Plan increases daily transit seat-miles by 27 percent, including a 10 percent increase in local bus daily seat-miles and 20 percent increase in express bus daily seat-miles, as shown on page 2.1-27 of the Draft EIR. While the Draft Plan does include substantial investments into new rail lines across the region, it also provides funding for major bus improvements through new bus rapid transit lines on the most heavily-used existing Muni, AC Transit, and VTA bus routes. These investments will improve service frequencies for existing and new riders, and many will provide service to low-income Communities of Concern.

D2-M Public Speaker

D2-M1: The revenue estimates for the proposed Plan includes \$14 billion in “anticipated/unspecified” revenues. The inclusion of “Anticipated” revenues in the financially constrained plan strikes a balance between the past practice of only including specific revenue sources currently in existence or statutorily authorized, and the more flexible federal requirement of revenues that are “reasonably expected to be available” within the plan period. MTC performed a retrospective analysis of projections for predecessor long-range plans, including a review of unexpected revenues that had come to the region but had not been anticipated or included in these projections. Over a 15-year analysis period, the San Francisco Bay Area received an annualized amount of roughly \$400 million (in 2011 dollars) from these “unanticipated” fund sources. These revenue sources include Traffic Congestion Relief Plan, Proposition 42, nonformula federal funds, Proposition 1B, and American Recovery and Reinvestment Act funding. For each fund source, only the amount distributed to the Bay Area was included. Based on this retrospective analysis, MTC believes it is reasonable to anticipate that additional revenues will become available to the region over the course of the Plan Bay Area period.

D2-M2: See Master Response B.1 regarding population projections, including a discussion of DOF and ABAG data.

D2-M3: To the extent that historic urbanization patterns have influenced the built and natural environment in a manner relevant to the environmental analysis contained in this EIR, this issue has been discussed. For more information on displacement, please refer to Master Response F.

D2-N Jim Bitter

D2-N1: The comment does not raise environmental issues requiring a response under CEQA. For information regarding local control over land use planning, see Master Response A.1.

D2-O Azibuike Akaba

D2-O1: See Master Response F for more information regarding displacement.

D2-O2: MTC and ABAG appreciate your support for the EIR's consideration and analysis of diesel in the air quality section.

D2-P Rachel Hallowgrass

D2-P1: Your opposition to the No Project alternative and the other plan alternatives is acknowledged.

PUBLIC HEARING ON DRAFT EIR – SAN JOSE (4/17/2013)

D3-A Ivana Yueng

D3-A1: See response A19-1. This EIR evaluates Plan Bay Area as a single, regional plan and assesses its impacts at a regional level across all nine counties, which is consistent with CEQA provisions regarding program EIRs. The individual projects that may result from the Plan's transportation improvements and land use development will require their own individual environmental analyses consistent with CEQA. A county-level evaluation of the proposed Plan and its impacts would be at a greater level of detail than is appropriate at this point in the planning process. Impacts have been assessed with the proper level of detail at a regional level and a conceptual localized level.

County level information has been provided in the EIR when feasible solely for informational purposes. Please see Master Response A.3 regarding the level of specificity in the EIR.

D3-B Ed Mason

D3-B1: The Plan states that as the population ages, some people will downsize and seek better access to services which could increase demand for multifamily housing in transit served locations. For example, according to the University of Southern California Population Dynamics Research Group's The 2010 Census Benchmark for California's Growing and Changing Population (2011), people aged 55 and over are more likely to prioritize public transportation walking, access to shops and services and multifamily housing than do other age groups. Research by the Urban Land Institute and others also suggests increased demand for multifamily housing in part due to an aging population.

D3-B2: Corporate shuttle buses have recently become an important part of the regional transportation system. As these vehicles are not open to the general public, they are not included in the public transit mode analyzed as part of Plan Bay Area; instead, they are viewed as private vehicles using the regional highway system (similar to passenger and freight vehicles). Furthermore, as they are funded by private entities rather than the federal, state, and local funding sources that compose the Draft Plan Bay Area, it cannot be assumed that these vehicles continue to operate in the future. Therefore, it would be inadvisable for the

Draft EIR to include the congestion relief and air quality benefits of these corporate shuttles given that they are dependent on the continued support of individual corporations over the next three decades.

The Draft Plan does include a substantial increase in public shuttle buses as a key element of the enhancing the region's public transit system (refer to RTP ID #22268). In particular, the present-day network of public shuttle buses connecting to Caltrain stations is proposed to be expanded to better connect transit nodes with major employment, retail, and residential areas in San Mateo County. These vehicles help to address existing issues related to the "last mile" problem, where major activity sites are not located proximate to a high-capacity transit station but instead require a short-distance (generally between 1-3 miles) transit connection.

D3-B3: See Master Response E for more information regarding sea level rise.

D3-B4: See responses D3-B1 and D3-B2.

D3-C Michael Ludwig

D3-C1: The list of transportation projects in the proposed Plan is in Appendix C of the Draft EIR. These projects were selected by MTC in May 2012; please refer to the Draft Transportation Investment Strategy on the OneBayArea website at <http://onebayarea.org/related-materials/Document-Archive.html>

D3-D Don Conners

D3-D1: The comment does not raise environmental issues that require a response under CEQA.

D3-E Hilda Lafebre

D3-E1: In addition to the proposed Plan, the EIR evaluates four alternatives, one of which is the No Project alternative.

D3-F Jim Bitter

D3-F1: The comment does not raise environmental issues that require a response under CEQA. Concerning the adequacy of the public outreach process, MTC and ABAG followed CEQA requirements for public noticing of the EIR. See Chapter 1.2 of the Draft EIR for a description of the public participation process for development of the proposed Plan. Regarding public engagement for the EIR, please see Chapter 1.1 of the Draft EIR for a description of the Notice of Preparation and public scoping process and Section 1 of this Final EIR for a description of the public review process for the Draft EIR.

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3.10 Plan Hearings Comments on the EIR

METROPOLITAN TRANSPORTATION COMMISSION
ASSOCIATION OF BAY AREA GOVERNMENTS
PUBLIC HEARING ON THE DRAFT PLAN BAY AREA

ALAMEDA COUNTY

REPORTER'S TRANSCRIPT OF PROCEEDINGS -- **COMMENTS ON DEIR**

Wednesday, May 1, 2013

Mirage Ballroom

--oOo--

CLARRISSA CABANSAGAN

That's okay. Hi. My name is Clarrisa Cabansagan. I am a transportation advocate at Transform. I am a long-time Alameda County resident. I went to Cal. I grew up in San Francisco and Daly City, and I want to say that I agree with what the Plan Bay Area is trying to do; trying to get us all to drive a little less and preserve our beautiful Bay Area. I went to transportation planning school because I realized how much of my life was determined by the choices that decision makers like you will be making in a few months. I'd like to say that I was pleased to see that the Environment, Equity, and Jobs scenario came out as the environmentally superior alternative. And I would like to urge MTC and ABAG to really look at what was modelled in that scenario, that increased transit operations funding, it reduced the scope of the highway network, put more affordable housing in communities where, you know, they weren't being planned for, and also put stronger anti-displacement measures. And I feel that, you know, we have the future of the Bay Area to look at. I feel that as someone who has lived here, who calls this place home, I work really hard to make sure that it works for everyone. So many of the people that I know are tripling -- doubling up in apartments. And that's kind of a testament to see the great need that we have. I'm proud to say that I got here on BART, and I biked from the BART station to here. And I think that that's why it's so important for us to invest in our existing transportation system, and to also improve transit and housing for everyone; not just people that can afford to live the way that they have been for so long. Thank you.

MYESHA WILLIAMS

My name is Myesha Williams, and I am here mainly to support two young activists that -- advocates that I've been working with for years, who are trying to make a way for themselves at this table. I just want to quickly say that I support -- I would urge you to include the measures around transit operation funding and anti-displacement measures that are currently in Alternative 5; the Environment, Equity, and Jobs alternative. Transit is really important to the communities that we come from, and especially to these guys that will be speaking today. Thank you very much.

PAMELA TAPIA

Good evening. My name is Pamela Tapia. I'm a student at the Peralta Colleges. Thank you for the opportunity to speak to you today about the Plan Bay Area. I am here to urge you to modify the proposed Plan to increase the level of funding for transit and for affordable housing included in Alternative 5, and to also adopt the other anti-displacement measures in Alternative 5. Without more investment in affordable housing and other anti-displacement policies, displacement will occur, forcing longer, more expensive and more polluting commutes to low-income residents. In September of 2009, my mother lost her low -- her minimum-wage job. Her factory decided to pack up and move to South Carolina. As a single parent raising two kids, my mom depended on that \$208 to pay the \$700 rent on our apartment on the West Oakland-Emeryville border. She spent most of her check on housing and transportation. She decided to move her family to Central Valley where an apartment was half the price of our former home. But there are no jobs -- at least none that she was qualified to do the work. She had no option. She had to go back to do the same thing she had always been doing. After almost four months of desperate job-hunting, my mother found a job in the Union City's Industrial Park. My mom lives in Manteca, but has to commute to Union City for work. What used to be a 30-minute ride from our apartment near MacArthur BART turned into a 4-hour commute. Since she doesn't have a car, she would have to take the bus from Manteca to Stockton. From Stockton she'll have to take a \$20 Amtrak train to Richmond. From Richmond she would have to pay \$5 to get on BART to Union City. From Union City BART she'll have to catch another bus to her workplace, bringing the total amount to almost \$60 a day, just to travel for work. At a rate of \$8 an hour, working 8-hour shifts, she would make an approximate of \$64 a day. She would spend \$60 on transportation just a day. She literally could not afford to work. To avoid spending so much money traveling, she determined she would have to stop traveling. During weekdays, she would sleep in BART trains, riding the train until the end of the line, getting off and riding back down in the opposite direction; even sleeping on her job's cafeteria or on somebody's couch. I felt awkward writing this and even weirder reading this to you. I'm not asking for your pity. That is not my goal, but these are the facts. This happens. The proposed Plan assumes displacement

will not result in increased rates in commuting from outside Bay Area or cross-commuting between counties. This assumption is not supported by historical trends and does not agree with my own experience. Thank you.

DEVILLA ERVIN

E1-D1

My name is Devilla Ervin. I was born and raised in Oakland. I urge you to adopt the transit operations funding and funding for affordable housing and other anti-displacement measures in Alternative 5.

As a young man looking to live on his own, I am deeply troubled by the threat of displacement in my community and other areas slated as Priority Development Areas. By underestimating the impact of displacement, I feel we are doing a disservice to the entire purpose of the Draft Plan. Displacement needs to be at the forefront of this conversation because you cannot cut down VMT and/or greenhouse gas emissions without dealing with this threat. Living in Oakland, I have known many people who find themselves being forced to leave their homes and communities that hold a sense of history and family to find housing that is less expensive. One example of this is my foster mother. My junior year of high school, she found a place that was affordable, but it was in Sacramento. She was still working in Hayward and was commuting up to five hours a day just to get to and from work. This is what I fear for thousands of other low-income families with the adoption of this proposed Plan in the absence of additional mitigation. By increasing investment in public transportation, affordable housing, and strategies to retain and build businesses that serve the existing community, the Equity, Environment, and Jobs alternative -- or Alternative 5 -- will go a long way towards addressing these concerns and mitigating the impacts of displacement. Without careful, conscious, and deliberate planning, more low-income residents will be pushed out to less-attractive, and more polluted parts of the city, while attracting persons who have not historically found these areas attractive. Plan Bay Area should not add to the list of issues residents already have to deal with. Plan Bay Area should be providing solutions and incorporating the strategies in Alternative 5 that makes it the environmentally-superior alternative, thus leading to a more sustainable and resilient Bay Area. Thanks.

METROPOLITAN TRANSPORTATION COMMISSION
ASSOCIATION OF BAY AREA GOVERNMENTS PUBLIC HEARING
ON THE DRAFT PLAN BAY AREA CONTRA COSTA COUNTY /REPORTER'S TRANSCRIPT OF
PROCEEDINGS

Monday, April 22, 2013

COMMENTS ON DEIR

AVON WILSON:

E2-A1

Chairpersons, Ladies and Gentlemen, my name is Avon Wilson. I have lived at the same residence in Lafayette for 43 years. I am requesting that ABAG and MTC extend the public review time for both the Draft Plan and its Draft EIR. As we know, the plan is 160 pages. The Draft EIR is over 1,300 with many supplementary technical reports. Staff and consultants have been working on the plan for many years. Most recently, your bodies extended release of both documents by three months for fine-tuning, allowing an equivalent amount of time for what could be the most important public review is right and fair, providing parity between the public and those interests cited in the plan as stakeholders. In representative democracy such as ours, the primary stakeholders are the folks who elect the local, state, and state federal representatives, the folks who pay the bills, the public. We elect representatives to govern in our place so that we might do the other tasks necessary to producing a viable country. As follow-up, we are charged and required to review and approve our elect elected representatives' job performance and work products. Properly, a plan of this magnitude should be submitted to the public for a vote. Short of that -- short of that, an extended public review time of these documents is essential. It is self-evident. ABAG and MTC should provide for no less. Thank you.

E2-B1

DANIEL DEBUSSCHERE: Okay. Great. I submitted a question, trying to be positive about the plans, and the EIR and the question was phrased like this: I did a word search on the digital copy of the plan. And I word-searched for BART parking. There was none. This kind of gave me the impression that the plan is slightly slanted to someone's vision on how all the MTC funds should be spent for the next 30, 40 years. Now, I live in Orinda. I live in a 3000-foot home on a half-acre-zoned house. I'm very happy. And when I read in the plan that the reasons you want dense -- multi-density-type of housing is because of the rising population of Asians and Latinos seem to favor this modality. Well, I can assure you, if you gave them the choice of that versus what I have, the answer is simple. The reason that you're going to the dense multi-family, 20-units-per-acre-type of planning as defined in SB 375 is strictly an economic thing. And, quite frankly, it's driven by development efforts and development people who were in the Speaker of the House's office when 375 was drafted. So that's the special interest stakeholder. Now, I think you need to broaden the plan. You need to put quality of life in what it is you're doing. This stack-and-pack is only serving one interest. And it's not serving your clients and it's not serving us who live in the communities who have to accommodate these things. Thank you very much.

KATHLEEN JENKINS: Hi. Good evening, Ladies and Gentlemen. My name is Kathleen Jenkins. I live in Orinda and have been a proud member of Orinda for 17 years. I'm one of these people that are firm believers in free market economy. What does this plan presume? There is a plan for stack-and-pack housing in Orinda. If there was an interest, wouldn't these already be built? Because they're not already there, this means there's no market demand for this type of housing. If there's no demand, this means people don't want the type of housing you are suggesting. And that means that these will need to be heavily subsidized with public funding. If you put the stack-and-pack housing close to our Orinda public transportation, this suggests that you'll need to replace existing land use, which leads us to the need for eminent domain. Why would any city allow others to take the power to decide land use away from other cities and citizens who support the local community and schools and put it in the planned hands of others who don't live there and don't support the community? Furthermore, your plan and Draft EIR concedes

E1-C1

that past decision by residents and current preference in survey responses indicate that 60 to 70 percent of all new homes are requested to be stack-and-pack. Where is the empirical evidence that people's preferences will dramatically shift towards wanting to live in pack-and-stack housing. Thank you for your time.

HEATHER PRUETT: My name is Heather Pruett and I live in Orinda; been a resident there for about 13 years, and I have two points to make. They're both fairly concise. The first has already made, but I want to make it again because it's very important. A very short time ago, in late March, ABAG released the Bay Area Plan, Plan Bay Area, it's development plans. One comment people may be aware of, it's 160

E2-D1 pages long, and along with it comes the 1300-page Environmental Impact Report. ABAG putting a deadline for concerned citizens to read all of that and respond by May 16th is completely impossible; it's unreasonable, and I am requesting that the deadline be extended by an additional 90 days. That's the first

E2-D2 point. Second point I want to make is that ABAG really could not be forcing an increase in housing supply and pushing the unwanted stack housing, especially in small communities like Orinda, at a worse time. It doesn't make any sense to me when we've had over three-and-a-half million people leave this state and go to other states due to high taxes, due to high unemployment, which has not gotten any better. And, meanwhile, I work full-time at a very large utility company, and I'm starting to see a lot of people my approximate age group starting to retire. And where I'm going with this is we all know a lot of the baby boomers are starting to retire. A lot of people are starting to retire. In particular, there's about 78 million born between 1946 and 1961 who are going to be retiring in this area. They're going to be leaving, a lot of them are. We've seen the trend. We don't need more housing. This is the worst possible time to be adding in mass development stack housing when people are leaving, and that trend is clearly going to continue.

JOHN DOE: I oppose Plan Bay Area, including but not limited to, all low income, high density stack-and-pack housing projects. Organizations such as OrindaWatch.org and Pleasant Hill Citizens for Responsible Growth have identified a plethora of community population growth, overcrowding, crime, police, educational, land use, vehicle use, tax, funding, and environmental issues, which are not

E2-E1 adequately addressed by Plan Bay Area. So I have several questions related to this, and one of them was identified by Evelyn, the first speaker, and that is, why is Plan Bay Area, a plan of such great magnitude, not being presented to the citizens of the Bay Area, including Contra Costa County, for their vote.

Governor Brown put on all those tax increases in the last election on the ballot. Why can't this, if it is such a great plan, be put on the ballot for the citizens to decide? I realize it's not required by law, but if all of you believe in this plan as you specify, why can't you put it on the ballot for us. Plan Bay Area requires

E2-E2 80 percent of all new houses to be stack-and-pack. Where is empirical peer-reviewed evidence that percent of Bay Area citizens want to live in high density stack-and-pack housing. SB 375 requires unfunded mandates on counties and cities to be identified. Where is the analysis in the plan and the Draft EIR that would cost the continues and cities of these unfounded mandates and the impact of this cost.

E2-E3 Why is there zero funding in Plan Bay Area for more schools, police, and fire protection needed for the population growth identified in the plan. Where in Plan Bay Area is the analysis of the impact of low-

E2-E4 income, high-density stack-and-pack housing on the property values of surrounding properties and the crime rates of applicable Bay Area communities. Since the plan impacts all nine Bay Area counties and

E2-E5 all 101 cities of the Bay Area, why doesn't Plan Bay Area include city by city as well county by county economic and environmental impact analysis. Thank you.

RUSTY SNOW:

E2-F1 Hello. I am Rusty Snow. I'm a member of the non-partisan group called Orinda Watch. Last month, Orinda Watch had a very large town hall meeting with over 325 people. From that meeting, our surveys indicated the majority of citizens opposed losing local control of their small towns. It appears the majority of citizens opposed the Plan Bay Area and its concepts of regionalism. Should policies like the Plan Bay Area be decided by the citizens and through Democratic process or should the fate of its existence be decided by an outside agency. Would the administrators of the Plan Bay Area do the right thing and allow

E2-F2 the Plan Bay Area to be decided by popular vote. No. 2, I agree with the other people that the plan and the EIR should be extended to allow people to have time to review it and to make comments. Our concern with the Plan Bay Area is that we do not believe in many cases that is based upon logical assumptions or accurate facts. Concerning this, I have the following questions: What right does ABAG have to mandate that the stack-and-pack housing be built if this ruins the character of our small towns. The plan calls for housing near mass transit. Why would anyone want to live next to BART. Have you ever tried to take a nap next to a BART train. That's kind of a loose comment, maybe a little simplistic. But I think that's a quality of life, is being able to take a nap during the day, etc., and BART is extremely noisy and not good for living next to it. Wouldn't it make more sense for businesses to be located next to mass transit like BART and housing located away from BART. The Plan Bay Area poses the exact opposite of this. Would stack-and-pack housing have an impact on adjacent property values? Has this been carefully analyzed. If the joining properties are negatively affected how are the property owners going to be compensated. Are there not laws that address the responsibility on governments if their actions cause property values to drop?

PETER SINGLETON:

E2-G1 Thank you, Madam Chair. Peter Singleton. While this isn't a hearing on the Draft EIR, I wanted to point out that one of the greatest deficiencies in the environmental review process is a sham process with a predetermining conclusion. And, with that in mind, I'd like to share with the public here where the Plan Bay Area exactly came from. The plan itself on page 3 says that it comes from SB 375 and that the plan's policies elements were developed by consultation and through the input of the public, the Bay Area citizens. This is not entirely correct. Plan Bay Area, in all essential policy elements, came from the Compact for a Sustainable Bay Area that was released July 29th, 1999, the Draft Plan. That's years ago by the Bay Area Alliance for Sustainable Development. And the Bay Area Alliance was a collection -- a coalition of very powerful corporate interests, nongovernment organizations, and it was run by ABAG and MTC, but each policy element of Plan Bay Area; so the need to live in high-density housing, the need to take transit, the requirement that all cities be demographically even and that we need to move toward regional governance. Those were all part of the draft compact. The only thing that's missing from the draft compact is anything about greenhouse gas emissions or climate change because that rationale had not been discovered. So it's not entirely correct for the Plan to say on page 3 that it comes from SB 375. Actually, SB 375 comes from the compact. And, further, the plan did not -- the policy elements in the plan did not come from the public whatsoever. Thank you.

TERRY THOMPSON:

E2-H1 My name is Terry Thompson from unincorporated Alamo. This is all about central planning; didn't work in the Soviet Union and it's not going to work here. Julie, you said ABAG consists or composed of elected officials. I didn't vote for you, I didn't vote for any of the ladies up here. There are three kind of government. We have city government, we have county government, we have state government. There's no such thing as regional government. Regional government is non-existent. It's illegitimate. If you want public input, and you say that's why we're here tonight, there's one way to get public input. That's to put this for a vote. You have a 1,300 page EIR, which almost guarantees no one is going to read it. Maybe that was the design. So, as I recall, I went to a meeting down in Oakland and you had a big screen up and you had a bunch of options and various options of what you could do, what you were deciding on. And it seemed to me there was one option we can choose to be hung, another we could have a firing squad, or we could lethal injection, or maybe death by a thousand cuts. I think that's where we are now. There was one option, though, that I did like. My personal favorite was called "No Project." I said, you know, we want local control. And my wife just told me, "You mean, we don't want loco control." So I'd urge all of my friends here in the audience to demand of their cities, their towns, Get out of ABAG. We're doing this now over in Danville. They're going to agendize it. Corte Madera has already done this. I recommend that all of you get out your pitchforks and your torches and go to your town councils and get us out of ABAG.

SUSAN CALLISTER:

Good evening. My name is Susan Callister. I live in Lafayette. I'm a member of the Happy Valley Improvement Association board and part of the Lafayette Homeowners Council. I was a little bit concerned at the beginning of this evening when someone up there said that this particular thing was going to be going through in July. I do remember smart growth about nine or ten years ago, attending a meeting, and thinking, "Oh, God, I hope this doesn't go through," and it didn't. So I think a lot of the people that were up there this evening that asked you to sort of stand up to the plate and put this up for a vote -- and I'm sure there's money to be found in some of the grant money that's dangled around the communities that are designated PTAs, and you can you use that for a vote in Contra Costa County. The EIR and your Plan have some unrealistic forecasts for jobs, households and, you know, you refuse any kind of independent analysis. You know, I believe there's global warming. I believe we need to have housing for everybody in our community and help those that need help, but I don't believe that you're the decider of that. We are. Our communities are. Our downtown plan, our general plan, not this one Bay Area thing. So I urge you to listen to some of the people that spoke tonight and put it up for a vote of the people. And then a second thing on the PTAs, at least for our community, it seems as though our staff gets grant money dangled at them. So last year we had our street torn up for almost a year to get pink sidewalks and some trees torn down, and I don't know why we did it. It did put some people to work, but not for very long, and the outcome wasn't good. So once again, I ask that you stand up and you put it to a vote of the people. Thank you.

E2-I1

CHET MARTINE: My name is Chet Martine. I reside in Orinda. I've been there 12 years. My wife's been there over 45. I'm a retired patent attorney. I volunteered in the 8th grade middle school in San Francisco for a few years. I was a trustee for two years for a local deceased family, and I'm now a student of ABAG. My concern is the large unreimbursed cost impact on cities such as Orinda, the impact of the RHNA and housing element process on cities. This impact was increased by a March 30th, 2005 decision of the commission on State mandates. Per that decision, cities will no longer be reimbursed for their costs working on the RHNA and housing element process. In a service-matters issue -- this is on the website. You can look at it: Service matters. There's tens and tens. In that issue in July/August 2005, ABAG commented on that decision and said, quote, "Without reimbursement from the state, ABAG and other COGs" -- and that means cities such as Orinda -- "are simply not in a financial position to perform the next RHNA process." A question for you then is: What has ABAG done or will it do up-front before a city infill is built in their city? To assist the cities' abilities to work on the RHNA and housing element tasks, there was no mention of any such financial assistance in service matter issues after 2005. For example, will ABAG stop requiring cities to pay a membership fee to ABAG to partly offset this decision? For clarification, I do not mean the so-called incentives that could be paid to a city after completion of low-income housing. Lastly, I reserve the right to file with ABAG/MTC other comments in writing and without limit on the time I take to write them and without a limit on the number of pages.

E2-J1

E2-J2

E2-J3

Thank you. That's my protest against limiting to two minutes. And concerning air pollution, the mitigation standard in best practices was to locate balconies away from the polluting highway. That's crazy.

LINDA DELEHUNT: Hi. It's getting late. We've all heard so many wonderful comments. I can't believe the passion in this room, so I'm not going to belabor my particular points too because so much has been said. But I would just like to point out that it does appear that the concerns voiced here tonight point to a real process gone awry, and I believe you people can perhaps correct it, but I do think we are hearing about a process that's really gone awry. We are talking about a 1300-page document, which is about to be implemented before it has been adequately shared by our citizenry. And again, that points to a process that's really gone awry. The process itself needs to be revisited. I urge you, first ask citizens if they want to be a part of ABAG. That's the first question. Once you have confirmation, establish citizens oversight groups and then do individualized plans based on the unique individual characteristics of the communities

E2-K1

involved. If we don't do that, our Bay Area will ultimately become faceless, and that is not something that I think any of us want to see. So please, revisit the process. Thank you for listening.

METROPOLITAN TRANSPORTATION COMMISSION
ASSOCIATION OF BAY AREA GOVERNMENTS

PUBLIC HEARING ON THE DRAFT PLAN BAY AREA MARIN COUNTY – **COMMENTS ON THE DEIR**

REPORTER'S
Monday, April 29, 2013
Marin Center
--oOo--

ATTENDEES
PAT EKLUND, Mayor of City of Novato
STEVE KINSEY, Marin County Board of Supervisors
KATIE PRICE, Marin County Board of Supervisors, District 2
--oOo--

P R O C E E D I N G S

RONNIE TEYSSIER

Hi. I am Ronnie Teyssier. I am a resident of Tamalpais Valley. I will be short and succinct. There are a lot of people who want to have their voices heard tonight. But I urge you to remove TamAlmonte from the Highway 101 Corridor Priority Development of the Bay Area. Mandating development as planned will cause irrevocable damage to the environment. And it will also subject the most vulnerable of our citizens to extreme environmental impacts, such as sea level rise, water deficit, toxic air contaminants, unacceptable traffic congestion. Again, please. I really urge you to remove TamAlmonte from the Highway 101 Corridor Priority Development of the Bay Area. Thank you much.

E3-A1

CRAIG THOMAS YATES

Craig Thomas Yates, City of San Rafael. I believe that the TODs that are going to be developed for this development should be a hundred percent accessible. And the fact that it's also the wetlands should be taken into consideration for the conditions that are expressed in the Draft EIR. And thank you.

E3-B1

JESSE SHEPHERD

Well, good evening, Board of Supervisors. My name is Jesse Shepherd. I am a resident of Santa Rosa. And I am here affiliated with Transportation Equity with Marin Grassroots. And I'm here actually tonight because I support the EEJ -- That's the Environment, Equity and Jobs initiative because compared to other services, it pretty much invests an additional 8 billion dollars in increased transit service, which would be tailored to fit our more equitable housing distribution plan. One of the things that concerns me is that I've been a transit user for -- a public transit user for my entire life. I grew up in Marin; lived in Strawberry for the first 20 years of my life. And the problem is, we don't have adequate public transportation serviced by Marin Transit, serviced by Golden Gate Transit, at night. We have pedestrians that can't get to and from the canal who have service jobs at Larkspur Landing, who have to walk under dangerous walkways. And we have people that can't get home. I know personally I have had to spend probably hundreds -- maybe as much as maybe a thousand dollars in the last two or three years just on cab fare to get home because, well, there were not public transit routes running at 11 o'clock, maybe 10:30 -- 11 o'clock, 12 o'clock at night that were adequate. And it is really important for somebody like me because I'm legally blind in one eye. So I depend on accurate, solid, firm public transit. And I feel that we need more of that in Marin County. So if that means that Marin Transit has to help, you know, get more funding for that, then we need to work on that. And that's hopefully what I hope that you guys would take into consideration. Thank you.

E3-C1

ERICKA ERICKSON

My name is Ericka Erickson, and I live in San Rafael. And I am -- I am affiliated with Marin Grassroots. I am also a County Planning Commissioner. I would like to ask everybody that's here to support the Equity, Environmental Jobs scenario of the Plan Bay Area to please raise their hands. Basically for the ones that don't know, the environment and jobs -- environmental -- Equity, Environment and Jobs scenario was proposed by a network of health -- public health, affordable housing, and other grassroots groups back in 2011, when this Plan Bay Area was being proposed. And basically this scenario, it was considered the environmentally superior scenario from all the scenarios proposed during this process. And basically the -- by adopting the strongest aspects of this environmental -- Equity, Environment, and Jobs scenario in the Plan -- the Final Plan Bay Area, it would support transit operating budgets by about -- increased by about 5 percent. As we heard from Jesse, it is very needed. We

E3-D1

know that this scenario will result in the greatest reduction of greenhouse gas emissions. That's the primary goal of Senate Bill 375. It will create the strongest shift from cars to transit, walking, biking, and other alternative means of transportation. We will keep a hundred percent of the new development; would keep the current urban footprint; and allocate 12 fewer residents living in homes that we will be at risk of flooding sea level rise by 2050. I know that a lot of people in Marin County -- We are all concerned about sea level rising. So that option of the Plan will be the best to address sea level rising. The 30,000 fewer residents will be subject to sea level flooding by 2050, if we adopt that option. So I want you to urge all the decision makers to really consider the strongest aspects of this scenario in the Final Plan Bay Area. Thank you.

And also have more incentives for affordable housing. I am -- as we know, we have a great need for affordable housing and also diversity of options of housing in Marin and the Bay Area. And that would support -- This option would support that. So -- But my main -- biggest concern, in terms of the Equity, Environment and Jobs scenario and the Plan Bay Area, and I want to urge you and all the decision makers to support this scenario and the aspect of it is regarding climate change.

CATHY CORTEZ

E3-E1

My name is Cathy Cortez. I'm a member of Marin Action Coalition for Equity and The National Low Income Housing Coalition. I am from Tiburon, California, and I support Equity, Environment, and Jobs. Marin County needs affordable housing. There have been opponents of the regional housing needs allocation and the population growth predictions that say the numbers are too high. But even as it stands today, the need for affordable housing is very real. One indicator that is reflective of that need is the fact that there are nearly 8,000 households on the Housing Choice Voucher Section 8 waiting list. That number -- That list has been closed since October of 2008. And even then it was only open for a one-week period of time. Marin needs affordable housing with or without population growth. The need is very real as it stands today. Thank you.

LOIS RIDDICK

E3-F1

Good evening. My name is Lois Riddick, and I'm -- I live in Marin City -- A Marin City resident, of course. And I've been advocating for Marin City, as well as throughout the county. And my concern is that -- I do support the Equity, Environment and Jobs scenario. It invests an additional 8 billion in increased transit service. And why transit service is so important to me personally, and to many people that make contact with me by e-mail or in person, I find that there are hillsides that are not accessible through the transit services. And I've been going to meetings. I've been writing letters and been advocating as a part of the housing and transportation committee, also serving as a commissioner on the Division on Aging. And so it is important that we look at the bigger picture. And I depend totally on transportation. I am disabled, and I am a senior. So I am coming from two points. I want you to consider that there is -- is that you see this commercial on TV; less and more. We need more transportation for seniors. We need this transportation because it allows the seniors across the county that are lonely to get more involved. There are seniors that are still volunteering. There are seniors that are getting older; perhaps would like to stop driving. But if we don't have the services accessible to those seniors, they will not be able to have their lives fulfilled in the way that is needed. Thank you.

LINDA RAMES

E3-G1

I am Linda Rames, and I am actually here to comment on the Draft EIR. It is full of inaccuracies and inadequacies. The most striking thing about it, however, is the total disregard for the residents of Marin now and those to come. One document --

E3-G2

Excuse me. This document has no problem building on floodplains, and there are no answers or mitigation for that.

E3-G3

It has no problem with the lack of water. The only mitigation for that is conservation; something Marin County is very good at already. In fact, we are famous for it. The police, fire, and schools that will have to be built -- They will have to be built, but they don't give you any idea how that will happen; who is going to pay for it. Things like that.

E3-G4

These are just a couple of examples of a failed document, which also makes false predictions of population growth and employment opportunities in the future. In addition, there is no distinction between planned and potential development areas. They should clearly be spelled out in the Plan. Thank you.

LUKE TEYSSIER

E3-H1

My name is Luke Teyssier. I am a resident of Tam Valley. I am concerned about the environment, the community, the place we live. I have small children. I am concerned about water, the quality of life, the quality of air, and the quality of living. I feel that equity, environment, jobs, schools, housing, and a clean, safe place to live for everyone is extremely important, which is why I urge you, urgently, to remove us -- Marin County -- from Plan Bay Area. I urge you to remove us from the Priority Development Area. I urge you to forbid ABAG and MTC to exert control in our community. I would like to remind you -- to say it plainly -- I am opposed to Plan Bay Area. However, if you insist, I support the "no-action plan." Let us have local control over our community. We've done a pretty good job in our communities for the last 50 to 100 years of planning what needs to be done, which is why people want to live here. Let us have that local control. Now, I've heard advocates say, "Let's have ABAG because there will be all this money." Where does the money come from? It comes from us. What happens? The money goes to a big organization over there. They take their cut. They have their offices. They have their bureaucracy. They have their big show-and-tell sessions. Has anybody ever seen a Jimmy Stewart movie, the western, where the big fancy suits from New York come in, and Jimmy

Stewart sits there and says, "Now just wait a minute. Wait a minute. I know that's not right"? Every single time I have a meeting that involves ABAG, I have the same sense. Supervisor Kinsey, during the Citizen Marin Meeting, I noticed that you showed up in time for the news cameras, sided with the folks in favor of Plan Bay Area, and then removed yourself before the discussion happened inside. I submit that this is extremely problematic for two different reasons: The first one is, it appears to the casual observer that you have already made a decision, regardless of community input. Secondly -- I submit that by refusing, after you were invited cordially and multiple times by multiple people to enter and remain in the meeting, I submit, sir, that you have had many opportunities to receive local community input and were simply not interested.

PETER HENSEL

E3-I1 Peter Hensel, from Corte Madera. I am very interested in water. Where are the water for 2.1 million new residents by 2040 going to come from? I think there is a serious disconnect between the Plan Bay Area and water supply, and it troubles me greatly because in 2001, Governor Gray Davis signed a couple of bills -- SB 610, and SB 221. They were companion bills. They require that big developers submit a Water Supply Assessment Plan before going forward. Now, there is a threshold of 500 units, below which you don't have to submit a Water Supply Assessment Plan. But considering the fact that Plan Bay Area is -- I think it's planning for 600,000 -- Let me -- Wait a minute. 600,000 -- 634,000 housing units by 2035. I mean, that's an incredible amount. That's 1,268 times 500. So I would say that Plan Bay Area is not exempt from submitting a Water Supply Assessment Plan. It is just absolutely not reasonable considering the fact that in California we are fighting over water all the time. Now, climate change is a reality. We all know that. We -- Even the most diverse oppositional foes here agree on climate change. But along with climate change, there comes a variability in weather. I mean, some places have super storms; other places have droughts. It is getting very difficult to forecast the weather. And this makes it also very more problematical when you start planning for so many people. I recently read something that the farmers in the Central Valley this year will be getting 20 percent of their contract water supply on account of a low snow pack in the Sierras. I think in the three months from January to March, we got 52 percent of what we normally get. I mean, this is very serious stuff. And so there's a saying in the water industry -- It's kind of an ironic saying. They use this term, "paper water." What it means is, water that is planned for that may belong to somebody else in the system, or that may be coming according to future planning, some hoops that people are going to jump through -- Okay. But one thing I want to say is that we shouldn't be banking on paper water.

LINDA PFEIFER

My name is Linda Pfeifer. I'm on the Sausalito City Council, and I would like to comment on the Draft EIR and the process of -- which I consider flawed -- for community outreach. Plan Bay Area represents the single largest plan for high-density development perhaps in the history of Marin, and yet most residents know nothing about it. The lack of transparency for Plan Bay Area has, in my opinion, been pretty abysmal. Many questions exist regarding high-density development plans in so many

E3-J1 gray areas that I am not sure whether to call this Plan Bay Area or Plan Gray Area. Gray areas exist regarding sufficient water supply; the lack of a water assessment plan; endangered, threatened species' habitat, air quality, and traffic congestion.

E3-J2 California Code of Regulations, Title 14, Section 15065(a1) states that a project will have a significant effect on the environment if it substantially reduces the number or restricts the range of endangered, rare, or threatened species. One Priority Development Areas borders the Golden Gate National Recreation Area, and in the middle of the Pacific fly-away where hundreds of migratory bird species, home to 38 rare or special status plant species; nine federally endangered, one federally threatened, 13 federal species of concerns. It is the home of the endangered Mission blue butterfly, and California red-legged frog. Other PDAs are in environmentally sensitive areas prone to rising sea levels, in the middle of fragile marsh and wetlands ecosystems or landfill.

E3-J3 I have three core requests: Please delay the May deadline for the public comment on the Draft EIR; please, ABAG, provide resources at the local, individual city level to hold public hearings in individual cities to fully inform the residents, who still really know nothing about this high-density plan because the people of Marin deserve transparency; not Plan Gray Area. Thank you.

E3-J4 please explore other options beyond high-density development to reduce co2, carbon, such as tele-commuting;

ROBERT BUNDY

E3-K1 Bob Bundy, Corte Madera. I am on the Corte Madera Flood Board. And we've spent a lot of time locally dealing with our infrastructure and the ability to be more resilient and withstand flooding, heavy rainfall, and high tides. One of the concerns that I've got is that the Plan doesn't really take into consideration sea level rise. And while I applaud the goals of trying to reduce co2 because that's what's driving climate change and sea level rise, we really need to look at how this is going to impact some of these development areas and some of the infrastructure, as far as the roads and transportation. The development is going to have to be hardened and protected in a way to prevent sea level rise from impacting it, and also to not create an island where the highways or transportation corridors are not going to allow anybody to get to those islands. FEMA is about to come out with new flood maps, and even FEMA is not really taking into consideration sea level rise in its full extent. So I think that that -- I know it's being thought about in relationship to the Plan, but I think it really needs to be addressed to a much greater extent to really look at what the total cost of some of these would be, and whether some of the locations for priority development really make sense. Thank you.

LIZ SPECHT

I am Liz Specht. I've lived in Mill Valley for 37 years. 23 years ago, I co-founded a non-profit, El Porvenir, which works with people in Nicaragua to put in clean water projects. It's the water that I'm concerned about. Even now, MMWD is asking us to conserve. If there are thousands and thousands more people living in our county, we're really going to have to think: Where does the water come from to give everybody who is thirsty a drink of cold water? We're going to have the problem that Nicaragua has. And if you're thinking that desal is the answer, think again because that would be counterproductive. Greenhouse gases are what we're trying to diminish by this Plan, but what's going to happen if there is a desal plan? It's going to add even more greenhouse gases to our air, and all of us are going to be enclosed in an even hotter bubble than we are now.

Other Infrastructure Needs: Water, etc. Will be counterproductive if a desal plant is needed

JOHN PALMER

Hi. John Palmer from Mill Valley. A couple of things. First of all, I agree with the speaker who came and said this is happening way too quickly. I'm not going to repeat what he said. I am just going to say, he is absolutely right. This is happening way too quickly. Not enough people are aware of it. Not enough people are aware of the implications of it. We really need to take the time to do it right.

The second thing is that a lot of Plan Bay Area is based on what I would call untested or unchallenged precepts. For example, the concept that high-density housing along an urban corridor will reduce greenhouse gases, that's just taken as a given. There's many, many, many similar precepts in this Plan which are really unchallenged. And I would like to see a really thoughtful challenge come forward. For example, that one, that high-density housing along transportation corridors will reduce greenhouse gas. It is obvious to all of us who live here, that if the transportation corridors become more clogged, it will have the exact opposite effect of not decreasing greenhouse gases, but increasing them.

If you really want to decrease greenhouse gases, the simplest possible way to do it is to increase public transit. I have a lot of sympathy for the people who stood up here and said they can't get around, they can't get through the canal, they can't get to their jobs. Every time we turn around, they're cutting, you know, public transit. So if you guys really care about decreasing greenhouse gases, then you should lobby very hard for increased public transit. That benefits everyone. And the only thing -- other thing I would like to say is that when the Plan Bay Area came out, there was an article in the Wall Street Journal. It was very telling; that what the Wall Street Journal said -- The headline of the article was, "California Declares War on the Suburbs." There's a lot of people here who believe that; that this is a centrally-planned, non-particularly -- not particularly well-thought-out way for people who have an entirely different set of benefits to be gained from it imposed on smaller communities that really don't have the power to resist. And I think that if you really take the time to get this right, you'll find that there is a way to empower the small communities to build more housing in a way that won't increase greenhouse gases. Thank you.

GUY MEYER

Hello. I am Guy Meyer. I'm a resident of San Rafael and of Marin County for the last 38 years. Sustainability starts in the present with existing communities, and I believe that sustainability is completely entwined with the essence of what democracy is. If you want to build a sustainable civilization from the ground, the people have to be completely connected to the process of decision making that affects them. Increasing density, increasing population, gradually -- and I'm old enough to see it. Maybe some young people haven't seen it -- lowers the quality of life. That's my opinion. California -- Excuse me. I believe that California needs a moratorium on all large or grand-scale developments. It's been the heritage, shall we say, of California since the 1960s. There is a book in the Civic Center I saw 25 years ago called, "The Destruction of the Golden State," written in 1967. The story has never ended. The story has never been challenged, and it seems to me that this process is giving a green light -- it is giving a jet-pack to the developers who are just hungry. It is a fantastic opportunity for them and not for the people of California and the Bay Area.

Fresh water. I can't believe how we take this for granted in California. I was trying to look for the details or something in the computer to see. I know that in 2006, a grand jury was convened in Marin County and wrote a report about our fragile water supply. Back in the 1980s, we coaxed the population to start getting water from the Russian River, ending our own self-reliance on our own water. That Russian River water may be taken away from us at any given time with more drought. How do you take care of your existing community? What is your oath of office to your residents that have voted you in, as opposed to the people who may want to move here someday, and God bless them wherever they are? The problem of taking care of the people where they are might help them where they are too. Locating people near highways is directly putting people in harm's way; exhaust, particulate matter. There's been studies -- major studies that have shown that. Marin County has pretty favorable weather conditions; may not be as bad as Fremont or other places, but still, it's not good. California needs a new vision of local independence and strength gained from local manufacturing; things that we've completely lost. Anyways-- dependence on the building industry is not sustainable.

RICHARD HALL

E3-Q1 Thank you. I am Richard Hall. I live in San Rafael. Supervisors Kinsey, Rice, and Mayor Eklund. Thank you for having this time for us to speak. Plan Bay Area is supposed to reduce CO2 emissions. It is one of its primary goals. However, the Plan is questionable based on assumptions that are flawed, and it is actually more likely to increase co2 emissions. It's also likely to contribute to

E3-Q2 101 gridlock, serves a subsidization program for transit and housing that will needlessly tax Marin residents. Plan Bay Area claims it will reduce the region's greenhouse gas emissions by 15 percent. But the Plan itself admits that if nothing is done,

E3-Q3 emissions would actually fall by 12 percent. So even if its assumptions are valid, the Plan only makes a difference of three percent. But the Plan is built on three highly-questionable assumptions; that high-density housing will lead people to drive less

E3-Q4 and take transit more; that transit emits less co2 per passenger mile than driving; that reducing greenhouse gas emissions is worthwhile no matter what the cost. The core premise is that high-density housing will increase ridership, but Portland has tried this. For 25 years, Portland has had one of the most aggressive transit-oriented development policies, and it has failed. The Cascade Policy Institute up there has found that people living in four and five-story transit-oriented developments built in that city are no more likely to take transit to work than people living elsewhere. In downtown Portland, during the most intense investment in MAX, their light rail, the share of weekday commuting on transit actually fell from 40 percent of trips to 36 percent during the past decade, according to the city's own auditor. So we are repeating past historic mistakes here. Why are we repeating them? There's no need for this. You should just look at Portland's failure. Plan Bay Area rewards the construction of high-density housing units near transit, such as right here in north San Rafael Civic Center SMART station. This is going to inundate roads and intersections that are already at capacity with added traffic, and yet have no measurable increase in transit ridership. It did not work. They do not take more transit. The second premise, that transit emits less CO2 per passenger mile than driving, also fails to stand up to scrutiny. Trains in Austin, San Diego, and other cities are like our SMART train. SMART has not reduced its -- released its co2 figures publicly. So if we base it on those similar trains, the average per passenger mile of a train like the SMART train will be no better than the average car in 2025. Golden Gate Ferry is three times worse than cars, and Marin and Sonoma County buses are as bad or worse than cars. So this is built on bad premises; bad logic.

TONI SHROYER

E3-P1 Good evening. I'm Toni Shroyer. I'm a Novato resident and Marin County native. Currently the Draft Environmental Impact Report has failed with regard to public safety, and is developer-oriented and not public safety public-oriented. Public safety is essential to everyone. Developers advocate for best practices of management of multi-family dwellings of 40 units or more. Why? Because it is more viable or profitable for them. Profitability cannot have dominion over public safety. Adequate public safety should include all units; not just those of 40 units or more. Because of budget cuts, many cities and counties do not have a full complement of law enforcement personnel. This is true of staff of code enforcement officials as well. So my question is: Are we going to build even more units and stretch our current law enforcement personnel even further? The developers are being allowed to compromise public safety whenever they decide to build. For example, the California Tax Allocation Committee -- the CTAC -- allows nonprofit developers to have a 55-year tax exemption and are not held accountable for keeping their complexes free of crime. What we have seen in Novato, CTAC will request security cameras, security gates, and part-time security guards, and then the developer is deemed in compliance regardless. Clearly, this is not enough. There are two things we must accomplish: First, we must have best practices for all affordable and multi-family units, regardless whether they're clustered in 40 units or more. Two, there must be public safety impact fees imposed to developers to compensate for the stress placed upon the current infrastructure by high-density housing. Let's be people oriented; not developer oriented. Thank you.

FRANK EGGER

E3-Q1 Supervisors and Mayor, Frank Egger, President of Ross Valley Sanitary District. Speaking for myself only; not the Board. I also serve as Central Marin Sanitation Agency Commissioner. We treat the sewage from two-thirds of San Rafael, all of the Ross Valley, and Corte Madera; roughly a hundred thousand residents. To my knowledge, no one from ABAG or MTC or One Bay Area Plan has ever contacted the Ross Valley Sanitary District regarding our system's current status and future capacity. One Bay Area Plan and its EIR are fairly flawed. The Bay Area Regional Water Quality Control Board meets Wednesday, May 8th in Oakland to issue the final Cease and Desist Order against our Ross Valley agency. We have major structural capacity issues. The estimated cost to repair in that capacity is 180 million dollars. The One Bay Area Plan calls for 1,446 new residential units in Ross Valley, and 2,246 new jobs. Sewer collection treatment capacity issues must be addressed. For the record, Fairfax is one of the most affordable communities in Marin. How did that come about? Fairfax has height limits. Fairfax protects existing rental units. I authored the ordinance in the '70s, during a previous term as mayor. We made findings in past -- what I called the "Affordable Housing Act." No apartment or multiple residential housing unit in Marin may be -- in Fairfax may be converted to a condominium. I was personally sued by a developer for loss of his income because Fairfax prohibited his condo conversion application for 127 apartments that he wanted to set up and sell individually. Case law was established as a result of the developer's lawsuit. Fairfax has never lost a residential unit to a condo conversion. Unless employees in our communities can earn a living wage, affordable housing will be out of reach for them. During another term as mayor, I authored Fairfax's Living Wage Law, and to this day Fairfax has the highest Living Wage Law -- wage ordinance in not

only California, but the nation. Protect existing affordable housing. Stop condominium conversion. Make sure -- Mandate Living Wage Laws in all of our cities.

KERRY STOEBNER

E3-R1 Kerry Stoeber, Mill Valley. And I also want to identify myself as one of the members of the Marin Water Coalition that was here, I think, four years ago talking about the proposed desalination plant. And I think before we go further with the One Bay Area Plan, there has to be an identification of where the water is going to come from for this massive new development because we were told by MMWD that we were in crisis, that there was no more water, that we would run out of water unless we built a 400 million dollar desal plant; that contrary to the assertions that you want a -- greenhouse gas emissions cut down, a desalination plant uses nine times more energy than water obtained through conventional sources. And MMWD right now is the largest energy user in Marin. This is -- Not only that, but for our desalination plant that is proposed for Marin, we would take the water from our toxic -- the toxic hot spot -- San Francisco Bay -- that is filled with fire retardants, arsenic, pesticides, herbicides, and I do not think that these are all going to be removed via reverse osmosis. There are no safe levels for carcinogens. And that is what you would be asking us to replace our rainwater with from our seven reservoirs. We can be self-sustaining -- a sustainable watershed here in Marin, but not if we add the equivalent of an entire new town.

RAY DAY

E3-S1 Hi. I'm Ray Day. I'm a resident of Marinwood; been in Marin County for over 35 years. Just to restate this for everyone in Marinwood, we are not against reasonable affordable housing. We just don't need a hundred percent affordable housing. And that's the problem. I am in favor of "No plan for the One Bay Area"; reason being that with the densities proposed and especially in our area, it doesn't fit Marinwood and its open space surroundings. We have a beautiful community, and we are going to go ahead and fill it up with these several-story units to go ahead and accommodate the hundred percent affordable housing.

The people brought up water as one of the issues that is in this area. I'll tell you, being from Southern California at one time, 90 percent of the water is imported in Southern California. And San Diego tried a program to recycle that water. Media got ahold of it, and they called it "Toilet to Tap." Okay, folks? That's what we are going to have; Toilet to Tap. So get used to it.

E3-S2 The public needs to vote on this -- these plans. It shouldn't be left up for the discretion of public officials. They just don't have the common sense to vote for what we need. Please extend the deadline for the comment on the EIR. Thank you very much.

JAMES BITTER

E3-T1 James Bitter, Mill Valley. I want to avoid saying what I really think, like having to tell Susan Adams that reading -- she is reading the EIR report; having trouble getting through it. That report wasn't meant for public consumption. It was meant for the benefit of the consultants and their numerous -- it costs across this country millions of tax payer dollars. It was meant for their benefit. I want to avoid the sight of Steve Kinsey standing next to the sign -- the guy with the sign, "Apartheid in Marin." I am a native of Marin. It was one of the most embarrassing things I have seen in a long time; Judy Arnold at the Board of Supervisors criticizing people. At the visioning meetings, people actually came from the East Bay -- Can you imagine that? People from the East Bay. And they were a little bit disruptive. They were slightly -- about as unhappy as this crowd is about what you're doing. But let me remind Judy Arnold that ABAG and MTC are in the East Bay. They're in the same building. Steve Kinsey is on the -- is a commissioner. \$11,000, I believe, that he got sitting on that Board. He is going to vote for this thing. The rest of the Board is going to vote for this thing. The Board of Supervisors -- I'm running out of gas here -- they appoint the planning commission. As we speak, they are working on 17 sites where we are going to have 30 units per site. We have to do this. The Board has appointed them. The Board is -- our Board of Supervisors is the Plan. God help us.

SUE HESTOR

Hi. I'm Sue Hestor, and I am from San Francisco. I couldn't come to the San Francisco meeting because I was at another hearing. I support regional housing needs allocation for San Francisco and, if anything, it needs to be increased. Part of the unknown problem to very many people is that we are losing middle class and low-income housing by the tens of thousands in San Francisco because of upscaling to the -- I was going to say dot com -- the techies that are coming into the City and other upscale people.

E3-U1 The problem we have with the map is that San Francisco all along the Bay side is totally fill, a hundred percent fill. San Francisco grew by filling in the Bay. And we have marshes, and we have dead boats that are sunk, and the land is put on top of them that constitutes the San Francisco waterfront. At the same time, ABAG has this area as the area for growth of housing. I know this area. This area is not -- The only housing that can be built in this area, particularly south of Market, is high-end condos. We

E3-U2 need affordable housing, and yet the Plan calls for in-fill development on areas that will never take affordable housing. And sea level rise is an inevitable problem. Right now there is -- sea level comes in -- the sea comes in to the old marshes. We had deaths in Loma Prieta in the south of Market. Everyone knows about deaths in the Marina. We had them in south of Market. Where can I submit a map? A map. I want to submit a map. SUE HESTON: I came from San Francisco. Damn it. I want to submit my map. SUE HESTON: I wanted to submit --

HELEN LINDQUIST

E3-V1 I want to make a couple of comments. In the old days, marshes were filled in, levies were built, and they thought this was the way to go for housing and for farming. Now we know the value of marshes, and how they can protect the environment; how it is great for birds and in-coming tides, high tides. So let's not build any of this multiple housing on marshy areas. The SMART railroad is bad enough. It goes through a lot of it.

E3-V2 The other point is that I'd like a true scientific check for ABAG and MTC to do for basing their whole raise-on-bet on greenhouse gases. Greenhouse gas emissions are not a problem. They've gone down since we're using more natural gas. SB 375, which links this transport to a reduction in greenhouse gases is false hearing, and we shouldn't rely on that. Just as we shouldn't stick with AB 32 by Schwarzenegger. If you know anything about carbon dioxide -- we all breathe it, as do cars. So if you want to help the climate, stop breathing.

SHARON RUSHTON

E3-W1 Good evening. I'm Sharon Rushton. I am from the El Monte district in unincorporated Marin. And I'm representing Sustainable Tam El Monte, as well as myself this evening. The Draft Plan Bay Area's Draft Environmental Impact Report demonstrates that implementation of Plan Bay Area would cause 39 significant, unavoidable, adverse environmental impacts resulting in severe environmental harm and serious illness, injury, and loss of life. The severity, magnitude, and number of these impacts are astonishing. They include, but are not limited to: Impacts from insufficient water supply, inundation from sea level rise, exposure to hazardous materials, inadequate waste water treatment capacity, a net increase in sensitive receptors located in transit priority project corridors where there are high concentrations of cancer-causing toxic air contaminants --and fine particulate matter emissions. As well as additional environmental impacts --and sensitive --

CAROL SHEERIN

E3-X1 My name is Carol Sheerin. I live in San Rafael. I've been in my house for 46 years. Some of you may have read my letter in today's IJ. I also e-mailed a copy to every town, city, county-elected official to make sure they read it. I -- the letter basically asks for all officials of every town, city, and county to band together and request a six-month extension on the comment period en masse for us to have time to handle all of this. It was pointed out by Susan Adams that it was a 1,356-page document, which is much too much to read. Democracy is not given a chance to work with this Plan Bay Area. One speaker mentioned elections when you ob -- all of you are up for election. I'd like to give you a reminder that the democratic process for holding our elective officials accountable is a recall.

PETER LACQUES

E3-Y1 Peter Lacques, Fairfax, California. One minute; not enough time to comment. I have concerns in the Environmental Impact Report about water, supplies for the projective growth.

E3-Y2 I also have concerns about the location of many of these PDAs in areas that will be subject to rising sea level rise, which also is not adequately addressed in the Environmental Impact Report.

Fundamentally, according to ABAG's own handout, Chapter 5, Performance, I have questions whether this is the right way to go because the rationale for this is to increase affordable housing to reduce greenhouse gases. ABAG's own numbers indicate that as a result of the Plan, low-income people earning under \$38,000 after this is implemented will be spending 74 percent of their income on housing and transportation, versus 72 percent now. That's actually increasing the cost of housing and transportation; does not seem very effective. Likewise, commute times are going to either remain the same or increase. It does not seem to be addressing affordable housing or transportation.

E3-Y3

ANN SPAKE

E3-Z1 First of all, one minute is not enough to make comments, so mine will be in writing -- my detailed comments. I've spent at least 50 hours trying to read in detail the EIR on this Plan, to understand whether it really takes into account the things that we need it to address for sustainability, and I find it to be completely deficient. Again and again it states that the impacts are significant and unavoidable. I would suggest to you they are very avoidable. It consistently and repeatedly basically identifies and discounts the serious impacts that it states. The -- one of the fundamental flaws in it is that it addresses -- says it can only address the effects of the projects on the environment, but it cannot address the effects of the environment on the project. And I assume the project is people -- involves people.

MARGARET ZEGART

E3-AA1 I'm sorry to take the time. On Page 1.2-25, it says, in the DEIR: PDAs are nominated by local jurisdictions to appropriate places to concentrate future growth; existing neighborhoods by transit to provide a larger range and also to have a better, more friendly environment. Now, you people know that 250 percent of the new housing is going to be on floodplain. It's absurd. It doesn't meet equity; doesn't meet any standard at all. I hope that you will -- I appreciate all you do for us in the county. I really

do, but this is a mistake, and you can correct it. I don't -- I wonder if you can get -- grant us the money you've already accepted for two transportation projects because that seems to be tying down your good judgment.

PLAN BAY AREA PUBLIC HEARING
REPORTER'S TRANSCRIPT OF PROCEEDINGS
APRIL 8, 2013
NAPA COUNTY ELK'S LODGE

COMMENTS ON DEIR

No comments on the DEIR at the Napa hearing.

Plan Bay Area 2040 Final Environmental Impact Report

METROPOLITAN TRANSPORTATION COMMISSION
ASSOCIATION OF BAY AREA GOVERNMENTS

PUBLIC HEARING ON THE DRAFT PLAN BAY AREA SAN FRANCISCO COUNTY

TRANSCRIPT OF PROCEEDINGS

Thursday, April ,
Hotel Whitcomb

COMMENTS ON DEIR

STEVE WOO

E4-A1 Good evening. My name is Steve Woo. I'm from Chinatown CDC here in San Francisco. We would like to call out today Section 2.3 of the draft EIR, which identifies potential adverse impacts due to the implementation of this plan. Specifically called out in Section 2.3 it is what the EIR considers the community's disruption and displacement. The draft EIR actually identifies that the addition of new housing units and commercial spaces in priority development areas could stimulate demand and attract new residents and businesses, resulting in new development types, higher prices and leading to displacement of existing residents. The draft EIR also projects that this plan will significantly increase density within the Bay Area's densest urban centers, which will impact local land uses, desirability and rents, resulting in what the EIR considers, quote, "permanent localized displacement and disruption." In addition, this plan calls for 160 major transportation projects around the Bay, impacting over 12,000 households. And the result of this called out in the draft EIR is specifically the potential to disrupt and displace communities. So regardless that the draft EIR goes on to list mitigations for these impacts, the mitigations are an important thing to note because under the new CEQA streamlining laws, provisions of SB 375, if a project satisfies mitigations, the project can go forward in the new streamline CEQA process. So taking a look at the mitigations is very important; however, the mitigations in the EIR do not go far enough, and, frankly, are deficient in addressing the community disruption and displacement concerns. So what we would like to see and to have commented for the record is further analysis in the EIR, an analysis of mitigating long-term impacts of displacement and disruption of communities, further analysis of housing affordability needs within PDA today compared to post-plan implementation and how increased density within the PDAs will impact affordable housing needs. Analysis of how to link housing density, which the plan calls for, to creation of new affordable housing for low- and moderate-income folks to offset displacement. And also, principle of one-to-one displacement -- one-to-one replacement and relocation of all low-income households directly displaced by the Plan's transportation projects. Thank you very much.

JOEL RAMOS

Good afternoon, Supervisor Mar and Commissioner Halsted. I really appreciate the opportunity and the format that this is -- that you are all facilitating here. For full disclosure, my name is Joel Ramos. I work for TransForm. I'm Senior Community Planner there. I'm also appointed to the MTA Board of Directors. I'm not speaking on behalf of the MTA tonight. Tonight my opinions are my own and TransForm's. I am a resident of San Francisco and work over in Oakland. We are deeply supportive of the direction that we're heading.

E4-B1 We don't think that we got it all together yet, but we're certainly headed there. We're really happy that the EEJ alternative, the scenario that we suggested, emerges the environmental and superior scenario, and we hope that you will -- that the Commission will move towards adopting the strongest elements of that scenario.

What we are concerned about is a couple of things that I think most folks have already mentioned this evening: The lack of really addressing the affordable housing needs that are going to be -- that are going to come to the Bay Area with this plan. We're particularly concerned that we found that in the plan that after build-out, even in the best case scenario, we're expecting people of lower incomes to spend a full 73 percent of their incomes on housing plus transportation, and we don't see that as a sustainable way of controlling the sprawl that we're going to be trying to limit. What will happen eventually without stronger policies in place to protect that from

E4-B2 happening, these folks will end up living further and further away from a place like San Francisco, and we will then encroach on our precious farmlands and open space that we're so fortunate to have in this Bay Area.

The second point that we're mostly concerned about is something that Ms. Vaughan spoke to earlier, which is the idea of widening freeways. We understand that we need to make our freeway system more efficient, and one of the ways we can do that is simply by just refurbishing some of the lanes that are already in existence, turning them into high-occupy toll lanes and use those revenues to fund the transit that we so sorely need. That's all I have time for. I thank you so much for your service and look forward to furthering the conversation.

PETER COHEN: Good evening. Thank you. Peter Cohen, Council of Community Housing Organizations. I've heard a lot about affordable housing. Well, we're in that particular line of business as an advocacy coalition. I just wanted to remind us what's at stake here from a long-term vision standpoint. We're talking about going from regional development that's maybe 50/50 between urban and suburban development, something in the order of 65 to 70 percent of growth in more compact urban areas. And that sounds good, but what does it mean? What are the implications? For San Francisco, that means 92,000 new housing units, which is about 25 percent of all the new

E4-C1 growth in the major cities of the Bay Area. 25 percent of all this new urban development is to be in this city. That's a high state for us. What does that mean at ground level? Steve Woo was here earlier from Chinatown Community Development Center who pointed out -- and interestingly enough, the EIR calls it "community disruption and displacement." That's some pretty interesting words, but that has been all along for our organization not an antigrowth perspective but concerned about the implications of growth when you particularly overload a system at the community level in a place like San Francisco. The report shows that under the proposed Plan Bay Area

scenario, that the potential for displacement goes from 21 percent to 36 percent. For all the good planning and thinking and empathy that has gone on over the last three years, the proposed plan increases the potential for displacement from the existing 21 percent where we are already struggling to keep our community stable, to 36 percent. What are the mitigations and safeguards? There's no funding in the SCS for affordable housing. And I want to point out the folks who are here supporting affordable housing, that planning for affordable housing is totally different than funding for affordable housing. You don't get nothing out of the plan, unless there's dollars for that to be built. So this is an aspiration, not a reality. Moreover, building affordable housing is not the only answer. We need to stabilize our existing community, so my last point is, we put just as much importance in anti-justification and anti-displacement policies that need to be part of this plan as much as building new housing, and we don't see those in there either. We encourage the staff to continue working on this, but we're still very concerned about the destruction potential at ground level. Thank you.

KATE WHITE

Good evening. Kate White. I've lived in San Francisco in the Mission since 1996, and I want to thank the decision makers, our leaders here and our staff for the many -- I think it's years. I was going to say months, but many years of working on this plan, and I am thrilled to see that it is -- I believe, 100 percent of the growth is planned within urban growth boundaries, so we're hopefully moving in a better direction away from sprawl in this region. So thrilled about that. I think the plan could be even better, and I urge you to look at the equity environment and jobs alternative. Some of the components there would add more homes, including affordable in places that -- where it really makes sense; where there's the most opportunities with more jobs, access to public transit, good schools. And I also think the EEJ alternative put some more incentives for cities to prevent displacement and supporting building homes that people of all incomes can afford. And so take a look at EEJ alternative and bring less traffic, healthier residents, fewer traffic deaths, more affordable neighborhoods and would do a better job in allowing our most vulnerable neighbors to stay in their homes. Thank you.

And also to -- I am still concerned that we are putting money into highway expansion. In this day and age, it's almost shocking when you think about it. In San Francisco, as you know, we're taking down the freeways, and we're creating wonderful parks, boulevards, more housing -- affordable houses, revitalizing places like Hayes Valley, the Embarcadero -- the Ferry Building would not have happened if we didn't get that freeway down, Embarcadero Freeway. So I really think we need to shift more money -- billions of dollars away from freeway expansion to transit, and as one of the 40 percent of San Francisco who does not own a car and doesn't plan to, I really would like to see our transit system working a lot better, and that means money and investment.

STARCHILD

Good evening. My name is Starchild. I'm a Bay Area native and San Francisco resident since 1995. I have been coming over here a lot longer than that because my grandmother lived in the city growing up. I oppose Plan Bay Area for a number of reasons, including things that other people have mentioned. The overall scope, I think -- the problem is simply that there's a failure to recognize that economic freedom works better. That means letting people make their own individual choices instead of having Government come along and make people's plans for them and confiscate their money to pay for them. I'm concerned about the lack of transparency in this process. It was mentioned that there was a 1,300-page or something report. You know, how much money did it cost to prepare that report? And how much is this overall planning costing? What are the salaries of the people involved in this planning process? And is there taxpayer limited government advocate representation in the actual nuts and bolts plan and not just these public meetings. There's a lot of things that we could do that I think would not involve the Government that would help the whole agenda, which, you know, is good in many ways. Reduce sprawl. We could make it easier to develop housing in the cities, reduce costs of permitting, reduce building code requirements, these kinds of things. We could de-criminalize hitchhiking. We could de-criminalize riding skateboards and bicycles on sidewalk in cities. Do things like that to encourage transportation. Stop criminalizing people for sleeping in their cars. Many people are poor and can't easily afford housing here, and part of the reason they can't afford housing is because property taxes are too high. That doesn't just affect owners; it affects renters because that gets passed along to renters. And costs that are imposed on business get passed along to employers in the form of lower wages and fewer jobs. The Government redevelopment also has a history of racism in this town. The Western Addition used to be the city's primary African-American neighborhood, was decimated by the city's redevelopment agency during the 1960s. Blacks were forced out in massive numbers and many businesses were forced to close. I urge you to take these things into consideration and include a less-Government libertarian perspective in the actual plan. Thank you.

METROPOLITAN TRANSPORTATION COMMISSION
ASSOCIATION OF BAY AREA GOVERNMENTS

PUBLIC HEARING ON THE DRAFT PLAN BAY AREA
SAN MATEO COUNTY

REPORTER'S TRANSCRIPT OF PROCEEDINGS
Monday, April 29, 2013
Crowne Plaza Hotel

COMMENTS ON DEIR

JEFF HOBSON

Hi. I'm Jeff Hobson. I also I work with TransForm, and we'll be submitting some more detailed comments in writing as well focused and more a bigger picture of this evening. I don't live here in San Mateo County. I live in Alameda County, but I can't go to Alameda County's meeting on Wednesday night because I'll be coaching a Little League game. And I see a little bit of similarities between the reasons that I coach in Little League and the reasons that I'm here this evening to talk about this regional planning. I also happen to participate in my kids' schools' PTA. I'm on -- I'm the treasurer of the homeowners' association in the condo I live in. And I do all of those kinds of things because I believe in collective action to try and make our lives better. I think we can do well by doing this planning. So I appreciate the work that all of you are doing to try and help make all of our lives better through that mutual planning. I also want to talk about freedom a little bit and talk to you about my wife's aunt who lives in San Mateo, not too far away. She just turned 70, recently retired from teaching at San Francisco State for many years. She still drives some, but she doesn't think that she is a safe enough driver to be out on the freeways. And she's probably not alone. And so she gets around almost entirely on public transit. Certainly, when she goes any distance -- she does come up and visits me and my family. And so she depends on having the freedom of having public transit available to her in order to be able to live her life. I hope that through this plan that we are able to do more investment in public transits. We would like to see more investment than is actually in the Draft Plan as it stands. So we notice that in the Draft Plan, the Draft Environmental Impact Report that came with it, looked at several different scenarios and found that one of them, the equity of the job scenario -- Well, it's the best one. So we'd like to see that.

E5-A1

BOB COHEN

Good evening. Thank you for letting me speak. My name is Bob Cohen, and my wife and I are long-term residents of unincorporated San Mateo County. I consider myself a pragmatic environmentalist, but I'm also an oceanographer and a certified consulting meteorologist. As a scientist, I'm very interested in the climate change debate, and I think that's portrayed as a small part of the One Bay Plan, but it's also shown as the Number 1 goal of the plan in the room next door. And I would like to bring to your attention some observations which have been ignored in the preparation of your plan, but they have a huge impact on the decisions you're making today. I have a plot here, which I'll deliver after I talk, of sea level of San Francisco from 1850 to present. It's available from NOAA data. It's public data, and you can see a constant slope during the entire period from 1850. Given that CO2 only started increasing in 1950 until present, there's no change in the slope of the sea level, which proves that sea level is independent of carbon dioxide increase. Similar plots are available worldwide, including Europe and New York City. And my question to you is, what verifiable assumptions are MTC and ABAG using for sea level changes, and how do they affect the climate change portion of the One Bay Area Plan? There's also a series of reports from the Intergovernmental Panel on Climate Change, the IPCC. And they've so far issued four reports in their -- they have another one in preparation to be published in 2014. Fortunately, that was leaked to the press about two months ago, and I have here a plot from that report, which I'll also give to you afterwards. But this graph shows that temperatures have been stable, not increasing, since 1997. And you can see with the plot of temperature that the models are not predicting the observations. And so that the observations are now --

E5-B1

GAIL RAABE

Good evening. I'm Gail Raabe, a resident of Redwood City. When I read the Draft Plan and related documents, I was pleased to find these three statements: "The Plan will create livable communities, reserve open space and direct development within the

2010 urban footprint, promoting development and priority development areas, takes development pressure off the region's open space and ag lands. Open space preservation requires regional solutions." What I didn't find in these documents is any

E5-C1

assurance that this plan will actually protect the region's important open space lands. The plan's draft EIR acknowledges that many of the transportation projects could induce further development onto farmland, open space and even into the bay. A good example are the 1,400 acres of salt ponds in Redwood City. The ponds are designated in open space in the city's general plan. They're under Williamson Act open space contract. They provide habitat for thousands of migratory shore birds. The scientists identify the ponds as important for marsh restoration. They're included in the approved expansion boundary for the National Wildlife Refuge. And finally, the site is threatened by potential new development plans. By all measures, the salt ponds are a great candidate for ABAG's priority conservations area designation. And yet when six local and regional groups submitted an application for consideration, the Redwood City council did not forward the application on to ABAG, so now there's a real concern. If the transportation improvement projects for Redwood City are implemented, they will definitely help Redwood City's award winning downtown plan. But these same transportation improvements will make the salt ponds even more vulnerable to future bay-fill development. There needs to be a strong regional mechanism in place to insure protection for the Bay Area's open space lands. This objective is a critical part of the Bay Area plan that has not been adequately addressed. Thank you.

JOSHUA HUGG

Hi. Josh Hugg. I'm a resident of San Mateo. And I came here 15 years ago as an engineer for Intel. I worked in R&D down in Santa Clara, and I wouldn't have even considered coming here had I not been given a salary that allowed me to buy a house. Points of my mortgage; took care of all my closing costs. By moving into my neighborhood of San Mateo, which is north central, which is also considered by MTC as a community of concern. I made it that much more difficult for my neighbors. And Silicon Valley is a very special place. We draw from an international pool of workers. All of them are -- have had similar deals that I had or even better. If you've -- the net result of the decades is, we've relegated over half of our workforce to commuting in, and a lot of those people -- you know, they grew up in our community. And when there was ever a chance to buy a house, they looked at the prices and just left. I'm very happy that we -- that we're moving forward with the sustainable community strategy plan because I think it helps address some of these gaps, maybe not aggressively enough. I would encourage you to look closer to the equity environment and job scenario for some of the proposals that it has. But we have to stop bleeding our communities. North central has some of the worst overcrowding. If you're not commuting into the county, then you're moving into overcrowded conditions. If you're graduating from college, more likely than not, you're moving right back in with mom and dad, and that only lasts for so long. So with the priority development areas that are being proposed, I would hope that we can maximize those high opportunity areas; access to transit, access to amenities. My mother-in-law takes advantage of that in Redwood City. More people need to be able to take advantage of those high opportunity areas.

E5-D1

WILLIAM NACK

You ready? Good evening. My name is William Nack. I've been a resident of San Mateo for 47 years. I'm here this evening to speak on behalf of San Mateo County Building Trades Council, representing 26 local San Mateo County construction unions.

E5-E1

While there will be some negative impacts from construction as a result of this plan, the Draft EIR and the plan itself missed a critical positive impact as a result of the proposed alternative; that being jobs, millions of construction industry jobs. In addition, the EIR in its mitigation measures should make policy recommendations encouraging or requiring project sponsors to pay the workers area standard wages and require local apprentices who are enrolled in the State of California approved apprenticeship programs to be part of the construction team. Without labor standards in the plan and the EIR, the transit-oriented housing that will be developed as a part of this plan will not necessarily benefit local workers or pay decent wages. Creating middle class jobs is a key to improving the health of our local communities. Decent wages will ensure the construction workers can afford housing in the Bay Area. This will allow them to travel fewer miles per day to get to work, thereby improving their health and decreasing air pollution from vehicles. Highly skilled and continuously trained local workers will be permitted and accountable to implementing the best environmental mitigation measures envisioned by the EIR for construction projects. The outcomes of the proposed mitigation measures in the EIR will depend on the quality and commitment of the workforce that will implement that. I look forward to working with you to implement these proposed amendments to the plan and the Draft EIR, and I thank you for allowing me to speak to you this evening.

METROPOLITAN TRANSPORTATION COMMISSION and ASSOCIATION OF BAY AREA GOVERNMENTS

PUBLIC HEARING ON THE DRAFT PLAN BAY AREA -- SANTA CLARA COUNTY

REPORTER'S TRANSCRIPT OF PROCEEDINGS -- WEDNESDAY, MAY 1, 2013 -- HILTON SAN JOSE

COMMENTS ON DEIR

SUSAN STUART

Hi, I'm Susan Stuart. I'm with the County Public Health Department. And -- which is a member of the Bay Area Regional Health Inequities Initiative. We'd like to commend the regional planning bodies and the participating stakeholders for this innovative effort. The draft plan is an enormous step towards sustainability, as it prioritizes existing transportation and focuses on the location of housing near transit, the reduction of premature deaths from particulate matter, the preservation of ag land and open space and the investment in local projects that support focus growth through the One Bay Area grants.

E6-A1 However, a major concern with the draft plan is the displacement of vulnerable communities that would result from the dramatic increase in the cost of housing and transportation predicted in the draft plan. The plan expects lower-income families to spend nearly three-quarters of their income on housing and transportation, leaving very little for food, clothing and education. This is both a financial burden for individual families, as people are saying, and a threat to the viability of the local economy. It also means that a large percentage of the population will continue to spend long hours in commutes to work, making it difficult for them to spend time with their families in their communities and difficult for them to get physical activity, which is so important in the prevention of chronic disease.

Another concern is the expected rate of injury and fatality collisions in the communities that will experience the biggest growth and the need to invest more heavily in projects that calm traffic and make roads safe for all users. Going forward, we ask that you continue to partner with Public Health and refine methods for measuring impacts on health. One example is the Integrated Transport and Health Impact Modeling Tool that was developed with MTC staff. This research determined that for every 1 percent increase in active transit commuting, the region could expect a roughly 1 decrease -- 1 percent decrease in mortality.

E6-A2 We urge the regional agencies to continue to explore alternatives, including the Equity, Environment and Jobs Alternative, which was called the environmentally superior alternative in the draft EIR. Thank you.

CHRIS LEPE

E6-B1 Hello. So my name is Chris Lepe. I'm the community planner for TransForm, a Bay Area transportation advocacy organization. And, you know, overall, we support the plan. Plan Bay Area is going to bring people closer to their jobs, and it's going to provide better transportation options. For the first time, transportation projects are being ranked in terms of cost-effectiveness and benefits for the environment and for communities. So this is a greatly superior plan from where we have come from before, from previous plans. And -- however, we do have few different concerns. In particular, the HOT lane network. So we are not

E6-B2 opposed to HOT lanes, but we are opposed to adding excess capacity.

And so we would like to see, instead of the revenues from the HOT lanes go towards additional highway expansion -- what we'd like to see that instead go to is transportation options -- better public transportation options. For example, shuttles, you know, buses along -- express buses along the freeways and also a low-income pass to allow for low-income individuals as well as youth, a youth pass -- to allow them to be able to access different destinations. So I think the HOT lane network is one of the main concerns that we have, but we think that can be fixed. Also, we would like to see more funding for transit operations. So with the EEJ, the Environment, Equity and Jobs Alternative, there's actually a significant amount of additional transit operations projected as part of that plan that will help reduce our greenhouse gas emissions and get people from Point A to Point B.

E6-B3 Finally, as we invest in communities such as low-income communities, we should try to avoid the displacement of people living in those neighborhoods. Because those are the folks that are dependent on our public transportation services. So we would like

E6-B4 to see anti-displacement measures as part of the plan. And just -- I'd like to finish by saying that the EEJ alternative provides so many more benefits in regards to health, the environment and just improving the quality of life for Bay Area residents. Is that my time?

SUSAN M

E6-C1 Hi, my name is Susan, and I'm from Gilroy. And I do want to say -- just add to what Jeff said about the population. Because people are leaving California. California is the highest-taxed state in the country, with New York, and it's going to get worse. So people are leaving, they are not coming in. So I've got to say that the -- that that has to be looked at again, because it's not going to reach that. But, anyway, I want to say, regarding -- I perused the EIR, the 1335 pages of the EIR, and what I see is total

E6-C2 control over my life. It's in housing. It's in transportation. It's in land use, taking away from agriculture, ranching. We used to be the breadbasket of America, that's gone. Okay? You are opening up space that you say can be used by the public, no, we can't go on these lands anymore. They are going into open space to just sit empty. Is this to put on the solar things to run the energy we need for our electric cars. What I see is the total control of my life, and I did not vote for this.

I'm just going to address a small part of it, because it's got to do with the electric car issue. Have we looked at -- first of all, electric cars are cost-prohibitive. That young gentleman, Mr. Chen, who spoke first, he wants to get into something a little bit more cost-effective. That car will cost him 20,000 more than a gas-fueled car. They're poor performance. They've gone under

with taxpayer money. There's some failures in the Volt, with the engine fires. Fisker was billions of taxpayer monies that failed. There were recalls on Toyota Priuses. And my question is, where are the recharging stations going to be and how much are they going to cost? And what are the hours that are going to be needed to recharge your vehicle? I wonder if all of that has been addressed. And where is the -- this is electricity to recharge, right? Aren't we looking at limiting the use of our electricity? Where are we going to get that electricity?

SUSAN RUSSELL:

Okay. I'm speaking from the League of Women Voters of the Bay Area. We strongly support regional planning that coordinates Bay Area transportation and housing land use decisions to reduce greenhouse -- greenhouse gas emissions and to meet the region's full housing needs for people of all incomes, in accordance with SB 375. Done well, regional planning will protect our environment, improve our economy, increase social equity, conserve agricultural lands and make our lives safer and more secure. These are region -- issues of regionwide importance that require thoughtful regional policies.

E6-D1 The recently released draft EIR and the equity analysis provide a wealth of information that should be used to improve the draft Plan Bay Area approved for study. In particular, we note that the draft EIR identifies the Environment, Equity and Jobs or the EEJ scenario, Alternative 5, as the environmentally superior alternative among scenarios analyzed. The EEJ alternative also outperforms the other alternatives and most of the performance targets and equity metrics your agencies have adopted. Compared to all the other alternatives, the EEJ alternative would bring us less traffic, healthier residents, fewer traffic deaths, more affordable neighborhoods, and would do a better job of allowing our most vulnerable neighbors to stay in their homes. We urge MTC and ABAG to incorporate the best elements from the EEJ alternative and add key mitigations into the final Plan Bay Area to improve outcomes on a host of issues vital to the future of the region.

In particular, with regard to affordable housing, plan for sufficient housing affordable to low-wage workers in all infill locations with access to jobs and transit. With regard to displacements, strengthen the One Bay Area grant program to better incentivize local anti-displacement and affordable housing policies. Fund mitigations such as land-bagging and housing rehab. And with regard to health and active transportation, fund more active transportation and complete streets programs to maximize health co-benefits of physical activity and transit use and better mitigate air pollution.

LIBBY LUCAS:

Hi. My name is Libby Lucas. My background is environment and recreation. I probably shouldn't be speaking because I have yet to get ahold of the -- a copy of this document to really read it in hard copy. I looked at the transportation plan briefly today at one library, but the other libraries didn't have the documents. I think that my biggest concern is -- the meeting the other day, **E6-E1** someone waved two or three pages in the air and said, These are all the wetlands that are going to be impacted. I think when AB 375 was passed, it was to address climate change. And I think the wetlands, marshes, are your best way of mitigating for car emissions. The equestrian capability is quite extraordinary. And yet if you -- if this plan is removing acres and acres of wetlands, I think that's highly questionable as far as overall planning. You know, the salt pond restoration is lovely, but it's a lot of open water. It doesn't do the same job the marshes themselves do. And so often your expanding of a highway like 101 is then impacting the marshes that are still there as a buffer.

E6-E2 And I guess my other concern is that with the density increase, you have to consider the schools and the libraries and the places for children to play. And the minute your population density gets to a certain point, they're the ones that are going to be suffering if they can't, you know, fly a kite or swing a baseball bat. So please look at the overall impacts that your plan is making. Thank you very much.

CAT NGUYEN:

Hello. My name is Cat Nguyen. I'm with the Vietnamese Voluntary Foundation, VIVO. And, first of all, I do want to thank the -- everyone who was part of Plan Bay Area. I feel like this is the first time ethnic communities, immigrant communities, refugee communities was really asked to be involved in the outreach. And there was a very active effort to get us involved in the outreach. So we do want to thank you. And the staff has been really great about that. In general, we do support the Plan. We do agree with TransForm and some of the other groups that the Environmental, Equity and Jobs Alternative is a plus to the plan, in general. The main emphasis we would like is affordable housing to low-wage workers in infill locations with access to jobs or transit. Thank you.

MICHAEL DITTMER:

E6-G1 Hi. My name is Michael Dittmer, and I'm from DeAnza College. I'd like to also voice my support for Plan Bay Area. But, like Chris Lepe, I'd like to support my -- voice my support for the EEJ option.

E6-G2 I believe that the money from the HOT lane should be used to support public transit options instead of simply more lanes in the road.

E6-G3 And I also believe that the displacement that poor and low-income people are facing in our housing should also be addressed as well. Now, there's a lot of people here who seem to think that we're going to, you know, tell people where they have to live, tell them what car they have to drive, and that simply isn't true. We need to think about the ways that our car-centric planning has ruined people's lives. Think about what New York City did during the 1960s under the design -- under the traffic planner -- who I believe his name was Robert Moses. And what they did is that they destroyed neighborhoods in order to build more highway. If that's not government intrusion in your life, I don't know what is. That is very clear and an example where we need

to empower people with our transit options and our housing options instead of limiting what they can do because they have to purchase a car and they have to drive on the highway.

The simple fact remains that if we were to put this to a vote, severe problems could happen. So, for example, when BART was implemented, there were certain counties like Santa Clara County that did not approve of the plan. And, as a result, BART was -- BART was fragmented across the Bay Area. The simple fact remains is that we need to coordinate our effort in order -- so that in -- for an example, like Plan Bay Area, so that we can get an effective solution. If Santa Clara County was to vote against the plan and Alameda County was to vote for it and then another county voted against it, we'd get fragmented implementation. And that would be worse for everyone, including those taxpayers who want their money well spent. The fact remains is that there are plenty of externalities to our car use. People are dying. There are about 40,000 people who die from car pollution each year because we drive cars. That needs to change. That costs lives. That costs money.

And, ultimately, we need public transit solutions that actually solve that problem. Ultimately, we don't need our public transit solutions to distribute money from the poor to the wealthy through the use of HOT lanes that would prioritize wealthy people over poor people, even when poor people pay for those lanes. Thank you.

CECILIA NG

Yeah, so Michael is a very hard act to follow, but I'll do my best. All right. My name is Cecilia, and I'm also from DeAnza College. And, first, I'd like to really thank Plan Bay Area for recognizing and honoring all points of view by having these faces, faces like these. I'd like to push for more -- like others said, to have more community voices speak in these things, and reach out to them so they can provide their input. And, specifically, I have come here today to show support for the Environment -- Environment, Equity and Jobs Alternative. And I'm -- I'm personally coming to speak as a person of color, a student who plans to study in the Bay Area and ultimately live in the Bay Area, work here. And, really, I'd like to show my utmost support for the EEJ, because it is the best. Because it's going to bring us less traffic, healthier residents and fewer traffic deaths and more affordable neighborhoods and it would do a better job of allowing our most elderly neighbors to stay in their homes.

And then, really, like, my perspective is that for the Plan Bay Area to continue, we have to look at long term and always keep in mind environmental justice. And for that to happen, we need to make sure that low-income people do not get priced out and left out of the planning. And for that to happen, I'd like to show my support for rethinking how we're implementing the new HOT lanes and to show support for better funding for public transportation, better public transportation options, such as BRT. And I'd like to also show support for protection against displacement; specifically, for people with low income in housing. And -- yeah. Thank you very much for your time.

MOUNIA O'NEAL:

Hi. I'm Mounia O'Neal. I just want everyone who is here and a student, raise your hand. Because I think it's really awesome. We brought a lot of people from DeAnza College, who are going to be transferring soon to colleges in the Bay Area. Just because -- this is something that really affects our lives, as students who have lived here our whole lives, such as me. I've lived here for 20 years, my whole life. And I've seen how a lot of the policies that have been implemented have impacted my own life, as a daughter of a single mother and someone whose father was in the Army, just because of how difficult it could be to get around and to access a lot of the resources. And so I really do want that freedom of choice of not being able to -- of not having to drive continuously. I -- I used to nanny, and I worked -- two full-time jobs now. And so driving around and taking my siblings everywhere is just a huge burden on myself and on my family. To implement something like bus rapid transit, that would basically make access to our schools and to our communities -- you would basically be saying that you don't need a car to be an active member of our community, which I don't think should be true. And just in terms of the environmental justice. When I was a nanny, I could see so many of the kids that I worked with would -- are developing asthma and having, basically, a lot of -- sorry. I'm getting really nervous. A lot -- sometimes when we think of these things like environmental justice we kind of see it as a huge theory rather than something that's actively in the lives of a lot of Bay Area residents. So I just want to voice my support for the EEJ plan and for including students, people of color, minorities, disabled folks, in this plan. So thank you so much.

ANARUTH HERNANDEZ:

Hi. My name is Anaruth Hernandez, and I'm with DeAnza. I'm a student at DeAnza school. Go DeAnza. And I just really want to thank you guys for having this plan. I am in support of the plan. I think it's very mindful and thoughtful to try to think ahead.

And I really like the gentleman's vision of not just thinking ahead but being innovative with all the resources that we do have

here. I would like to voice my, I guess, approval of EEJ, which is the Environment, Equity and Jobs Alternative. I think it is very important. It's a very important aspect of how we move forward, and I think that the Bay Area needs to.

So some of the things that I really like about this plan is affordable housing. And I know that it has a lot of different definitions. To me, it means being able to live in a house, in an apartment, with my two parents.

Public transportation, it is very -- it's very important. Without it, my dad would never get to work, which is about a three-hour bus ride. And so on and so forth. I think what I would really like to make sure you guys understand is that the impact is realistic. And not only would my dad not be able to get to work, but my mom wouldn't, either. And I -- they actually leave me the car. So I'm a student. I get to work and take the car and drive to school. And I really like that, but I need -- I need to not be able to have to rely on a car. And there's a lot of opposition against this plan, and I think it's because -- like another gentleman said,

everyone comes from somewhere. Right? And that's just -- that's just how it is. But I can't express how much it means to me that you have these public hearings. And I really hope to participate more. Thank you.

BRIAN DARROW:

E6-K1 Hi. Good evening. I'm Brian Darrow with Working Partnerships USA, and I'm here to express our support for most of the Plan Bay Area draft. We think the plan is really a step in the right direction. Particularly, we're glad to see that all of the growth is really focused within the existing urban service area, bringing housing and jobs closer together. I think most of us who live in Santa Clara County know that we have vast opportunities to live in low-density suburban communities. I grew up in one. And we'll continue to have those opportunities. What we lack is options for more walkable neighborhoods, with access to transit. So we're glad to see the region starting to plan to invest in that type of growth, in incentivizing cities to move in that direction if they can.

E6-K2 What we think is missing, however, from the plan are some of the best aspects of the Environment, Equity and Jobs scenario. In particular, we'd urge MTC and ABAG to strengthen the One Bay Area grant program to better encourage anti-displacement and affordable housing policies. It's critical that we don't push out the families that rely most on transit from the areas that are being improved by transit investments.

E6-K3 Secondly, we'd ask that you prioritize transit operations with future unrestricted funds. And please ensure that the HOT lane network is designed in a way that mitigates the impacts on low-income commuters. And also that we use existing highways rather than spend money on building expanded freeways.

Finally, I'd just like to make the point that we'd like the plan to consider the quality of the jobs that development creates. Unfortunately, one-third of jobs in Silicon Valley now pay less than enough to meet the basic standard for self-sufficiency. In 2000 that was one-fourth of the jobs. So we're moving in the wrong direction. In other words, it's very hard for workers to afford to live here, which increases commute times, it increases traffic congestion, and it lowers quality of life. We'd like to see standards in the plan to encourage using a local work force and encourage jobs that pay sustainable wages that allow folks to afford to live here. Building a strong middle class doesn't just happen by itself. It's the result of conscious policy decisions and long-term planning. So it's important to make sure that our land use and transportation plans consider and promote the creation of quality jobs. Thank you.

SUSAN MARSLAND:

Thank you for the opportunity to speak. I am here to support SB 375 and the plan area draft of the plan that we have in front of us tonight that emphasizes housing elements and transportation. This plan does prepare the San Francisco Bay Area as an economic player in a global world. I do have one concern about Target Number 7 on equitable access, and hope that the 10 percent decrease on Page 108 can be raised to help struggling households. And those kinds of households involved all kinds of people, from teachers, police, fire. And we need to do a little bit more to support those people. If you can please incorporate some of the recommendations from the EEJ, which will help also address the gap in equitable access for all people. Thank you. And thank you to the students that came tonight. I have a lot of respect and admiration for you being here. Thank you.

JEAN RYAN:

E6-M1 Hi. I'm Jean from Morgan Hill. And I understand where those DeAnza students are coming from, because at one time I was a student and wasn't making -- very little money. But the American dream is to have your own home, and most of these homes are in suburbia. And part of this plan is taking money out of suburbia to finance this regional plan. I downloaded the 1300 pages of this EIB report, and I was able to get through the first 100. And the thing that hasn't been mentioned here is about the vehicle miles driven in your plan. I think eventually you want to impose a tax on people who drive cars and record how many miles they drive and tax them accordingly. To this I find a terrible thing in California, because we're being taxed already. But to tax the miles you are driving? Who is that going to hurt? It's going to hurt low-income people, anybody trying to get to work. I think it's vastly unfair. But this is something that was not mentioned, but it is in your report. Thank you.

METROPOLITAN TRANSPORTATION COMMISSION
ASSOCIATION OF BAY AREA GOVERNMENTS

PUBLIC HEARING ON THE)
DRAFT PLAN BAY AREA)
SOLANO COUNTY)

PUBLIC HEARING
REPORTER'S TRANSCRIPT OF
PROCEEDINGS MONDAY, APRIL 22,
2013
SOLANO COUNTY FAIRGROUNDS - MCCORMACK
HALL

Comments on DEIR

Bob Berman

I'm Bob -- I'm Bob Berman and I live in the city of Benicia. And I guess I generally support what I've read so far about the plan.

E7-A1 My main focus here tonight and my main focus of the work I am doing is to ensure protection of the Bay Area and Solano County's open space and farm lands. So I do have a couple comments. In regards to goal one, which is safeguard and restore the berm and habitats, the plan seems to fall on the protection of open space only as a consequence of development and does not map out strategies or policies that can ensure the berm and protection of conservation lands. The One Bay Area Grant Program directs ten million dollars as a part of a pilot plan to support the priority conservation rights, but I would note that this is only a fraction compared to 310 million dollar investment provided for the priority and voluntary transportation and improvements. So one specific request I would make is to grow the One Bay Area Grant Program, the pilot program, in terms of the priority conservation areas, focus investment from all sources on protecting and managing the high priorities conservation

E7-A2 lands that are not yet currently protected and this is especially important in Solano County. In terms of agriculture, again, I think the plan does a good job in recognizing the value of agriculture; however, beyond the One Bay Area Grant Program, there are really no measures to ensure the permanent protection of agricultural lands, nor policies and strategies that facilitate the growth and improve deficiencies of that agricultural so agricultural is set. So, again, I think we could be doing better policies and

E7-A3 programs. In terms of goal three, which is to provide all Bay Area residents to access of parks and recreational open space, I believe that the plan could explicitly call out better our plans to increase parks in urban and suburban areas and to improve access to and the utility of open for recreation. In addition the plan could identify a purchase of increase of residents' and visitors' abilities to access parks and trails by public transportation. And in terms of Solano County, I would note that we have two state parks here in Solano County, both of them in the Vallejo/Benicia area. And one of them certainly, the Benicia state recreation area, but both parks are on the state's original closure of the state parks. And although records are done in the Benicia State Capital Park, the Benicia State Recreation area is certainly is in danger of closing for changed circumstances in the future. And, finally -- so I would just simply say that overall, I think the plan lacks a specific actions of policy needed to ensure long-term protection and investment of the Bay Area's park open space. Thank you.

METROPOLITAN TRANSPORTATION COMMISSION
ASSOCIATION OF BAY AREA GOVERNMENTS

PUBLIC HEARING ON THE DRAFT – **COMMENTS ON DEIR**
PLAN BAY AREA
SONOMA COUNTY

LLOYD GUCCIONE:

You are blessed, my son. I'm very glad to have heard the speakers who came before me. I'm very glad to have seen Mr. Grabill here and the comments that have been made already. My concerns perhaps are a little bit different. I have problems with regional government concerns. I have problems that the vision, notwithstanding the excellent work that has been done on planning transportation and trying to resolve issues -- I believe it will not resolve the issue. Why? Well, past experience. One time there was one-lane highways. Then there was two. Then three. What happens? Lands values go up. Pressures grow. This is a natural course of events that all of us have witnessed, whether in Southern California, back East or here; here, especially in Sonoma County where I've been since . So well-intended improvements in transportation are going to have outfall, and I believe the mitigation that MTC, that ABAG, that our local representatives will attempt will not be sufficient because they have not been sufficient in the past. That is a concern. In the comment; the equity analysis, EIR alternatives, it the states that "thanks to increased affordable housing production." I am from Guerneville, and I would like to say we had an affordable housing unit, units, put into our area. And one of the reasons given was, it was a necessary allocation from ABAG that Sonoma County have so many, and Guerneville must accept a certain number of units. Now, Guerneville is a long way out of the corridor and the Priority Developments Areas, and yet it will be impacted, as will other outlying areas. It is very, very hard to not have that happen. I would like the Plan to certainly give very good consideration to what will be the impact. Reducing commute times; an important factor. However, it has unintended consequences. I know that your staff, the staff here, everyone, is very, very competent, and the people who spoke before me are knowledgeable. But I don't know if it will suffice because I believe the underlying premise, the paradigm under which it operates, is not doable. Thank you.

ROSA KOIRE:

I'm Rosa Koire. I'm the executive director of the Post Sustainable Institute. One thing that I did notice when I read through the Plan and the EIR was that it looks like you want to bring back redevelopment even though it's been ended in California. You want to bring bank tax increment financing, TIF. And this is really a problem because what it does is it sucks the funds out of the areas that you want to improve for , and years. One other thing I noticed, this Plan is the same plan all across the United States with a major exception. But the Plan is identical to Plan New York, PlanET, PlaniTulsa. It's identical to the Hanoi Center Regional Plan .This is the same Plan all

across the world. You need to take a look at that. And I know you have looked at it because you're elected officials, but the people here, who think they're talking about just the regionalization of the San Francisco Bay Area, are completely uninformed. This Plan is a worldwide plan. This is not some fantasy or a tinfoil hat thing. This is reality. And you need to take a look at it and ask yourself what this is all about. Now, I'd also like to tell you that we will be suing you. Planned Bay Area violates the 14th Amendment of the United States Constitution. You are not paying just compensation for the rights that you'll be taking, that you are taking through this Plan. Priority Development Areas restrict 10 percent of residential development and 10 percent of commercial development to just a few small areas of the Bay Area, about four percent. Okay? And then what about the rest of the 90 percent of the Bay Area? You're violating the 14th Amendment of the United States Constitution, that is the Equal Protection Clause. Development rates will be 10 percent higher; eighty times higher within the PDAs. You're also violating the voter-approved Urban Growth Boundary ordinances. They can only be changed with voter approval. This is a violation. Bay Area Plan Bay Area permanently strips all development rights from rural counties in the nine county Bay Area county. You're effectively taking conservation easements on our rural lands without paying for it. Bay Area Plan Bay Area restricts development rights of property within the Priority Development Areas, too, because you will be limiting development to mixed-use high density smart-growth development. If you use form-based code, then your existing building will be nonconforming, legally nonconforming. One other thing I want to say is that cities are supposedly not supposed to have to comply with this, but that is a lie. If your city wants state or federal transportation dollars over the next years, it will have to comply with Plan Bay Area, and cities have already created Priority Development Areas in compliance with Plan Bay Area. To contribute to this lawsuit, and we hope that you will because this is your only opportunity to stop OneBayArea -- Go to PostSustainabilityInstitute.org and make your checks payable to Post Sustainability Institute. They will go for a legal fund that will only be used to stop OneBayArea. Thank you.

JENNY BARD:

Thank you so much for allowing us to comment on the OneBayArea Plan. I am a enthusiastic supporter of the OneBayArea Plan. I support regional planning. I, too, want to echo the comments made by many of the previous speakers; David Grabill, Denny Rosatti, Ann Hancock, Steve Birdlebough, Ginny Doyle and others. Greenhouse gasses are continuing to arise. Regional planning is critical to reducing the public health burden and costs of a car-dependent society; sprawl. This comes from transportive-related air pollution and lack of safe and abiding alternatives to driving. Communities designed around cars and driving are responsible for the traffic pollution and congestion, which contributes to global warming. And this also limits opportunities for healthy, active lifestyles such as walking and cycling; and providing opportunities for our seniors to age in place and not be relying on driving. So the OneBayArea Plan begins to address this. I want to urge you to do more. I think the Plan could do more.

E8-C1 There are elements from the Equity, Environment and Jobs Alternative that actually increases investments in active transportation and alternative transportation. There are -- this scenario actually performs the best of all the scenarios, and having a little more information about those plans at these public hearings I think would be very important. Let's see. I'd also like to see a little bit more specificity in the breakdown of expenditures on bicycle and pedestrian infrastructure because it was not really evident on the pie charts and as well as the -- what percentage of all the investments are going to increase bicycle and pedestrians usage and what policies will lead to what percentage of trips by bicycles and pedestrians, too. That would be helpful to know. Thank you.

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3.11 Oral Testimony at Plan Hearings

This section contains responses to oral comments on the EIR made at public hearings on the Draft Plan Bay Area. Responses to comments are limited to those comments that were related to the Draft EIR.

A public hearing was held on the Draft Plan in each of the nine counties covered by the Plan and EIR. The subsections below separate the responses by county; there is no subsection for Napa County as no oral testimony was submitted on the EIR at that hearing.

E1: ALAMEDA COUNTY PUBLIC HEARING ON THE PLAN (FREMONT, 5/1/13)

E1-A Clarissa Cabansagan

E1-A1: MTC and ABAG acknowledge that the Environment, Equity and Jobs scenario was modeled to reflect increased transit operations funding, reduced funding for expansion of the highway network, increased affordable housing, and anti-displacement measures.

E1-B Myesha Williams

E1-B1: Commenter's support for Alternative 5 is acknowledged.

E1-C Pamela Tapia

E1-C1: Commenter's support for the transit, affordable housing, and other measures in Alternative 5 is acknowledged.

E1-C2: See Master Response F regarding displacement.

E1-D Devilla Ervin

E1-D1: Commenter's support for the transit, affordable housing, and anti-displacement measures in Alternative 5 is acknowledged. Commenter's request to incorporate measures as proposed in Alternative 5 will be considered by decision-makers as part of the EIR certification process and action on the proposed Plan.

E2: CONTRA COSTA COUNTY PUBLIC HEARING ON THE PLAN (WALNUT CREEK, 4/22/13)

E2-A Avon Wilson

E2-A1: See Master Response C regarding the request to extend the public comment period.

E2-B Daniel Debusschere

E2-B1: The issues raised—quality of life, housing preferences, and stakeholder involvement—were taken into account as part of the planning process.

As the comment correctly notes, PDAs are locally nominated and local jurisdictions select a place type for each PDA. See Master Response I regarding the PDA process. The Draft Plan does not require changes to local zoning or land uses; this is done at the local jurisdiction level. Transportation expenditures identified in the Draft Plan also do not require changes to local zoning and land uses,

which are again made by local jurisdictions. Please see Master Response A.1 regarding local control over land use.

E2-C Kathleen Jenkins

E2-C1: This comment does not raise environmental issues that require a response under CEQA.

E2-C2: This comment indicates that “your plan and Draft EIR concedes that past decision by residents and current preference in survey responses indicate that 60 to 70 percent of all new homes are requested to be stack-and-pack.” The Draft EIR does not include reference to a survey of housing preferences. This comment does not raise environmental issues that require a response under CEQA.

E2-D Heather Pruett

E2-D1: See Master Response C regarding the request to extend the public comment period.

E2-D2: See Master Response B.1 regarding the population projections.

E2-E John Doe

E2-E1: This comment about placing Plan Bay Area on the ballot concerns the process for approval of Plan Bay Area itself, not the Draft EIR, which provides environmental review of that Plan. This comment does not raise environmental issues that require a response under CEQA.

E2-E2: MTC and ABAG respectfully disagree with the comment. Page 2.3-5 of the Draft EIR explains that ABAG projections, independent of the proposed Plan, foresee shifts in housing demand by 2040 that would result in single-family homes being demanded by 39 percent of households in the region, down from 56 percent in 2010. If that projection holds true, then the region already has more single-family home supply than will be in demand in 2040, but that page also notes that “[a]lthough this suggests no demand for newly constructed single-family homes, some production will likely occur as the Bay Area housing market adjusts to these trends.” See Master Response B.1 for more information on the population projections. Cost estimates are beyond the scope of CEQA and therefore will not be included in the EIR.

This comment states that “Plan Bay Area requires 80 percent of all new houses to be stack-and-pack.” The Draft Plan does not require any changes with respect to the type or location of new housing in the region. Pursuant to SB375, local jurisdictions retain control of land use decisions. See Master Response A.1 regarding local land use control.

The comment also states that “SB 375 requires unfunded mandates on counties and cities to be identified.” This is incorrect, and even if SB 375 contained that requirement, it would not be included in this EIR. As a result, a cost estimate is not included as part of the Draft EIR.

E2-E3: This comment does not raise specific environmental issues that require a response under CEQA. The potential impact of Plan Bay Area on the provision of public services was analyzed in Chapter 2.14 of the Draft EIR. School, police, and fire protection services are typically funded and administered by local jurisdictions.

E2-E4: This comment does not raise environmental issues that require a response under CEQA.

E2-E5: This EIR evaluates Plan Bay Area as a single, regional project and assesses its impacts at a regional level across all nine counties, which is consistent with CEQA provisions regarding program EIRs. The individual projects that may result from the Plan - transportation improvements and land use development - will require their own individual environmental analyses. A county-level evaluation of the proposed Plan and its impacts would be at a greater level of detail than required. Impacts have been assessed at a regional level and a conceptual localized level. County level information has been provided in the EIR when feasible. See Master Response A.3 regarding the level of specificity in the EIR.

E2-F Rusty Snow

E2-F1: See Master Response A.1 regarding local control over land use. The remainder of this comment about placing Plan Bay Area on the ballot concerns the process for approval of Plan Bay Area itself, not the Draft EIR, which provides environmental review of that Plan. This comment does not raise environmental issues that require a response under CEQA. Please note that the MTC and ABAG Board consist of elected representatives from many counties and cities of the region and their decisions reflect the decisions of these voter-selected officials.

E2-F2: See Master Response C regarding the request to extend the public comment period.

E2-F3: The Plan proposes a land use development pattern based on PDAs voluntarily designated by local jurisdictions. See Master Response I regarding the PDA process. While the Plan proposes this land pattern, neither MTC nor ABAG has local land use authority and implementation of the Plan is up to local jurisdictions. Please see Master Response A.1 for additional information regarding local control of land uses. In addition, see Chapter 2.6 of the Draft EIR regarding noise impacts, Chapter 2.3 regarding disruption to existing neighborhoods, and Chapter 2.10 regarding significant contrasts with the visual character of existing communities.

E2-F4: This comment does not raise environmental issues that require a response under CEQA.

E2-G Peter Singleton

E2-G1: See Chapter 1.2 of the Draft EIR for a description of the public participation process for development of the proposed Plan. MTC and ABAG followed CEQA requirements for public noticing of the EIR. Please see Chapter 1.1 of the Draft EIR for a description of the Notice of Preparation and public scoping process and Section 1 of this Final EIR for a description of the public review process for the Draft EIR.

E2-H Terry Thompson

E2-H1: The Draft EIR contained a thorough analysis of environmental issues associated with the Plan, hence its length.

E2-H2: Commenter's support for the No Project Alternative is acknowledged. See Master Response A.1 regarding local control over land use.

E2-I Susan Callister

E2-I1: Please see Master Response B.1 for more information on the population projections.

E2-J Chet Martine

E2-J1: This comment does not raise environmental issues that require a response under CEQA.

E2-J2: MTC and ABAG have provided for a 45 day public comment period as required under CEQA. See Master Response C regarding the request to extend the public comment period.

E2-J3: Balcony location is just one of many actions listed in Mitigation Measure 2.2(d).

E2-K Linda Delahunt

E2-K1: The Draft EIR contained all of the analysis required under CEQA, hence its length. MTC and ABAG followed CEQA requirements for public noticing of the EIR. See Chapter 1.2 of the Draft EIR for a description of the public participation process for development of the proposed Plan. Regarding public engagement for the EIR, please see Chapter 1.1 of the Draft EIR for a description of the Notice of Preparation and public scoping process and Section 1 of this Final EIR for a description of the public review process for the Draft EIR. See Master Response C regarding the request to extend the public comment period.

E3: MARIN COUNTY PUBLIC HEARING ON THE PLAN (SAN RAFAEL, 4/29/13)

E3-A Ronnie Teyssier

E3-A1: The Draft EIR acknowledges and discusses the potential effects of traffic, air quality, sea level rise, and water availability, in Sections 2.1, 2.2, 2.5, and 2.8, respectively. Commenter's request for changes to the proposed Plan, by removing TamAlmonte from the Highway 101 Corridor Priority Development Area, will be considered by MTC and ABAG prior to taking action on Plan Bay Area. See Master Response I regarding the PDA process.

E3-B Craig Thomas Yates

E3-B1: Commenter's comment about accessibility does not raise environmental issues under CEQA. With regard to wetlands, potential impacts on water quality and biological resources were analyzed in the Draft EIR in Chapter 2.8, Water Resources and Chapter 2.9, Biological Resources, respectively. See Master Response A.3 regarding the level of specificity in the EIR.

E3-C Jesse Shepherd

E3-C1: Commenter's support for Alternative 5: Environment, Equity, and Jobs is acknowledged.

E3-D Ericka Erickson

E3-D1: Commenter's support for Alternative 5: Environment, Equity, and Jobs is acknowledged.

E3-E Cathy Cortez

E3-E1: Commenter's support for Alternative 5: Environment, Equity, and Jobs is acknowledged.

E3-F Lois Riddick

E3-F1: Commenter's support for Alternative 5: Environment, Equity, and Jobs is acknowledged.

E3-G Linda Rames

E3-G1: The Draft EIR (pages 2.8-34 to 2.8-36) acknowledges and discusses the potential impacts of flooding, including impacts resulting from development in flood hazard zones. Furthermore, the Draft EIR recommends implementation of Mitigation Measure 2.8(b) to mitigate those impacts.

E3-G2: See response E3-I1 below.

E3-G3: See response E2-E3.

E3-G4: Please see Master Response B.1 for information regarding population projections.

E3-H Luke Teyssier

E3-H1: Commenter's opposition to Plan Bay Area, and support for the No Project alternative, is acknowledged.

E3-I Peter Hensel

E3-I1: "CEQA should not be understood to require assurances of certainty regarding long-term future water supplies at an early phase of planning for large land development projects." (*Vineyard Area Citizens for Responsible Growth, Inc. v. City of Rancho Cordova* (2007) 40 Cal.4th 412, 432.) This is because other statutes addressing the coordination of land use and water planning demand that water supplies be identified with more specificity at each step as land use planning and water supply planning move forward from general phases to more specific phases. (*Id.* at pp. 432-434, citing Gov. Code, § 66473.7 and Wat. Code, §§ 10910-10912.)

The Plan Bay Area Draft EIR does not in any way change requirements for future development projects to undertake Water Supply Assessment Plans. As discussed under Impact 2.12-1, the Urban Water Management Plans (UWMPs) for the major water suppliers of the region indicate adequate water supplies for the amount of projected growth at a regional level. This amount of population growth and development projected for the region will occur regardless of the proposed Plan and would be the actual cause of any impacts from expansions of water supply - these impacts will occur with or without Plan Bay Area, as shown in Chapter 3.1 of the Draft EIR. In the case of a localized water shortage caused by the distribution of growth under the proposed Plan, mitigation measures 2.12(a) through (h) would reduce the impact to less than significant, if applied by the implementing agency. Also see Master Response G for additional information regarding water supply.

E3-J Linda Pfeifer

E3-J1: See response E3-I1.

E3-J2: Potential impacts of Plan Bay Area on traffic congestion, air quality, and biological resources (including habitat for threatened and endangered species) are acknowledged and discussed in Chapters 2.1, 2.2, and 2.9 of the Draft EIR respectively.

E3-J3: MTC and ABAG followed CEQA requirements for public noticing of the EIR. See Chapter 1.2 of the Draft EIR for a description of the public participation process for development of the proposed Plan. Regarding public engagement for the EIR, please see Chapter 1.1 of the Draft EIR for a description of the Notice of Preparation and public scoping process and Chapter 1 of this Final EIR

for a description of the public review process for the Draft EIR. See Master Response C regarding the request to extend the public comment period.

- E3-J4: The proposed Plan includes transportation investments and programs that will work with the proposed land use pattern in order to reach the SB 375 GHG emissions reductions targets.

E3-K Robert Bundy

- E3-K1: The Draft EIR addresses sea level rise within the Climate Change and Greenhouse Gases Chapter, and identifies a number of mitigation measures and adaptation strategies that may reduce project-specific sea level rise impacts to a less than significant level. However, because (1) MTC and ABAG cannot require local implementing agencies to adopt the mitigation measures proposed in the Draft EIR, and (2) site-specific or project-specific conditions may preclude adoption of the mitigation measures proposed in the Draft EIR for at least some future land use development projects, the Draft EIR concludes sea level rise impacts may be significant and unavoidable. (Draft EIR, pp. 2.5-68, 2.5-71, 2.5-76.) Please see Master Response E for additional information regarding sea level rise.

E3-L Liz Specht

- E3-L1: See response E3-I1 regarding regional water impacts. In addition, the decision to use desalination as a water source would be solely the decision of the Marin Municipal Water District (MMWD) and is not advocated for or required by the proposed Plan. The current MMWD Urban Water Management Plan indicates adequate water supplies through the year 2035 without a need to resort to desalination. The proposed Plan would result in essentially the same year 2040 population as under the No Project alternative - a three percent increase, with the proposed Plan resulting in 500 more households in Marin County than under the No Project scenario. Given the water supplies indicated by MMWD, it is extremely unlikely that additional water supplies will need to be acquired due to growth under the proposed Plan. In brief, the proposed Plan does not require the use of desalination and hence the responsibility for impacts from the pursuit of that option would fall on MMWD, not MTC or ABAG. Furthermore, the Draft EIR does not propose the use of desalination as part of its mitigation strategy.

E3-M John Palmer

- E3-M1: See response E3-J3.

- E3-M2: The connection between higher-density development near transit and reduced greenhouse gas emissions is based on the way increased housing density affects automobile vehicle miles traveled and public transit utilization, and the importance of having a land use strategy that augments technological strategies for reducing emissions. Please see Master Response D.2 for additional information regarding the connection between high-density housing near transit and reduced greenhouse gas emissions.

E3-N Guy Meyer

- E3-N1: Please refer to Master Response G for a detailed description of water supply required in an EIR. Per the Marin Municipal Water District's (MMWD) 2010 Urban Water Management Plan (UWMP) Section 3.3, the District has coordinated its future water demands through 2035 with the Sonoma County Water Agency (SCWA) and SCWA's UWMP. MMWD has a contracted volume of up to 14,300 acre-feet per year with SCWA, but per its UWMP only anticipates needing 8,500 acre-feet per year from this contracted volume in 2035.

E3-N2: The Draft EIR acknowledges and discusses the potential effect of Plan Bay Area on sensitive receptors (including residential uses) located in Transit Priority Project corridors with high concentrations of toxic air contaminants and particulate matter (pages 2.2-36 to 2.2-40). The Draft EIR concludes that future projects locating sensitive receptors in areas mapped above the significance thresholds would result in potentially significant and unavoidable impacts. See Response to Comment B25-8 and B25-10 regarding air quality impacts on human health and the need for site-specific analyses when sensitive land uses are proposed in areas that are disproportionately impacted. See also Master Response A.3 regarding level of specificity in the EIR.

E3-O Richard Hall

E3-O1: Contrary to the comment that CO₂ emissions would increase as a result of the proposed Plan, the analysis documented in Draft EIR Chapter 2.5 determined that the proposed Plan would reduce GHG emissions.

E3-O2: Transportation impacts were fully analyzed in Chapter 2.1 of the Draft EIR at a regional rather than local level, as were all impacts. See Master Response A.3 regarding level of specificity in the EIR.

E3-O3: MTC and ABAG acknowledge that the proposed Plan is projected to reduce annual total greenhouse gas emissions by 15 percent compared to 12 percent under the No Project alternative, as shown in Table 3.1-29 of the Draft EIR (p. 3.1-61). However, Table 3.1-28 of the Draft EIR (p.3.1-59) shows that the proposed Plan (Alternative 2) would reduce GHG emissions from cars and light trucks by 18.0 percent in 2040 compared to 2005 levels, while the No Project alternative (Alternative 1) would have a 7.7 percent reduction, far short of the SB 375-mandated target for the RTP/SCS.

E3-O4: Regarding the first two points, see Master Response D.2 on the connection between high-density housing near transit and reduced greenhouse gas emissions. The comment on cost is beyond the scope of an environmental impact analysis under CEQA.

E3-O5: See Master Response D.2 regarding transit emissions as compared with personal vehicle emissions per passenger mile.

E3-P Toni Shroyer

E3-P1: See response E2-E3.

E3-Q Frank Egger

E3-Q1: The Draft EIR (pages 2.12-50 to 2.12-52) analyzes the potential for Plan Bay Area to result in inadequate wastewater treatment capacity to serve new development. Mitigation measure 2.12(d) includes the following stipulation: “Undertaking environmental assessments of land use plans and developments to determine whether sufficient wastewater treatment capacity exists for a proposed project. These environmental assessments must ensure that the proposed development can be served by its existing or planned treatment capacity, and that the applicable NPDES permit does not include a Cease and Desist Order or any limitations on existing or future treatment capacity. If adequate capacity does not exist, the implementing agency must either adopt mitigation measures or consider not proceeding with the project as proposed.”

As long as the local jurisdiction(s) implement this recommended mitigation measure, the impact would be less than significant since development should not be approved until the Ross Valley Sanitary District improves its capacity. MTC AND ABAG assume that the District will need to

expand its capacity during the life of the proposed Plan in order to serve existing and projected users, in line with NPDES permitting requirements, and so at some point before 2040 the proposed land use pattern could be developed.

E3-R Kerry Stoebner

E3-R1: See response E3-I1 regarding regional water impacts and E3-L1 regarding desalination.

E3-S Ray Day

E3-S1: Commenter's support for the No Project alternative is acknowledged.

E3-S2: The MTC and ABAG Board consist of elected representatives from many counties and cities of the region and their decisions reflect the decisions of these voter-selected officials. See Master Response C regarding the request to extend the public comment period.

E3-T James Bitter

E3-T1: The Draft EIR contained a thorough analysis of the environmental impacts associated with the Plan, hence its length.

E3-U Sue Hestor

E3-U1: The Draft EIR acknowledges and discusses the potential for Plan Bay Area to have adverse environmental effects with regard to liquefaction as a result of seismic activity (pp. 2.7-26 to 2.7-28); and development in flood hazard areas (pp. 2.8-34 to 2.8-36).

E3-U2: The comment on affordable housing is on the proposed Plan and beyond the scope of CEQA as it regards an economic rather than physical impact. See Master Response F on displacement, which includes an explanation of additional initiatives that MTC and ABAG are implementing to "incentivize community stabilization and minimize existing and future displacement pressures on low-income households."

The Draft EIR acknowledges and discusses the potential for Plan Bay Area to have adverse environmental effects with regard to placing transportation facilities, housing, and other land uses in areas potentially susceptible to sea level rise (pp. 2.5-62 to 2.5-86). Please see Master Response E for additional information regarding sea level rise.

E3-V Helen Lindquist

E3-V1: The Draft EIR acknowledges and discusses the potential impacts on biological resources (pp. 2.9-56 to 2.9-80), including discussion of potential impacts on riparian areas and wetlands. The Draft EIR also discusses the potential for increased runoff or flooding and development in flood hazard areas (pp. 2.8-32 to 2.8-39).

E3-V2: Regardless of any differences of opinion on the causes and existence of climate change, Plan Bay Area is required to adhere to the GHG emissions reduction targets established by SB 375. Please see Master Response D.1 on the greenhouse gas emissions included in analysis for the SB 375 target for more information.

E3-W Sharon Rushton

E3-W1: MTC and ABAG acknowledge that the Draft EIR identifies 39 significant and unavoidable adverse environmental impacts. With limited exceptions, MTC and ABAG cannot require local implementing agencies to adopt specific mitigation measures, and it is ultimately the responsibility of a lead agency to determine and adopt mitigation. Moreover, because MTC and ABAG have prepared a program EIR, the EIR does not include city, county, or site-specific environmental analysis. For both of these reasons, MTC and ABAG cannot ensure either that the mitigation measures set forth in this EIR will be feasible for all site-specific projects or that local implementing agencies will exercise their discretion to implement the measures even if feasible. As a result, a large number of impacts identified in this EIR remain potentially significant and unavoidable. However, where MTC and ABAG have determined that successful implementation of the mitigation measures identified in this EIR would reduce a potentially significant and unavoidable impact to a less-than-significant level, the EIR acknowledges this conclusion and discusses the above uncertainties concerning successful implementation of the measures. See Master Responses A.1 and A.3 regarding local control over land use and the level of specificity in the EIR.

It should be noted that the proposed Plan does not promote or create new growth and merely accommodates future population growth already projected to occur within the region. The Draft EIR evaluates five alternatives, including the proposed Plan, and finds that they present numerous tradeoffs in terms of both their potential environmental effects, and their degree of success in achieving Plan Bay Area goals and objectives.

MTC and ABAG may find that the potential significant environmental impacts would be outweighed by other benefits, including having fewer impacts than under a No Project scenario. (CEQA Guidelines Section 15093(a).) In addition, as discussed above, many of the significant and unavoidable impacts occur because MTC and ABAG cannot require local implementing agencies to adopt the mitigation measures, and it is ultimately the responsibility of a lead agency to determine and adopt mitigation. Please see Master Response A.1 on local control over land use for additional information. This issue will be also addressed in the Statement of Overriding Considerations that will be submitted with the Final EIR to the MTC and ABAG Board for certification.

E3-X Carol Sheerin

E3-X1: See response E2-K1.

E3-Y Peter Lacques

E3-Y1: Please see Master Response G for additional information regarding water supply.

E3-Y2: Please see Master Response E for additional information regarding sea level rise.

E3-Y3: Housing density plays a critical role in affecting travel demand, regardless of travel mode. By bringing travel origins (typically a place of residence) and destinations (employment, retail, etc.) closer together, travel distances are reduced and non-auto modes become increasingly viable. Please see Master Response D.2 for more information regarding the relationship between affordable (higher-density) housing and reduced greenhouse gas emissions.

In the *Plan Bay Area Draft Performance Assessment Report* published by MTC in March 2013, it was determined that the proposed Plan is expected to increase the share of low-income and lower-middle income residents' household income consumed by transportation and housing by three percent

compared to existing conditions. While this result moves in the opposite direction from the Plan's objective, the proposed Plan would perform better than the No Project alternative, which is estimated by the same Report to increase this metric by eight percent. In other words, the proposed Plan provides a beneficial rather than deleterious impact on this issue in comparison to the No Project alternative.

E3-Z Ann Spake

E3-Z1: See response E3-W1. Also, the comment is correct to state that the Draft EIR addresses the effects of the proposed Plan on the environment, but is not required to analyze the potential effects of the environment on the Project.

E3-AA Margaret Zegart

E3-AA1: MTC and ABAG respectfully disagree with the comment that "250 percent of the new housing is going to be on floodplain." Besides being mathematically impossible, this conflicts with the analysis in Chapter 2.8 of the Draft EIR, specifically Impact 2.8-7. See Appendix G of the Draft EIR for a list of areas within PDAs that have been mapped as being in the 100-year flood hazard zone.

E4: SAN FRANCISCO PUBLIC HEARING ON THE PLAN (SAN FRANCISCO, 4/11/13)

E4-A Steve Woo

E4-A1: The Draft EIR acknowledges and discusses the potential for the proposed Plan to result in community disruption and displacement in Section 2.3, as noted by the commenter. The comments addressing potential displacement predominantly raise socio-economic policy issues that are beyond the scope of this EIR, rather than environmental issues that require a response under CEQA. Please see Master Response F for additional information regarding displacement.

In addition, Draft EIR Chapter 1.1 (p.1.1-13) notes that, "Projects that use the SB 375 CEQA streamlining benefits will still need to obtain discretionary permits or other approvals from the lead agency and the local jurisdiction, in accordance with local codes and procedures, including any agreements related to zoning, design review, use permits, and other local code requirements." These permits and other requirements would include any local measures addressing displacement and affordable housing, such as impact fees and inclusionary housing.

E4-B Joel Ramos

E4-B1: Commenter's support for Alternative 5: Environment, Equity, and Jobs, is acknowledged. Your request will be considered by decision-makers as part of the EIR certification process and action on the proposed Plan.

E4-B2: As the comment notes, in the Plan Bay Area Draft Performance Assessment Report published by MTC in March 2013, it was determined that the proposed Plan is expected to increase the share of low-income and lower-middle income residents' household income consumed by transportation and housing by three percent. While this result moves in the opposite direction from the Plan's objective, the proposed Plan would perform better than the No Project alternative, which is estimated by the same Report to increase this metric by eight percent. In other words, the proposed Plan provides a beneficial rather than deleterious impact on this issue, relative to the No Project alternative. In addition, this is not a significance criterion of the EIR and thus this comment does not raise any issues that require a response under CEQA.

E4-B3 Commenter argues that displacement will lead to sprawl and conversion of farmland to residential uses. The proposed Plan is designed to ensure that the proportion of in-commuting from outside the region will not increase as the population grows. Furthermore, the compact land use growth pattern under the proposed Plan limits development on agricultural and open space lands to a much greater extent than the No Project alternative. As such, the project has a beneficial impact on this issue relative to the No Project alternative.

E4-B4 Commenter's request for changes to the proposed Plan (to convert freeway lanes into HOV toll lanes and to use the resulting revenue in support of transit) will be considered by MTC and ABAG prior to taking action on Plan Bay Area.

E4-C Peter Cohen

E4-C1: See response E4-A1.

E4-D Kate White

E4-D1: Commenter's support for Alternative 5: Environment, Equity, and Jobs, is acknowledged.

E4-E Starchild

E4-E1: Commenter's opposition to the proposed Plan is acknowledged. Regarding public comment opportunities on the EIR, see response E2-K1. The EIR for Plan Bay Area has been prepared in compliance with CEQA.

E5: SAN MATEO COUNTY PUBLIC HEARING ON THE PLAN (FOSTER CITY, 4/29/13)

E5-A Jeff Hobson

E5-A1: Commenter's support for Alternative 5: Environment, Equity, and Jobs, is acknowledged.

E5-B Bob Cohen

E5-B1: The Draft EIR analyzes the potential impacts of sea level rise regardless of the cause. Please see Master Response E for additional information regarding sea level rise.

E5-C Gail Raabe

E5-C1: The Draft EIR acknowledges and discusses the proposed Plan's potential environmental effects on open space in Section 2.3: Land Use, and discusses the potential effects on biological resources in Section 2.9: Biology. These sections cover issues raised by the commenter regarding the open space and biological resource values provided by areas such as salt ponds and marshes. The Draft EIR (Section 2.3) provides a range of mitigation measures to minimize impacts on open space and farmland, including farmland with Williamson Act contracts. Other mitigation measures (in Section 2.9) seek to minimize potential effects on special status species, including indirectly through habitat destruction. To the extent that an individual project adopts all feasible mitigation measures, these impacts would be less than significant, absent site-specific conditions that would require additional analysis. However, because MTC and ABAG cannot require local implementing agencies to adopt the mitigation measures in all cases (i.e., where projects are not tied to funding), it cannot be ensured that this mitigation would be implemented in all cases. Therefore, this impact remains significant and unavoidable on a regional basis. In addition, as the commenter implicitly notes, open space conservation is beyond the authority of MTC and ABAG and rather is a responsibility for local land

use authorities. Please see Master Response A.1 for more information regarding local control over land use.

E5-D Joshua Hugg

E5-D1: Commenter's support for Alternative 5 is acknowledged.

E5-E William Nack

E5-E1: Issues of wages and labor standards fall beyond the scope of the EIR. CEQA only requires analysis and mitigation of potentially substantial adverse changes in the physical environment.

E6: SANTA CLARA COUNTY PUBLIC HEARING ON THE PLAN (SAN JOSE, 5/1/13)

E6-A Susan Stuart

E6-A1: See Master Response F regarding displacement. The comments regarding cost of living and collisions relate to project objectives adopted by MTC and ABAG but which are not criteria of significance for the EIR and fall beyond the issues covered by CEQA.

E6-A2: Commenter's support for Alternative 5: Environment, Equity, and Jobs, is acknowledged.

E6-B Chris Lepe

E6-B1: Commenter's qualified support for the proposed Plan is acknowledged.

E6-B2: Commenter's request for changes to the proposed Plan (revenues from HOT lanes going toward better public transportation options rather than highway expansion and more funding for transit operations) will be considered by MTC and ABAG prior to taking action on Plan Bay Area.

E6-B3: See Master Response F regarding displacement and an explanation of additional initiatives that MTC and ABAG are implementing to "incentivize community stabilization and minimize existing and future displacement pressures on low-income households."

E6-B4: Commenter's support for Alternative 5 is acknowledged.

E6-C Susan M

E6-C1: See Master Response B.1 for information regarding population projections.

E6-C2: The MTC and ABAG Board consist of elected representatives from many counties and cities of the region and their decisions reflect the decisions of these voter-selected officials. However, land use decisions will still be the responsibility of local jurisdictions. Plan Bay Area merely proposes a land use development pattern and provides incentives to localities in order to reach GHG emissions reduction targets mandated under SB 375. MTC and ABAG do not have local land use authority. See Master Response A.1 regarding local control over land use.

E6-D Susan Russell

E6-D1: Commenter's support for Alternative 5 is acknowledged. Commenter's request for changes to the proposed Plan to incorporate elements from this alternative will be considered by MTC and ABAG prior to taking action on Plan Bay Area.

E6-E Libby Lucas

E6-E1: The Draft EIR discusses potential impacts on wetlands in Chapter 2.9 on pages 2.9-66 to 73 and proposes Mitigation Measure 2.9(d), which would normally reduce impacts on wetlands to a less-than-significant level, although the Draft EIR acknowledges that, “there may be instances in which site-specific or project-specific conditions preclude the reduction of all project impacts to less than significant levels.” (Draft EIR, p.2.9-72) In addition, “MTC/ABAG cannot require local implementing agencies to adopt the above mitigation measures, and it is ultimately the responsibility of a lead agency to determine and adopt mitigation. Therefore it cannot be ensured that this mitigation measure would be implemented in all cases.” (Draft EIR, p.2.9-73)

E6-E2: The Draft EIR analyzes potential impacts of the proposed Plan on public services such as schools and parks in Chapter 2.14: Public Services.

E6-F Cat Nguyen

E6-F1: Commenter’s support for Alternative 5 is acknowledged. The comment on affordable housing is on the proposed Plan and beyond the scope of CEQA as it regards an economic rather than physical impact. See Master Response F on displacement, which includes an explanation of additional initiatives that MTC and ABAG are implementing to “incentivize community stabilization and minimize existing and future displacement pressures on low-income households.”

E6-G Michael Dittmer

E6-G1: Commenter’s support for Alternative 5 is acknowledged.

E6-G2: Commenter’s request that HOT lane revenue be invested in public transit will be considered by MTC and ABAG prior to taking action on Plan Bay Area.

E6-G3: See Master Response F regarding displacement.

E6-H Cecilia Ng

E6-H1: Commenter’s support for Alternative 5: Environment, Equity, and Jobs, is acknowledged. Your suggestions regarding the use of HOT lanes, desire for more funding of transit operations, and protection against displacement will be considered by decision-makers as part of the EIR certification process and action on the proposed Plan.

E6-I Mounia O’Neal

E6-I1: Commenter’s support for Alternative 5: Environment, Equity, and Jobs, is acknowledged.

E6-J Anaruth Hernandez

E6-J1: Commenter’s support for Alternative 5: Environment, Equity, and Jobs, is acknowledged.

E6-K Brian Darrow

E6-K1: Commenter’s qualified support for the proposed Plan is acknowledged.

E6-K2: Commenter’s request for stronger anti-displacement and affordable housing policies through the OBAG program will be considered by MTC and ABAG prior to taking action on Plan Bay Area.

E6-K3: Commenter's request to prioritize transit operations with future unrestricted funds, ensure that the HOT lane network mitigates the potential impacts on low-income commuters, and not building new freeways will be considered by MTC and ABAG prior to taking action on Plan Bay Area.

E6-K4: See response E5-E1.

E6-L Susan Marsland

E6-L1: Commenter's request for changes to the proposed Plan to include policies from Alternative 5 will be considered by decision-makers as part of the EIR certification process and action on the proposed Plan.

E6-M Jean Ryan

E6-M1: Commenter's opposition to a vehicle miles travelled (VMT) tax is acknowledged. No VMT tax would be imposed as part of the proposed Plan, but it is part of Alternative 5 and would be a possibility if that option was selected. Decision-makers will weigh the advantages and disadvantages of each alternative in determining which option to adopt.

E7: SOLANO COUNTY PUBLIC HEARING ON THE PLAN (VALLEJO, 4/22/13)

E7-A Bob Berman

E7-A1: Please refer to Chapter 2.9 of the Draft EIR for an analysis of impacts on biological resources, which includes Mitigation Measure 2.9(g) that calls for individual projects pursued under the proposed Plan to ensure the maximum feasible level of consistency with the policies in adopted HCPs, NCCPs, or other approved local, regional, or state conservation plans, in areas where such plans are applicable. The Draft EIR notes that this measure is tied to existing regulations that are law and binding on responsible agencies and project sponsors. Your request to direct more OBAG funding to Priority Conservation Areas will be considered by decision-makers as part of the EIR certification process and action on the proposed Plan.

E7-A2: Please refer to Chapter 2.3 of the Draft EIR for an analysis of impacts on agricultural lands, which includes Mitigation Measures 2.3(g) and (h), which would be requested of implementing agencies and project sponsors by MTC and ABAG and would exist in addition to policies in the proposed Plan.

E7-A3: Please refer to Chapter 2.14 of the Draft EIR for an analysis of impacts on public services, including park and recreation facilities. The Draft EIR notes that under the proposed Plan investment in multi-modal transportation projects "has the potential to improve access to existing neighborhood and regional parks" (p. 2.14-16). As a program-level EIR, specific transportation improvements providing access to local and regional parks have not yet been identified. MTC and ABAG cannot ensure long-term protection of parks and open space because local governments retain authority over land use decisions. However, the Draft EIR recommends implementation of Mitigation Measure 2.14(b) to ensure sufficient park land is available. See Master Responses A.1 and A.3 regarding local control over land use planning and the level of specificity in the EIR.

E8: SONOMA COUNTY PUBLIC HEARING ON THE PLAN (SANTA ROSA, 4/8/13)

E8-A Lloyd Guccione

E8-A1: MTC and ABAG believe that the mitigation measures proposed in the EIR will reduce potentially significant impacts, usually to a less than significant level. Many of these mitigation measures are

based on applying current best practices employed in California, such as those to reduce impacts on biological resources and water quality, to land development and transportation projects that normally may follow these guidelines but are not required to do so. The Draft EIR does specifically state that some impacts will remain significant even with mitigation; it does not pretend there will be no environmental impacts. Furthermore, many other mitigation measures emphasize the importance of context with respect to their efficacy. Some measures that are effective for a project in one location will not be effective for a similar project on a different site. See Master Responses A.1 and A.3 regarding local control over land use planning and the level of specificity in the EIR.

E8-A2: As stated in Chapter 2.0 of the Draft EIR, “as a program-level EIR individual project impacts are not addressed in detail; the focus of this analysis is to address the impacts which, individually or in the aggregate, may be regionally significant...This approach does not relieve local jurisdictions of the responsibility for evaluating project-specific, locally significant impacts.” See Master Responses A.1 and A.3 regarding local control over land use planning and the level of specificity in the EIR.

E8-B Rosa Koire

E8-B1: This comment does not raise environmental issues that require a response under CEQA.

E8-B2 Please see Master Response A.1 about local control over land use.

E8-C Jenny Bard

E8-C1: Commenter’s support for Alternative 5 is acknowledged.

E8-C2: Commenter requested more specific information about proportion of funds going toward bicycle and pedestrian infrastructure and anticipated impact on mode choice. State Transportation Development Act (TDA) and local sales tax funds committed to bicycle and pedestrian improvements total \$4.6 billion during the Plan period. The One Bay Area Grant program, \$14.6 billion over the life of the Plan, is another fund source that can be used to pay for 'Complete Streets' projects. These projects can include stand-alone bicycle and pedestrian paths, bicycle lanes, pedestrian bulb-outs, lighting, new sidewalks, Safe Routes to Transit, and Safe Routes to Schools projects that will improve bicycle and pedestrian safety and travel.

In addition to this funding, cities and counties that wish to use OBAG grant funds must adopt a 'Complete Streets' resolution and in the future an updated general plan element to improve the delivery of Complete Streets projects serving all road users, including pedestrians and bicyclists. During MTC's last survey of project sponsors in 2006, over 55% of transportation projects surveyed already included complete streets elements. The resolution requirement is expected to increase the rate of complete street implementation

See Master Response A.3 regarding local control over land use planning.

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3.12 Written Comments Submitted at Public Hearings and Responses

Plan Bay Area 2040 Final Environmental Impact Report

	A	B	C	D	E	F	G
	Number	Source	Name	Comment	Category (as assigned by staff)	Comment Applies to Which Draft: (as indicated by the commentator)	E-mail provided by the commentator
1		Alameda written	Alameda County	Waste of taxpayer money. Top down central planning. Leave control with cities. No Plan.	PBA: Does not support the plan; a waste of money	Draft Plan Bay Area; Draft EIR; Draft TIP & AQ Conformity	
2	F-A1	CCC written	Marita Platon (#1)	All your assumptions are based on erroneous data. There are more economical ways to help the environment without vested interest benefiting from these ways.	Data: flawed assumptions	Draft EIR	maritaplanton@yahoo.com
3	F-B1	CCC written	Mike Garrabrants	The OneBayArea plan is deeply flawed. 1. It is based on a flawed presumption that to be "one", we need to have all regions be homogenous and occupied with high-density transit villages. This flawed assumption arises from the failed government philosophy that the government knows more about what people want than the people, or perhaps worse, the government seeks to impose its will through "strong arm" tactics. Practically, these plans are flawed because they are based on flawed assumptions. California is shrinking and will continue to do so.	Data: flawed assumptions and thus thinks govt. using strong arm tactics	Draft Plan Bay Area; Draft EIR; Draft TIP & AQ Conformity	MSGPUBLIC-EC@yahoo.com
4	F-C1						
5	F-C2	CCC written		Told us that the officers who are elected officials are deciding what will happen to their cities with the consent of the people living in their cities. Why is this being imposed on us? Why not put these on the ballot box and see what the majority of the residents want for their city?	Local Control	Draft Plan Bay Area; Draft EIR; Draft TIP & AQ Conformity	
		CCC written	Eric Strattmann, Contra Costa County	I just found out about this plan 1 month ago and most people I talk to in my community of Orinda have never heard of it. Actually, I have yet to meet a single person who knows about this. Changes are being pushed upon our local communities without any opportunity for people to have an appropriate say. This should be put to a vote city by city. This will irreversibly damage the unique character of my city, my property value, schools. At the very least 6 months should be allowed (not 45 days) for the public to weigh in.	Local control; longer public comment period	Draft Plan Bay Area; Draft EIR	
6	F-D1						
		CCC written	Colleen O'Connell, Contra Costa County	The EIR and OneBayArea plan are based on flawed set of data. California has a shrinking population, not a growing population. The supposed need for every community to absorb ultra affordable housing in packed-in 4 story buildings is therefore greatly overstated. The imposition of these projects on the remaining productive taxpayers in California will only hasten the exodus under way.	LU: Suburban Communities can't absorb affordable packed multi-story buldgs.	Draft Plan Bay Area; Draft EIR	
7	F-E1						
		CCC written	Jewilia Eisenberg, Alameda County	Thank you for thinking regionally! We can't solve our housing or transportation issues without working together for a more sustainable future.	PBA: Supports regional planning	Draft Plan Bay Area; Draft EIR	Jewilia@CharmingHostess.com
8	F-F1						
		CCC written	Janet Maiorana, Contra Costa County (#1)	1. Citizens need more time to analyze the Plan and draft EIR. Ninety days would be appropriate.	Process: longer review period	[blank]	vjinjmm@comcast.net
9	F-G1						
		DEIR Hearing Marin written	Pam Drew, Marin County	You have not adequately dealt with 1) water supplies for increased population; 2) endangered species and Bay wet lands; 3) increased local traffic congestion and air pollution; 4) improper projections artificially inflated projections and your refusal to correct these projections; 5) densification being improper for the land form: 30 U/A not appropriate for Novato, San Rafael or any of the rest of Marin, aesthetically or other wise.	EIR: Water, congestion, improper projections, too much density	Draft EIR	drew.pam@gmail.com
10	F-H1						
		DEIR Hearing Marin written	Ericka Erickson, Marin County (#1)	First, I would like to call attention to the time and place of the public hearings: a public hearing held during a weekday in the morning - and where public transit doesn't reach is not accessible to working families and the ones that are most affected by the plans regarding transit and affordable housing.	Process--prefers evening mtg.	Draft EIR	
11	F-I1						

Plan Bay Area 2040 Final Environmental Impact Report

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	Number	Source	Name	Comment	Category (as assigned by staff)	Comment Applies to Which Draft: (as indicated by the commentator)	E-mail provided by the commentator
1					Supports EIR Alt. 5	Draft EIR	
12	F-12	DEIR Hearing Marin written	Ericka Erickson, Marin County (#2)	I would also highlight the fact that the Alternative 5 - EEJ - is the environmentally superior alternative - and most of its aspects should be included in the final plan, especially the elements related to transit and housing (affordable).			
13	F--J1	DEIR Hearing San Jose written	Michael Ludwig Santa Clara County	it's hard for me to judge the overall environmental impact of Plan Bay Area, because I feel some of the projects in it will increase pollution (many of the projects to add new general purpose lanes to roadways will just encourage people to drive more), while some of the other projects in it will decrease pollution (most of the projects that make taking transit easier, such as additional transit lines and/or service hours).	Environment: part of plan will increase pollution and other parts will decrease pollution	Draft EIR	
14	F-K1	DEIR Hearing San Jose written	Ed Mason Santa Clara County	Housing/land use is an unfunded mandate. 5.5% of federal discretionary budget is for housing and community proposed social security payment reduction attempts to balance the budget and I do not want to pay for this. Future housing will be funded by local bonds for below market rate housing.	Taxpayer costs -- does not want to pay for low-income housing	Draft EIR	
15	F-L1	Marin written	Carla Giustino, Marin County	We do not want high density housing in an area that cannot support it, i.e., Marin Civic Center area. This area is not designed for high density housing. The water, traffic was designed for parks and open space by Frank Lloyd Wright and this should stay that way. I am for development but not in this area.	Housing: Opposed to high density housing	Draft Plan Bay Area; Draft EIR; Draft TIP & AQ Conformity	carlarealestate@aol.com
16	F-L2	Marin written		599 of the 852 affordable housing units slated for unincorporated Marin are planned for my District 1. 70% of the new housing units. This will create a huge influx of people and students in our school district. Affordable housing will mostly be exempt from paying property taxes -- leaving us -- our neighborhood -- with the responsibility to shoulder the added cost of this extra 20% increase in population. If the plan is developed it will severely impact our small (Marinwood/Lucas Valley) community. It will increase population and strain our schools. It will also result in displacement -- current and potential new families will leave or won't move in due to these changes. It will increase number of drivers in Marinwood and Lucas Valley and it will create a physical division of our community in the above ways. I am against accepting 70% of the new housing units slated for Marin to be built in our small 2,900 household community for these reasons.	LU/Dev: Opposed to high housing # in unincorporated Marin in District 1 due to congestion, impact on schools	Draft Plan Bay Area; Draft EIR; Draft TIP & AQ Conformity	
17	F-M1	Marin written	Liz Sprecht, Marin County	I am a founder of El Porvenir, a nonprofit organization which works with Nicaraguans to develop clean drinking water projects. For 23 years I have been studying and using facts and figures about potable water. If Plan Bay Area should actually be put into effect, where would the drinking water for all the additional homes come from? If PBA is considering a desal plant, they should realize this would defeat the purpose of the Plan: Increased greenhouse gases would result from any desalinating activity. The net result would be more greenhouse gases.	Other Infrastructure: Water needed for growth; desal plants result in more GHG	Draft EIR	liz@edliz.com
18	F-N1	Napa written	Jack Simonitch Napa County (#2)			Draft Plan Bay Area and Draft EIR	
19	F-O1	Napa written	Nathan Stout, Solano County (#1)	Please make water taxi or vaporetti service a reality from Mare Island on the Napa River. Please make my comment part of the public record.	Transit: Water taxi service from Mare Island on Napa River	Draft Plan Bay Area; Draft EIR; Draft TIP & AQ Conformity	
20	F-O2	Napa written	Nathan Stout, Solano County (#2)	Please extend capability of Napa County Wine Train to reach Mare Island as a new destination and transfer point to the ferry in order to make a possible travel from San Francisco to Napa, which would generate more environmentally friendly tourism. Please make my comment part of the public record.	Transit: Wine Train service to Mare Island	Draft Plan Bay Area; Draft EIR; Draft TIP & AQ Conformity	
21	F-P1	San Mateo written	Sofia Lozano-Paliores	I am a community member interested in getting to know more about the ideas for future development. Great that you are having open houses to discuss this. I however would like to see what projects are ideas and which ones are already funded and development is starting or about to start. I would like to see concrete information or places where I can get it.	General: wants info on projects about to get under construction	Draft Plan Bay Area; Draft EIR; Draft TIP & AQ Conformity	contact@sofialozano.com

Plan Bay Area 2040 Final Environmental Impact Report

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	Number	Source	Name	Comment	Category (as assigned by staff)	Comment Applies to Which Draft: (as indicated by the commentator)	E-mail provided by the commentator
1		San Mateo written	Finau Faleofa, San Mateo County	There should be affordable transportation and housing. Transportation locations shouldn't just be in the downtown areas. There should be a schedule change for more transportation instead of just every hour. Santrans should have a better plan for the future instead of [not legible]. There should be more awareness and involvement with the people in each community. The people of the community should be able to be involved in decisions being made. There should be a variety of ethnicities involved in Plan Bay Area organizations, because most communities are made up by other ethnic groups rather than just white. There should be notification of global harmony, recycling, compost and being Go Green.	Housing: Affordable housing & transportation; more diverse people should be involved in Planning	Draft Plan Bay Area; Draft EIR; Draft TIP & AQ Conformity	faleofa650@gmail.com
22	F-Q1	Santa Clara written	Jean Ryan, Santa Clara County	Are you planning on passing a vehicle miles driven tax (VMD)? It is mentioned in your EIR report on one of your proposals. Is this to discourage driving? Sounds like you want to get our cars off the road. Where's the fairness in that? You're hurting the farmers, businesses, and low income people.	Driving: Does not like VMT tax	Draft EIR	fjryan60@yahoo.com
23	F-R1	Santa Clara written	Ed Mason, Santa Clara County	I. Will this plan work? 1) Do not know.	General	Draft Plan Bay Area; Draft EIR	
24	F-S1	Santa Clara written	Ed Mason, Santa Clara County	J. Cost of 2-vol. EIR and Plan. 1) What is the cost of these documents?	General: Cost for Plan & EIR	Draft Plan Bay Area; Draft EIR	
25	F-S2	Santa Clara written	Ed Mason, Santa Clara County	B) Sea Level Rise -- Commute with the Fish. 1) California contributes to 2% of greenhouse gas. 2) Transportation is 39% of greenhouse gas in Bay Area but no breakdown of heavy trucks, airplanes, ships, autos or light trucks. 3) Even if 15% reduction goals are met, what is total cost for small impact on world greenhouse gas.	GHG goal: what is cost for small impact on world GHG	Draft Plan Bay Area; Draft EIR	
26	F-S3	Santa Clara written	Ed Mason, Santa Clara County	3) Treasure Island Ferry -- BTU ratio per passenger mile will be excessive. [part of D from above]	LU/Dev: Treasure Island neighborhood ill conceived.	Draft Plan Bay Area; Draft EIR	
27	F-S4	Santa Clara written	Ed Mason, Santa Clara County	Development for a new San Francisco neighborhood seems ill conceived.	LU: more jobs near freeway exits than train stations	Draft Plan Bay Area; Draft EIR	
28	F-S5	Santa Clara written	Ed Mason, Santa Clara County	C) Plan Mitigates for Auto -- Poor Message to Change Transportation Habit 1) Old Oakland Road is parallel to Highway 880 which was widened over ten years ago. 2) 75% of Bay Area jobs within 1/2 mile of freeway exits and 25% within one half mile of 88 regional train stations or 50% with frequent bus service. 3) Allows PDA development to escape CEQA review, a sweet deal for developers.	Other Infrastructure Needs: unfunded	Draft Plan Bay Area; Draft EIR	
29	F-S6	Santa Clara written	Ed Mason, Santa Clara County	Library hard copy available March 4, 2013 and review period too short for over 2,000 pages of EIR and Draft Plan. A) Unfunded mandate for local general infrastructure such as schools, parks, police, fire and inadequate sewer treatment capacity in San Francisco. 1) Federal discretionary budget may be balanced with reductions to the entitlements budget and my social security. 2) MTC lobby for federal funds for Housing -- which may be reduced. Will MTC lobby for U.S. corporations to pay their fair share of taxes on overseas profits which have not been returned to U.S.. shore.	Seniors: Want to age in place	Draft Plan Bay Area; Draft EIR	
30	F-S7	Santa Clara written	Ed Mason, Santa Clara County	E) Baby Boomers Age in Place: 1) Articles locally written indicate California and San Francisco are not like the rest of the country. 2) Personal experience, round table discussions, etc. indicate seniors desire to age in place at home until an "event" occurs placing them in a care facility. They will not move to the downtown core. Only the few wealthy will move to downtown high rise such as Rincon Tower in San Francisco.	Taxpayer costs: taxpayers don't pay full costs so govt intervenes	Draft Plan Bay Area; Draft EIR	
31	F-S8	Santa Clara written	Ed Mason, Santa Clara County	H. Social Justice: 1) People do not want to pay the full price at a restaurant for the dishwasher to afford housing. Rather government must implement below market rate housing burdening the property owner tax rate. 2) 40% of college graduates work in jobs requiring less qualifications and earning less money to pay off student debt that will qualify for BMR housing.	Transit: ridership has not gone up despite investments	Draft Plan Bay Area; Draft EIR	
32	F-S9	Santa Clara written	Ed Mason, Santa Clara County	[part of H from above] 3) Ohlone-VTA Parking Lot conversion to housing has cars, garages, and has not increased light rail ridership to the projected 40,000 boarding predicted 20 years ago. Current light rail ridership is about 33,000 boardings even with all the expansions.	Transportation: Corporate commuter buses clogging streets	Draft Plan Bay Area; Draft EIR	
33	F-S10	Santa Clara written	Ed Mason, Santa Clara County	D) Transit 1) No mention of corporate commuter buses impacting/ clogging neighborhood streets in San Francisco. 2) 24% of San Francisco trips at 103,431 are outboard trips. ABAG housing requirement being imposed appears to satisfy the "bedroom" commuter to the South Bay and San Mateo County.	Transportation: Not true workers want short commutes	Draft Plan Bay Area; Draft EIR	
34	F-S11	Santa Clara written	Ed Mason, Santa Clara County	F) Short Commutes By Young Workers: 1) The young workers may desire a short commute but their actions indicate otherwise by riding corporate commuter buses for about an hour or more.			

	A	B	C	D	E	F	G
	Number	Source	Name	Comment	Category (as assigned by staff)	Comment Applies to Which Draft: (as indicated by the commentator)	E-mail provided by the commentator
1		SF written	James B. Walsh	Global human over population will be the root cause of the collapse of the planet's entire environment and the extinction of the human race. While planning for the future is all well and good, do recognize that these plans ultimately serve to accommodate more population and enable the ultimate destruction of our world. While this issue may lie beyond the purview of your focus, to not put into place some mitigating policies, to not even mention the over population issue within the context of the Plan, I find to be completely disingenuous in any discussion of our future.	General-- should mention over population	Draft Plan Bay Area; Draft EIR; Draft TIP & AQ Conformity	
35	F-T1			This process is too complicated and not transparent enough. I want to see the names, job titles, job responsibilities, salaries and benefits of all the government personnel working on this plan published online, along with any other costs associated with the planning process, broken down in detail. I want to see advocates of limited government -- libertarians, constitutionalists, Tea Party supporters, etc. -- included in the nuts and bolts of actual planning. I feel we are just being given lip service on a public process that will not really result in the plan being revised based on our concerns.	Process: wants to see all costs and advocates of limited govt. included in planning	Draft Plan Bay Area; Draft EIR; Draft TIP & AQ Conformity	
36	F-T2			I am against the OneBayArea plan. Let the individual citizens determine the actions of their city government. I want my comments to be part of the public record.	Local control; against PBA	Draft Plan Bay Area; Draft EIR; Draft TIP & AQ Conformity	nathanstout@earthlink.net
37	F-U1	Solano written	Nathan Daniel Stout	Need to stabilize, rather than accommodate population. Need language in plan that advocates for a stable population (no growth or loss). ABAG must not be a front for a home building industry.	Population--advocate for zero pop. growth	Draft Plan Bay Area; Draft EIR; Draft TIP & AQ Conformity	
38	F-V1	Solano written	Michael J. Hayes, Solano	Sustainable agriculture, local food production and distribution should be part of this plan. Review and consider signing the Good Food Pledge of the Los Angeles Food Policy Council. This will benefit local nutrition, air quality (less trucking), farm worker safety and rights.	General--address food production in plan	Draft Plan Bay Area and Draft EIR	rdelaware@comcast.net
39	F-W1	Sonoma written	Roger Delaware Sonoma County	More spread-out affordable housing through sustainable affordable transit will bolster the economy across all social strata and ethnic groups, the disabled and people of color and age, as well as support cleaner air, water and physical and mental health. Speed up the Smart Train! And the Bay Area Plan! Three years more of limited transit (after waiting 11 years -- too long -- already). Please note that agencies such as the Post Sustainability Institute are front groups to realtors and developers who will price out the poor who need public transit for work, school, medical care, etc. (not legible) I ride my bike everywhere I can within Sonoma County and take buses through the Bay Area. I have no car and live in dense affordable housing because of my disability.	LU/Dev: More affordable housing with affordable transit will bolster economy	Draft Plan Bay Area; Draft EIR; Draft TIP & AQ Conformity	
40	F-X1	Sonoma-M written	Adam Kirshenbaum				

3.13 Written Comments Testimony at Plan Hearings

This section contains responses to written comments on the Draft EIR submitted at public hearings.

F-A Alameda County Resident

F-A1: This comment does not raise environmental issues under CEQA. See Master Response A.1 about local control over land use. Commenter's support for the No Project alternative is acknowledged.

F-B Marita Platon

F-B1: The EIR for Plan Bay Area has been prepared in compliance with CEQA using the latest information publicly available. Part Two of the Draft EIR extensively explains existing conditions and analysis of impacts with many citations to these data sources. An EIR is required under CEQA and Plan Bay Area is a response to both federal (MAP-21) and State (SB 375) laws, as explained in Chapter 1.2 of the Draft EIR.

F-C Mike Garrabrants

F-C1: MTC AND ABAG respectfully disagree with this comment. Please see Master Response B.1 about the population projections relied upon in the Draft EIR's analysis.

F-C2: As the transportation planning, coordinating, and financing agency for the nine-county San Francisco Bay Area, MTC functions as both the regional transportation planning agency, a state designation, and, for federal purposes, as the region's metropolitan planning organization (MPO). As such, it is responsible for regularly updating the Regional Transportation Plan (RTP) and for screening requests from local agencies for state and federal grants for transportation projects to determine their compatibility with the plan. SB 375 is a new law requiring that the RTP propose a land use pattern supported by the RTP's transportation investments that together will reduce regional GHG emissions to hit targets set by the California Air Resources Board. The MTC and ABAG Board consist of elected representatives from many counties and cities of the region and their decisions reflect the decisions of these voter-selected officials. Please also see Master Response A.1 about local control over land use.

F-D Eric Strattmann

F-D1: MTC AND ABAG followed CEQA requirements for public noticing of the EIR. See Chapter 1.2 of the Draft EIR for a description of the public participation process for development of the proposed Plan. Regarding public engagement for the EIR, please see Chapter 1.1 of the Draft EIR for a description of the Notice of Preparation and public scoping process and Chapter 1 of this Final EIR for a description of the public review process for the Draft EIR. See Master Response C regarding the request to extend the public comment period. In addition, see response F-C2 for further information on the role of elected officials in developing and adopting Plan Bay Area. Please also refer to Master Response A.1 about local control over land use.

F-E Colleen O’Connell

F-E1: See Master Response B.1 regarding the population projections.

F-F Jewlia Eisenberg

F-F1: Commenter’s support for the proposed Plan is acknowledged.

F-G Janet Maiorana

F-G1: See Master Response C regarding the request to extend the public comment period.

F-H Pam Drew

F-H1: These issues were addressed in the Draft EIR, in Chapters 2.12 (water supply), 2.9 (protected species and wetlands), 2.1 (traffic), and 2.2 (air quality). In addition, see Master Response B.1 regarding the population projections. Chapter 2.10 proposes Mitigation Measures 2.10(a) and (c) to reduce significant contrasts with the scale, form, line, color, and/or overall visual character of the existing community, although local jurisdictions retain land use authority on allowable densities; see Master Response A.1 regarding local control over land use.

F-I Ericka Erickson

F-I1: MTC AND ABAG followed CEQA requirements for public noticing of the EIR. See Chapter 1.2 of the Draft EIR for a description of the public participation process for development of the proposed Plan. Regarding public engagement for the EIR, please see Chapter 1.1 of the Draft EIR for a description of the Notice of Preparation and public scoping process and Chapter 1 of this Final EIR for a description of the public review process for the Draft EIR.

F-I2: Commenter’s support for Alternative 5 is acknowledged.

F-J Michael Ludwig

F-J1: As stated in Chapter 2.0 of the Draft EIR, “as a program-level EIR individual project impacts are not addressed in detail; the focus of this analysis is to address the impacts which, individually or in the aggregate, may be regionally significant...This approach does not relieve local jurisdictions of the responsibility for evaluating project-specific, locally significant impacts.” Individual projects pursued under the proposed Plan are likely to have a range of adverse and positive environmental effects, which will all be evaluated by the project-level environmental analysis for those projects. For an understanding of how the five alternative growth scenarios compare to one another with respect to their air quality and transportation impacts at the regional level, please see Table 3.1-56 on page 3.1-121 of the Draft EIR.

F-K Ed Mason

F-K1: This comment does not raise environmental issues that require a response under CEQA.

F-L Carla Giustino

F-L1: PDAs were designated by local land use authorities, such as the County of Marin, and were not selected by MTC or ABAG. However, Commenter's request will be considered by decision-makers as part of the EIR certification process and action on the proposed Plan. See Master Response I regarding the PDA process.

F-L2: The proposed Plan does not discuss or allocate the types of housing units and whether or not they are affordable. This is an issue for the local jurisdiction and land developers. See Draft EIR Chapter 2.14 regarding impacts on public services, although the funding and provision of such services are the responsibility of local jurisdictions. See Master Response F regarding displacement. Your opposition to the housing allocated to Marin is noted and your request will be considered by decision-makers as part of the EIR certification process and action on the proposed Plan.

F-M Liz Sprecht

F-M1: See response E3-L1.

F-N Jack Simonitch

F-N1: This comment does not raise environmental issues that require a response under CEQA.

F-O Nathan Stout

F-O1: This comment does not raise environmental issues that require a response under CEQA.

F-O2: This comment does not raise environmental issues that require a response under CEQA.

F-P Sofia Lozano-Pallores

F-P1: Please see Appendix C of the Draft EIR for a list of transportation projects included in the proposed Plan.

F-Q Finau Faleofa

F-Q1: The comment does not raise environmental issues that require a response under CEQA. MTC and ABAG followed CEQA requirements for public noticing of the EIR. See Chapter 1.2 of the Draft EIR for a description of the public participation process for development of the proposed Plan. Regarding public engagement for the EIR, please see Chapter 1.1 of the Draft EIR for a description of the Notice of Preparation and public scoping process and Chapter 1 of this Final EIR for a description of the public review process for the Draft EIR.

F-R Jean Ryan

F-R1: See response E6-M1.

F-S Ed Mason

F-S1: MTC and ABAG believe that the proposed Plan will work as analyzed in the Draft EIR.

- F-S2: This comment does not raise environmental issues that require a response under CEQA.
- F-S3: See Master Response D.1 regarding greenhouse gas emissions included in analysis for SB 375 target. The cost of the proposed Plan is not an environmental issue that requires a response under CEQA.
- F-S4: This comment does not raise environmental issues that require a response under CEQA.
- F-S5: CEQA streamlining is a feature of SB 375 and is beyond the control of MTC and ABAG. See Table 1.1-1 on p.1.1-14 of the Draft EIR and Master Response A.2 for a description of the requirements for CEQA streamlining.
- F-S6: See Master Response C regarding the request to extend the public comment period. Public facilities are typically the responsibility of local jurisdictions and the proposed Plan does not change that; see Chapter 2.14 of the Draft EIR for analysis of impacts on public facilities. See Master Response A.1 and A.3 regarding local control over land use planning and the level of specificity in the EIR. The remainder of the comment does not raise environmental issues that require a response under CEQA.
- F-S7: This comment does not raise environmental issues that require a response under CEQA.
- F-S8: This comment does not raise environmental issues that require a response under CEQA.
- F-S9: This comment does not raise environmental issues that require a response under CEQA. See response to comment C153-9 regarding transit ridership trends relative to investment.
- F-S10: Congestion in San Francisco is a local issue and as stated in Chapter 2.0 of the Draft EIR, “as a program-level EIR individual project impacts are not addressed in detail; the focus of this analysis is to address the impacts which, individually or in the aggregate, may be regionally significant.” See Master Response A.3 regarding level of specific
- F-S11: This comment does not raise environmental issues that require a response under CEQA.

F-T James B. Walsh

- F-T1: This EIR analyzes environmental impacts created at a regional level as a result of the proposed Plan. Global population issues are beyond the scope of the EIR.
- F-T2: MTC and ABAG followed CEQA requirements for public noticing of the EIR. See Chapter 1.2 of the Draft EIR for a description of the public participation process for development of the proposed Plan. Regarding public engagement for the EIR, please see Chapter 1.1 of the Draft EIR for a description of the Notice of Preparation and public scoping process and Chapter 1 of this Final EIR for a description of the public review process for the Draft EIR. Chapter 4 of the Draft EIR includes a list of preparers. The remainder of the comment does not raise environmental issues that require a response under CEQA.

F-U Nathan Daniel Stout

F-U1: Commenter's opposition to the proposed Plan is acknowledged.

F-V Michael J. Hayes

F-V1: The proposed Plan is not the cause of the projected population growth, but rather seeks to accommodate it, as required under SB 375. See Master Response B.1 regarding population projections.

F-W Roger Delaware

F-W1: This comment does not raise environmental issues that require a response under CEQA.

F-X Adam Kirshenbaum

F-X1: Commenter's support for the proposed Plan is acknowledged.

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**Association of
Bay Area
Governments**

Joseph P. Bort MetroCenter
101 Eighth Street
Oakland, CA 94607-4707

510.464.7900 PHONE
info@abag.ca.gov EMAIL
www.abag.ca.gov WEB



**Metropolitan
Transportation
Commission**

Joseph P. Bort MetroCenter
101 Eighth Street
Oakland, CA 94607-4700

510.817.5700 PHONE
510.817.5769 TDD/TTY
info@mtc.ca.gov EMAIL
www.mtc.ca.gov WEB